

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 180

Senator Husted

Cosponsors: Senators Goodman, Wagoner, Harris, Jones, Schaffer, Cates

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A B I L L

To amend sections 3314.013, 3314.014, 3314.016, 1
3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 2
3319.223, and 3319.61 and to enact section 3
3319.227 of the Revised Code to allow new 4
Internet- or computer-based community schools to 5
open under certain conditions, to require the use 6
of student performance data in evaluating teachers 7
and principals for licensure, and to qualify Teach 8
for America participants for a professional 9
educator license. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.013, 3314.014, 3314.016, 11
3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, and 12
3319.61 be amended and section 3319.227 of the Revised Code be 13
enacted to read as follows: 14

Sec. 3314.013. (A) ~~(1) Until July 1, 2000, no more than 15
seventy five contracts between start up schools and the state 16
board of education may be in effect outside the pilot project area 17
at any time under this chapter. 18~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than 19~~

~~one hundred twenty five contracts between start up schools and the
state board of education may be in effect outside the pilot
project area at any time under this chapter.~~

~~(3) This division applies only to contracts between start up
schools and the state board of education and contracts between
start up schools and entities described in divisions (C)(1)(b) to
(f) of section 3314.02 of the Revised Code.~~

~~Until July 1, 2005, not more than two hundred twenty five
contracts to which this division applies may be in effect at any
time under this chapter.~~

~~(4) This division applies only to contracts between start up
schools and entities described in divisions (C)(1)(b) to (f) of
section 3314.02 of the Revised Code.~~

~~Except as otherwise provided in section 3314.014 of the
Revised Code, after July 1, 2005, and until July 1, 2007, the
number of contracts to which this division applies in effect at
any time under this chapter shall be not more than thirty plus the
number of such contracts with schools that were open for operation
as of May 1, 2005.~~

~~(5) This division applies only to contracts between a
conversion school that is an internet or computer based community
school or a start up school and the board of education of the
school district in which the school is or is proposed to be
located.~~

~~Except as otherwise provided in section 3314.014 of the
Revised Code, until July 1, 2007, the number of contracts to which
this division applies in effect at any time under this chapter
shall be not more than thirty plus the number of such contracts
with schools that were open for operation as of May 1, 2005.~~

~~(6) Until Except as otherwise provided in division (B) of
this section, until the effective date of any standards enacted by~~

the general assembly governing the operation of internet- or 51
computer-based community schools, no internet- or computer-based 52
community school shall operate unless the school was open for 53
instruction as of May 1, 2005. No entity described in division 54
(C)(1) of section 3314.02 of the Revised Code shall enter into a 55
contract to sponsor an internet- or computer-based community 56
school, including a conversion school, between May 1, 2005, and 57
the effective date of any standards enacted by the general 58
assembly governing the operation of internet- or computer-based 59
community schools, except as follows: 60

~~(a) Any (1) The entity described in division (C)(1) of that 61
section may renew a contract that the entity entered into with an 62
internet- or computer-based community school prior to May 1, 2005, 63
if the school was open for operation as of that date. 64~~

~~(b) Any (2) The entity described in divisions (C)(1)(a) to 65
(e) of that section may assume sponsorship of an existing 66
internet- or computer-based community school that was formerly 67
sponsored by another entity and may enter into a contract with 68
that community school in accordance with section 3314.03 of the 69
Revised Code. 70~~

~~(c) Any entity described in division (C)(1)(f) of that 71
section may assume sponsorship of an existing internet- or 72
computer based community school in accordance with division (A)(7) 73
of this section and may enter into a contract with that community 74
school in accordance with section 3314.03 of the Revised Code. 75~~

If a sponsor entered into a contract with an internet- or 76
computer-based community school, including a conversion school, 77
but the school was not open for operation as of May 1, 2005, the 78
contract shall be void and, except as otherwise provided in 79
division (B) of this section, the entity shall not enter into 80
another contract with the school until the effective date of any 81
standards enacted by the general assembly governing the operation 82

of internet- or computer-based community schools. 83

~~(7) Until July 1, 2005, any entity described in division 84
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 85
a community school that formerly was sponsored by the state board 86
of education under division (C)(1)(d) of that section, as it 87
existed prior to April 8, 2003. After July 1, 2005, any such 88
entity may assume sponsorship of any existing community school, 89
and may sponsor any new community school that is not an internet- 90
or computer based community school. Beginning on the effective 91
date of any standards enacted by the general assembly governing 92
the operation of internet or computer based community schools, 93
any such entity may sponsor a new internet or computer based 94
community school. 95~~

~~(8)(B) For each community school that an entity sponsors 96
that, on or after September 1, 2009, has a rating of in need of 97
continuous improvement or higher under section 3302.03 of the 98
Revised Code, the sponsor may enter into a contract to sponsor a 99
new internet- or computer-based community school, including a 100
conversion school, in accordance with section 3314.03 of the 101
Revised Code. Each new start-up school with which the sponsor 102
enters into a contract under this division shall comply with 103
division (A) of section 3314.016 of the Revised Code. 104~~

~~(C) Nothing in division (A) of this section prohibits a an 105
internet- or computer-based community school from increasing the 106
number of grade levels it offers. 107~~

~~(B)(D) Within twenty-four hours of a request by any person, 108
the superintendent of public instruction shall indicate the number 109
of preliminary agreements for start-up schools currently 110
outstanding and the number of contracts for these schools in 111
effect at the time of the request. 112~~

~~(C) It is the intent of the general assembly to consider 113~~

~~whether to provide limitations on the number of start up community 114
schools after July 1, 2001, following its examination of the 115
results of the studies by the legislative office of education 116
oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of 117
the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 118
No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. 119
No. 770 of the 122nd general assembly. 120~~

Sec. 3314.014. ~~(A)~~ As used in this chapter, "operator" means 121
either of the following: 122

~~(1)(A)~~ An individual or organization that manages the daily 123
operations of a community school pursuant to a contract between 124
the operator and the school's governing authority; 125

~~(2)(B)~~ A nonprofit organization that provides programmatic 126
oversight and support to a community school under a contract with 127
the school's governing authority and that retains the right to 128
terminate its affiliation with the school if the school fails to 129
meet the organization's quality standards. 130

~~(B)(1)~~ Notwithstanding the limit prescribed by division 131
~~(A)(4)~~ of section 3314.013 of the Revised Code, a start up school 132
sponsored by an entity described in divisions ~~(C)(1)(b) to (f)~~ of 133
section 3314.02 of the Revised Code may be established after the 134
date that limit is reached, provided the school's governing 135
authority enters into a contract with an operator permitted to 136
manage the school under division ~~(C)~~ of this section. 137

~~(2)~~ Notwithstanding the limit prescribed by division ~~(A)(5)~~ 138
of section 3314.013 of the Revised Code, a conversion school that 139
is an internet or computer based community school or a start up 140
school sponsored by the school district in which the school is or 141
is proposed to be located may be established after the date that 142
limit is reached, provided the school's governing authority enters 143
into a contract with an operator permitted to manage the school 144

~~under division (C) of this section. However, a conversion school 145
that is an internet or computer based community school may be 146
established after that date only if the prohibition prescribed by 147
division (A)(6) of section 3314.013 of the Revised Code is no 148
longer in effect. 149~~

~~(C) An operator may enter into contracts with the governing 150
authorities of community schools established after the date the 151
limit prescribed by division (A)(4) or (5) of section 3314.013 of 152
the Revised Code, as applicable, is reached, provided the total 153
number of schools for which the operator enters into such 154
contracts, excluding conversion schools that are not internet or 155
computer based community schools, does not exceed the number of 156
community schools managed by the operator in Ohio or other states 157
on the applicable date that are rated excellent, effective, or in 158
need of continuous improvement pursuant to section 3302.03 of the 159
Revised Code or perform comparably to schools so rated, as 160
determined by the department of education. 161~~

~~(D) Notwithstanding the limit prescribed by division (A)(4) 162
of section 3314.013 of the Revised Code, after the date the limit 163
prescribed in that division is reached, the governing authority of 164
a start up school sponsored by an entity described in divisions 165
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may 166
establish one additional school serving the same grade levels and 167
providing the same educational program as the current start up 168
school and may open that additional school in the 2006-2007 school 169
year, if both of the following conditions are met: 170~~

~~(1) The governing authority entered into another contract 171
with the same sponsor or a different sponsor described in 172
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 173
and filed a copy of that contract with the superintendent of 174
public instruction prior to March 15, 2006. 175~~

~~(2) The governing authority's current school satisfies all of 176~~

~~the following conditions:~~ 177

~~(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.~~ 178
179

~~(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.~~ 180
181

~~(c) The school has been in operation for at least four school years.~~ 182
183

~~(d) The school is not managed by an operator.~~ 184

Sec. 3314.016. (A) ~~After June 30, 2007, a~~ The governing authority of each new start-up school ~~may be~~ established under 185
this chapter ~~only if the school's governing authority enters after~~ 186
June 30, 2007, shall enter into a contract with an operator that 187
manages other schools in the United States that perform at a level 188
higher than academic watch. The governing authority of the 189
community school may sign a contract with an operator only if the 190
operator has fewer contracts with the governing authorities of new 191
start-up schools established under this chapter after June 30, 192
2007, than the number of schools managed by the operator in the 193
United States that perform at a level higher than academic watch, 194
as determined by the department of education. However, the 195
governing authority shall not contract with an operator that 196
currently manages any community schools in Ohio for which the 197
department issues annual report cards under section 3314.012 of 198
the Revised Code, unless the latest report card issued for at 199
least one of those schools designates a performance rating under 200
section 3302.03 of the Revised Code of in need of continuous 201
improvement or higher. 202
203

(B) Notwithstanding division (A) of this section, the 204
governing authority of a start-up school sponsored by an entity 205
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 206

Revised Code may establish one additional school serving the same 207
grade levels and providing the same educational program as the 208
current start-up school and may open that additional school in the 209
2007-2008 school year, if both of the following conditions are 210
met: 211

(1) The governing authority entered into another contract 212
with the same sponsor or a different sponsor described in 213
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 214
and filed a copy of that contract with the superintendent of 215
public instruction prior to March 15, 2006. 216

(2) The governing authority's current school satisfies all of 217
the following conditions: 218

(a) The school currently is rated as excellent or effective 219
pursuant to section 3302.03 of the Revised Code. 220

(b) The school made adequate yearly progress, as defined in 221
section 3302.01 of the Revised Code, for the previous school year. 222

(c) The school has been in operation for at least four school 223
years. 224

(d) The school is not managed by an operator. 225

(C) Notwithstanding division (A) of this section, the 226
governing authority of a start-up school sponsored by the big 227
eight school district in which the school is located may establish 228
one additional start-up school that is located in the same school 229
district and that provides a general educational program to 230
students in any or all of grades kindergarten through five to 231
facilitate their transition to the current start-up school, and 232
may open the additional start-up school in the 2009-2010 school 233
year, if both of the following conditions are met: 234

(1) The governing authority enters into another contract with 235
the same sponsor and files a copy of the contract with the 236

superintendent of public instruction prior to March 15, 2009.	237
(2) The governing authority's current school satisfies all of the following conditions:	238
(a) The school provided instruction to students for eleven months in the previous school year.	239
(a) The school provided instruction to students for eleven months in the previous school year.	240
(b) The school has been in operation for at least two school years.	241
(b) The school has been in operation for at least two school years.	242
(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.	243
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Sec. 3314.02. (A) As used in this chapter:	249
(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.	250
(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.	251
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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	255
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(3) "Challenged school district" means any of the following:	259
(a) A school district that is part of the pilot project area;	260
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	261
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	262
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	263
(c) A big eight school district.	264
(4) "Big eight school district" means a school district that	265

for fiscal year 1997 had both of the following: 266

(a) A percentage of children residing in the district and 267
participating in the predecessor of Ohio works first greater than 268
thirty per cent, as reported pursuant to section 3317.10 of the 269
Revised Code; 270

(b) An average daily membership greater than twelve thousand, 271
as reported pursuant to former division (A) of section 3317.03 of 272
the Revised Code. 273

(5) "New start-up school" means a community school other than 274
one created by converting all or part of an existing public school 275
or educational service center building, as designated in the 276
school's contract pursuant to division (A)(17) of section 3314.03 277
of the Revised Code. 278

(6) "Urban school district" means one of the state's 279
twenty-one urban school districts as defined in division (O) of 280
section 3317.02 of the Revised Code as that section existed prior 281
to July 1, 1998. 282

(7) "Internet- or computer-based community school" means a 283
community school established under this chapter in which the 284
enrolled students work primarily from their residences on 285
assignments in nonclassroom-based learning opportunities provided 286
via an internet- or other computer-based instructional method that 287
does not rely on regular classroom instruction or via 288
comprehensive instructional methods that include internet-based, 289
other computer-based, and noncomputer-based learning 290
opportunities. 291

(B) Any person or group of individuals may initially propose 292
under this division the conversion of all or a portion of a public 293
school or a building operated by an educational service center to 294
a community school. The proposal shall be made to the board of 295
education of the city, local, exempted village, or joint 296

vocational school district in which the public school is proposed 297
to be converted or, in the case of the conversion of a building 298
operated by an educational service center, to the governing board 299
of the service center. Upon receipt of a proposal, a board may 300
enter into a preliminary agreement with the person or group 301
proposing the conversion of the public school or service center 302
building, indicating the intention of the board to support the 303
conversion to a community school. A proposing person or group that 304
has a preliminary agreement under this division may proceed to 305
finalize plans for the school, establish a governing authority for 306
the school, and negotiate a contract with the board. Provided the 307
proposing person or group adheres to the preliminary agreement and 308
all provisions of this chapter, the board shall negotiate in good 309
faith to enter into a contract in accordance with section 3314.03 310
of the Revised Code and division (C) of this section. 311

312

(C)(1) Any person or group of individuals may propose under 313
this division the establishment of a new start-up school to be 314
located in a challenged school district. The proposal may be made 315
to any of the following entities: 316

(a) The board of education of the district in which the 317
school is proposed to be located; 318

(b) The board of education of any joint vocational school 319
district with territory in the county in which is located the 320
majority of the territory of the district in which the school is 321
proposed to be located; 322

(c) The board of education of any other city, local, or 323
exempted village school district having territory in the same 324
county where the district in which the school is proposed to be 325
located has the major portion of its territory; 326

(d) The governing board of any educational service center, as 327

long as the proposed school will be located in a county within the 328
territory of the service center or in a county contiguous to such 329
county; 330

(e) A sponsoring authority designated by the board of 331
trustees of any of the thirteen state universities listed in 332
section 3345.011 of the Revised Code or the board of trustees 333
itself as long as a mission of the proposed school to be specified 334
in the contract under division (A)(2) of section 3314.03 of the 335
Revised Code and as approved by the department of education under 336
division (B)(2) of section 3314.015 of the Revised Code will be 337
the practical demonstration of teaching methods, educational 338
technology, or other teaching practices that are included in the 339
curriculum of the university's teacher preparation program 340
approved by the state board of education; 341

(f) Any qualified tax-exempt entity under section 501(c)(3) 342
of the Internal Revenue Code as long as all of the following 343
conditions are satisfied: 344

(i) The entity has been in operation for at least five years 345
prior to applying to be a community school sponsor. 346

(ii) The entity has assets of at least five hundred thousand 347
dollars and a demonstrated record of financial responsibility. 348

(iii) The department of education has determined that the 349
entity is an education-oriented entity under division (B)(3) of 350
section 3314.015 of the Revised Code and the entity has a 351
demonstrated record of successful implementation of educational 352
programs. 353

(iv) The entity is not a community school. 354

Any entity described in division (C)(1) of this section may 355
enter into a preliminary agreement pursuant to division (C)(2) of 356
this section with the proposing person or group. 357

(2) A preliminary agreement indicates the intention of an 358
entity described in division (C)(1) of this section to sponsor the 359
community school. A proposing person or group that has such a 360
preliminary agreement may proceed to finalize plans for the 361
school, establish a governing authority as described in division 362
(E) of this section for the school, and negotiate a contract with 363
the entity. Provided the proposing person or group adheres to the 364
preliminary agreement and all provisions of this chapter, the 365
entity shall negotiate in good faith to enter into a contract in 366
accordance with section 3314.03 of the Revised Code. 367

(3) A new start-up school that is established in a school 368
district while that district is either in a state of academic 369
emergency or in a state of academic watch under section 3302.03 of 370
the Revised Code may continue in existence once the school 371
district is no longer in a state of academic emergency or academic 372
watch, provided there is a valid contract between the school and a 373
sponsor. 374

(4) A copy of every preliminary agreement entered into under 375
this division shall be filed with the superintendent of public 376
instruction. 377

(D) A majority vote of the board of a sponsoring entity and a 378
majority vote of the members of the governing authority of a 379
community school shall be required to adopt a contract and convert 380
the public school or educational service center building to a 381
community school or establish the new start-up school. Beginning 382
September 29, 2005, adoption of the contract shall occur not later 383
than the fifteenth day of March, and signing of the contract shall 384
occur not later than the fifteenth day of May, prior to the school 385
year in which the school will open. The governing authority shall 386
notify the department of education when the contract has been 387
signed. Subject to sections 3314.013, ~~3314.014~~, 3314.016, and 388
3314.017 of the Revised Code, an unlimited number of community 389

schools may be established in any school district provided that a 390
contract is entered into for each community school pursuant to 391
this chapter. 392

(E)(1) As used in this division, "immediate relatives" are 393
limited to spouses, children, parents, grandparents, siblings, and 394
in-laws. 395

Each new start-up community school established under this 396
chapter shall be under the direction of a governing authority 397
which shall consist of a board of not less than five individuals. 398

No person shall serve on the governing authority or operate 399
the community school under contract with the governing authority 400
so long as the person owes the state any money or is in a dispute 401
over whether the person owes the state any money concerning the 402
operation of a community school that has closed. 403

(2) No person shall serve on the governing authorities of 404
more than two start-up community schools at the same time. 405

(3) No present or former member, or immediate relative of a 406
present or former member, of the governing authority of any 407
community school established under this chapter shall be an owner, 408
employee, or consultant of any nonprofit or for-profit operator of 409
a community school, unless at least one year has elapsed since the 410
conclusion of the person's membership. 411

(F)(1) A new start-up school that is established prior to 412
August 15, 2003, in an urban school district that is not also a 413
big-eight school district may continue to operate after that date 414
and the contract between the school's governing authority and the 415
school's sponsor may be renewed, as provided under this chapter, 416
after that date, but no additional new start-up schools may be 417
established in such a district unless the district is a challenged 418
school district as defined in this section as it exists on and 419
after that date. 420

(2) A community school that was established prior to June 29, 421
1999, and is located in a county contiguous to the pilot project 422
area and in a school district that is not a challenged school 423
district may continue to operate after that date, provided the 424
school complies with all provisions of this chapter. The contract 425
between the school's governing authority and the school's sponsor 426
may be renewed, but no additional start-up community school may be 427
established in that district unless the district is a challenged 428
school district. 429

(3) Any educational service center that, on June 30, 2007, 430
sponsors a community school that is not located in a county within 431
the territory of the service center or in a county contiguous to 432
such county may continue to sponsor that community school on and 433
after June 30, 2007, and may renew its contract with the school. 434
However, the educational service center shall not enter into a 435
contract with any additional community school unless the school is 436
located in a county within the territory of the service center or 437
in a county contiguous to such county. 438

Sec. 3314.021. (A) This section applies to any entity that is 439
exempt from taxation under section 501(c)(3) of the Internal 440
Revenue Code and that satisfies the conditions specified in 441
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 442
Revised Code but does not satisfy the condition specified in 443
division (C)(1)(f)(i) of that section. 444

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 445
of the Revised Code, an entity described in division (A) of this 446
section may do both of the following without obtaining the 447
department of education's initial approval of its sponsorship 448
under divisions (A)(2) and (B)(1) of section 3314.015 of the 449
Revised Code: 450

(1) Succeed the board of trustees of a state university 451

located in the pilot project area or that board's designee as the 452
sponsor of a community school established under this chapter; 453

(2) Continue to sponsor that school in conformance with the 454
terms of the contract between the board of trustees or its 455
designee and the governing authority of the community school and 456
renew that contract as provided in division (E) of section 3314.03 457
of the Revised Code. 458

(C) The entity that succeeds the board of trustees or the 459
board's designee as sponsor of a community school under division 460
(B) of this section also may enter into contracts to sponsor other 461
community schools located in any challenged school district, 462
without obtaining the department's initial approval of its 463
sponsorship of those schools under divisions (A)(2) and (B)(1) of 464
section 3314.015 of the Revised Code, ~~and not subject to the~~ 465
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 466
~~Code,~~ as long as the contracts conform with and the entity 467
complies with all other requirements of this chapter. 468

(D) Regardless of the entity's authority to sponsor community 469
schools without the initial approval of the department, the entity 470
is under the continuing oversight of the department in accordance 471
with rules adopted under section 3314.015 of the Revised Code. 472

Sec. 3314.03. A copy of every contract entered into under 473
this section shall be filed with the superintendent of public 474
instruction. 475

(A) Each contract entered into between a sponsor and the 476
governing authority of a community school shall specify the 477
following: 478

(1) That the school shall be established as either of the 479
following: 480

(a) A nonprofit corporation established under Chapter 1702. 481

of the Revised Code, if established prior to April 8, 2003;	482
(b) A public benefit corporation established under Chapter	483
1702. of the Revised Code, if established after April 8, 2003;	484
(2) The education program of the school, including the	485
school's mission, the characteristics of the students the school	486
is expected to attract, the ages and grades of students, and the	487
focus of the curriculum;	488
(3) The academic goals to be achieved and the method of	489
measurement that will be used to determine progress toward those	490
goals, which shall include the statewide achievement assessments;	491
(4) Performance standards by which the success of the school	492
will be evaluated by the sponsor;	493
(5) The admission standards of section 3314.06 of the Revised	494
Code and, if applicable, section 3314.061 of the Revised Code;	495
(6)(a) Dismissal procedures;	496
(b) A requirement that the governing authority adopt an	497
attendance policy that includes a procedure for automatically	498
withdrawing a student from the school if the student without a	499
legitimate excuse fails to participate in one hundred five	500
consecutive hours of the learning opportunities offered to the	501
student.	502
(7) The ways by which the school will achieve racial and	503
ethnic balance reflective of the community it serves;	504
(8) Requirements for financial audits by the auditor of	505
state. The contract shall require financial records of the school	506
to be maintained in the same manner as are financial records of	507
school districts, pursuant to rules of the auditor of state.	508
Audits shall be conducted in accordance with section 117.10 of the	509
Revised Code.	510
(9) The facilities to be used and their locations;	511

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised

Code.	543
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	544 545
(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.	546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565
(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.	566 567 568 569 570 571
(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.	572 573 574

(12) Arrangements for providing health and other benefits to employees;	575 576
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	577 578 579 580
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	581 582
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.	583 584 585 586 587 588 589 590 591 592 593 594
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	595 596 597
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or	598 599 600 601 602 603 604 605

any specified group of employees provided the delegation is not 606
prohibited by a collective bargaining agreement applicable to such 607
employees; 608

(18) Provisions establishing procedures for resolving 609
disputes or differences of opinion between the sponsor and the 610
governing authority of the community school; 611

(19) A provision requiring the governing authority to adopt a 612
policy regarding the admission of students who reside outside the 613
district in which the school is located. That policy shall comply 614
with the admissions procedures specified in sections 3314.06 and 615
3314.061 of the Revised Code and, at the sole discretion of the 616
authority, shall do one of the following: 617

(a) Prohibit the enrollment of students who reside outside 618
the district in which the school is located; 619

(b) Permit the enrollment of students who reside in districts 620
adjacent to the district in which the school is located; 621

(c) Permit the enrollment of students who reside in any other 622
district in the state. 623

(20) A provision recognizing the authority of the department 624
of education to take over the sponsorship of the school in 625
accordance with the provisions of division (C) of section 3314.015 626
of the Revised Code; 627

(21) A provision recognizing the sponsor's authority to 628
assume the operation of a school under the conditions specified in 629
division (B) of section 3314.073 of the Revised Code; 630

(22) A provision recognizing both of the following: 631

(a) The authority of public health and safety officials to 632
inspect the facilities of the school and to order the facilities 633
closed if those officials find that the facilities are not in 634
compliance with health and safety laws and regulations; 635

(b) The authority of the department of education as the 636
community school oversight body to suspend the operation of the 637
school under section 3314.072 of the Revised Code if the 638
department has evidence of conditions or violations of law at the 639
school that pose an imminent danger to the health and safety of 640
the school's students and employees and the sponsor refuses to 641
take such action; 642

(23) A description of the learning opportunities that will be 643
offered to students including both classroom-based and 644
non-classroom-based learning opportunities that is in compliance 645
with criteria for student participation established by the 646
department under division (L)(2) of section 3314.08 of the Revised 647
Code; 648

(24) The school will comply with sections 3302.04 and 649
3302.041 of the Revised Code, except that any action required to 650
be taken by a school district pursuant to those sections shall be 651
taken by the sponsor of the school. However, the sponsor shall not 652
be required to take any action described in division (F) of 653
section 3302.04 of the Revised Code. 654

(25) Beginning in the 2006-2007 school year, the school will 655
open for operation not later than the thirtieth day of September 656
each school year, unless the mission of the school as specified 657
under division (A)(2) of this section is solely to serve dropouts. 658
In its initial year of operation, if the school fails to open by 659
the thirtieth day of September, or within one year after the 660
adoption of the contract pursuant to division (D) of section 661
3314.02 of the Revised Code if the mission of the school is solely 662
to serve dropouts, the contract shall be void. 663

(B) The community school shall also submit to the sponsor a 664
comprehensive plan for the school. The plan shall specify the 665
following: 666

(1) The process by which the governing authority of the school will be selected in the future;	667 668
(2) The management and administration of the school;	669
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	670 671 672 673 674
(4) The instructional program and educational philosophy of the school;	675 676
(5) Internal financial controls.	677
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	678 679 680 681 682 683 684 685 686
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	687 688 689 690 691
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	692 693
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	694 695 696

(3) Report on an annual basis the results of the evaluation 697
conducted under division (D)(2) of this section to the department 698
of education and to the parents of students enrolled in the 699
community school; 700

(4) Provide technical assistance to the community school in 701
complying with laws applicable to the school and terms of the 702
contract; 703

(5) Take steps to intervene in the school's operation to 704
correct problems in the school's overall performance, declare the 705
school to be on probationary status pursuant to section 3314.073 706
of the Revised Code, suspend the operation of the school pursuant 707
to section 3314.072 of the Revised Code, or terminate the contract 708
of the school pursuant to section 3314.07 of the Revised Code as 709
determined necessary by the sponsor; 710

(6) Have in place a plan of action to be undertaken in the 711
event the community school experiences financial difficulties or 712
closes prior to the end of a school year. 713

(E) Upon the expiration of a contract entered into under this 714
section, the sponsor of a community school may, with the approval 715
of the governing authority of the school, renew that contract for 716
a period of time determined by the sponsor, but not ending earlier 717
than the end of any school year, if the sponsor finds that the 718
school's compliance with applicable laws and terms of the contract 719
and the school's progress in meeting the academic goals prescribed 720
in the contract have been satisfactory. Any contract that is 721
renewed under this division remains subject to the provisions of 722
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 723

(F) If a community school fails to open for operation within 724
one year after the contract entered into under this section is 725
adopted pursuant to division (D) of section 3314.02 of the Revised 726
Code or permanently closes prior to the expiration of the 727

contract, the contract shall be void and the school shall not 728
enter into a contract with any other sponsor. A school shall not 729
be considered permanently closed because the operations of the 730
school have been suspended pursuant to section 3314.072 of the 731
Revised Code. ~~Any contract that becomes void under this division 732~~
~~shall not count toward any statewide limit on the number of such 733~~
~~contracts prescribed by section 3314.013 of the Revised Code. 734~~

Sec. 3314.05. (A) The contract between the community school 735
and the sponsor shall specify the facilities to be used for the 736
community school and the method of acquisition. Except as provided 737
in division (B)(3) of this section, no community school shall be 738
established in more than one school district under the same 739
contract. 740

(B) Division (B) of this section shall not apply to internet- 741
or computer-based community schools. 742

(1) A community school may be located in multiple facilities 743
under the same contract only if the limitations on availability of 744
space prohibit serving all the grade levels specified in the 745
contract in a single facility or division (B)(2) or (3) of this 746
section applies to the school. The school shall not offer the same 747
grade level classrooms in more than one facility. 748

(2) A community school may be located in multiple facilities 749
under the same contract and, notwithstanding division (B)(1) of 750
this section, may assign students in the same grade level to 751
multiple facilities, as long as all of the following apply: 752

(a) The governing authority of the community school filed a 753
copy of its contract with the school's sponsor under section 754
3314.03 of the Revised Code with the superintendent of public 755
instruction on or before May 15, 2008. 756

(b) The school was not open for operation prior to July 1, 757

2008. 758

(c) The governing authority has entered into and maintains a 759
contract with an operator of the type described in division 760
~~(A)(2)~~(B) of section 3314.014 of the Revised Code. 761

(d) The contract with that operator qualified the school to 762
be established pursuant to division (A) of section 3314.016 of the 763
Revised Code. 764

(e) The school's rating under section 3302.03 of the Revised 765
Code does not fall below "in need of continuous improvement" for 766
two or more consecutive years. 767

(3) A new start-up community school may be established in two 768
school districts under the same contract if all of the following 769
apply: 770

(a) At least one of the school districts in which the school 771
is established is a challenged school district; 772

(b) The school operates not more than one facility in each 773
school district and, in accordance with division (B)(1) of this 774
section, the school does not offer the same grade level classrooms 775
in both facilities; and 776

(c) Transportation between the two facilities does not 777
require more than thirty minutes of direct travel time as measured 778
by school bus. 779

In the case of a community school to which division (B)(3) of 780
this section applies, if only one of the school districts in which 781
the school is established is a challenged school district, that 782
district shall be considered the school's primary location and the 783
district in which the school is located for the purposes of 784
division (A)(19) of section 3314.03 and divisions (C) and (H) of 785
section 3314.06 of the Revised Code and for all other purposes of 786
this chapter. If both of the school districts in which the school 787

is established are challenged school districts, the school's 788
governing authority shall designate one of those districts to be 789
considered the school's primary location and the district in which 790
the school is located for the purposes of those divisions and all 791
other purposes of this chapter and shall notify the department of 792
education of that designation. 793

(4) Any facility used for a community school shall meet all 794
health and safety standards established by law for school 795
buildings. 796

(C) In the case where a community school is proposed to be 797
located in a facility owned by a school district or educational 798
service center, the facility may not be used for such community 799
school unless the district or service center board owning the 800
facility enters into an agreement for the community school to 801
utilize the facility. Use of the facility may be under any terms 802
and conditions agreed to by the district or service center board 803
and the school. 804

Sec. 3319.22. (A)(1) The state board of education shall issue 805
the following educator licenses: 806

(a) A resident educator license, which shall be valid for 807
four years, except that the state board, on a case-by-case basis, 808
may extend the license's duration as necessary to enable the 809
license holder to complete the Ohio teacher residency program 810
established under section 3319.223 of the Revised Code; 811

(b) A professional educator license, which shall be valid for 812
five years and shall be renewable; 813

(c) A senior professional educator license, which shall be 814
valid for five years and shall be renewable; 815

(d) A lead professional educator license, which shall be 816
valid for five years and shall be renewable. 817

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide. 818
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(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. 821
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(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section: 824
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(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program. 827
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(2) An applicant for a professional educator license shall: 830

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 831
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833

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code; 834
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(c) Demonstrate that students in the applicant's classroom have achieved the applicable value-added measure specified in division (D) of this section. 840
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(3) An applicant for a senior professional educator license shall: 843
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 845
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(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	848 849 850
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	851 852 853 854
<u>(d) Demonstrate that students in the applicant's classroom have achieved the applicable value-added measure specified in division (D) of this section.</u>	855 856 857
(4) An applicant for a lead professional educator license shall:	858 859
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	860 861 862
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	863 864 865 866
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	867 868 869
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code;	870 871 872 873 874
<u>(e) Demonstrate that students in the applicant's classroom have achieved the applicable value-added measure specified in division (D) of this section.</u>	875 876 877

(C) The state board shall align the standards and 878
qualifications for obtaining a principal license with the 879
standards for principals adopted by the state board under section 880
3319.61 of the Revised Code. The rules adopted under this section 881
for obtaining a principal license shall require that an applicant, 882
as a condition of qualifying for the license, demonstrate that 883
students in the applicant's classroom have achieved the applicable 884
value-added measure specified in division (D) of this section, if 885
the applicant is a classroom teacher seeking issuance of a new 886
principal license, or that students in the applicant's building 887
have achieved the applicable value-added measure specified in that 888
division, if the applicant is a principal seeking renewal of a 889
principal license. 890

(D) For the purpose of evaluating applicants for teacher and 891
principal licenses under divisions (B) and (C) of this section, 892
the state board shall use the following value-added measure: 893

(1) For teachers who provide instruction to students in 894
reading or mathematics in any of grades four to eight, one 895
standard year of academic growth for the applicable grade level, 896
as determined by the department of education in accordance with 897
rules adopted under division (A) of section 3302.021 of the 898
Revised Code, in each of those subject areas in which the teacher 899
provides instruction; 900

(2) For teachers who provide instruction in a course for 901
which an end-of-course examination has been selected under section 902
3301.0712 of the Revised Code, a standardized measure of 903
improvement in student achievement designated by the 904
superintendent of public instruction as applied to performance on 905
that examination by students enrolled in the teacher's course. If 906
a teacher provides instruction in more than one course for which 907
an end-of-course examination has been selected, the measure shall 908
account for student performance on each end-of-course examination 909

administered in a course taught by the teacher. 910

(3) For teachers to whom divisions (D)(1) and (2) of this section do not apply, a value-added measure designated by the superintendent of public instruction; 911
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(4) For principals of schools in which a majority of the grades offered are in the range from grade four to grade eight, one standard year of academic growth in reading and mathematics for each such grade level offered by the school, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code; 914
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(5) For principals of schools in which a majority of the grades offered are in the range from grade nine to grade twelve, a standardized measure of improvement in student achievement designated by the superintendent of public instruction as applied to student performance on all end-of-course examinations selected under section 3301.0712 of the Revised Code that are administered by the school; 920
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(6) For principals to whom divisions (D)(4) and (5) of this section do not apply, a value-added measure designated by the superintendent of public instruction. 927
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(E) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. 930
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~~(E)~~(F) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 935
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(1) Notwithstanding division (D) of section 119.03 and 940

division (A)(1) of section 119.04 of the Revised Code, in the case 941
of the adoption of any rule or the amendment or rescission of any 942
rule that necessitates institutions' offering preparation programs 943
for educators and other school personnel that are approved by the 944
chancellor of the Ohio board of regents under section 3333.048 of 945
the Revised Code to revise the curriculum of those programs, the 946
effective date shall not be as prescribed in division (D) of 947
section 119.03 and division (A)(1) of section 119.04 of the 948
Revised Code. Instead, the effective date of such rules, or the 949
amendment or rescission of such rules, shall be the date 950
prescribed by section 3333.048 of the Revised Code. 951

(2) Notwithstanding the authority to adopt, amend, or rescind 952
emergency rules in division (F) of section 119.03 of the Revised 953
Code, this authority shall not apply to the state board of 954
education with regard to rules for educator licenses. 955

~~(F)~~(G)(1) The rules adopted under this section establishing 956
standards requiring additional coursework for the renewal of any 957
educator license shall require a school district and a chartered 958
nonpublic school to establish local professional development 959
committees. In a nonpublic school, the chief administrative 960
officer shall establish the committees in any manner acceptable to 961
such officer. The committees established under this division shall 962
determine whether coursework that a district or chartered 963
nonpublic school teacher proposes to complete meets the 964
requirement of the rules. The department of education shall 965
provide technical assistance and support to committees as the 966
committees incorporate the professional development standards 967
adopted by the state board of education pursuant to section 968
3319.61 of the Revised Code into their review of coursework that 969
is appropriate for license renewal. The rules shall establish a 970
procedure by which a teacher may appeal the decision of a local 971
professional development committee. 972

(2) In any school district in which there is no exclusive 973
representative established under Chapter 4117. of the Revised 974
Code, the professional development committees shall be established 975
as described in division ~~(F)~~(G)(2) of this section. 976

Not later than the effective date of the rules adopted under 977
this section, the board of education of each school district shall 978
establish the structure for one or more local professional 979
development committees to be operated by such school district. The 980
committee structure so established by a district board shall 981
remain in effect unless within thirty days prior to an anniversary 982
of the date upon which the current committee structure was 983
established, the board provides notice to all affected district 984
employees that the committee structure is to be modified. 985
Professional development committees may have a district-level or 986
building-level scope of operations, and may be established with 987
regard to particular grade or age levels for which an educator 988
license is designated. 989

Each professional development committee shall consist of at 990
least three classroom teachers employed by the district, one 991
principal employed by the district, and one other employee of the 992
district appointed by the district superintendent. For committees 993
with a building-level scope, the teacher and principal members 994
shall be assigned to that building, and the teacher members shall 995
be elected by majority vote of the classroom teachers assigned to 996
that building. For committees with a district-level scope, the 997
teacher members shall be elected by majority vote of the classroom 998
teachers of the district, and the principal member shall be 999
elected by a majority vote of the principals of the district, 1000
unless there are two or fewer principals employed by the district, 1001
in which case the one or two principals employed shall serve on 1002
the committee. If a committee has a particular grade or age level 1003
scope, the teacher members shall be licensed to teach such grade 1004

or age levels, and shall be elected by majority vote of the 1005
classroom teachers holding such a license and the principal shall 1006
be elected by all principals serving in buildings where any such 1007
teachers serve. The district superintendent shall appoint a 1008
replacement to fill any vacancy that occurs on a professional 1009
development committee, except in the case of vacancies among the 1010
elected classroom teacher members, which shall be filled by vote 1011
of the remaining members of the committee so selected. 1012

Terms of office on professional development committees shall 1013
be prescribed by the district board establishing the committees. 1014
The conduct of elections for members of professional development 1015
committees shall be prescribed by the district board establishing 1016
the committees. A professional development committee may include 1017
additional members, except that the majority of members on each 1018
such committee shall be classroom teachers employed by the 1019
district. Any member appointed to fill a vacancy occurring prior 1020
to the expiration date of the term for which a predecessor was 1021
appointed shall hold office as a member for the remainder of that 1022
term. 1023

The initial meeting of any professional development 1024
committee, upon election and appointment of all committee members, 1025
shall be called by a member designated by the district 1026
superintendent. At this initial meeting, the committee shall 1027
select a chairperson and such other officers the committee deems 1028
necessary, and shall adopt rules for the conduct of its meetings. 1029
Thereafter, the committee shall meet at the call of the 1030
chairperson or upon the filing of a petition with the district 1031
superintendent signed by a majority of the committee members 1032
calling for the committee to meet. 1033

(3) In the case of a school district in which an exclusive 1034
representative has been established pursuant to Chapter 4117. of 1035
the Revised Code, professional development committees shall be 1036

established in accordance with any collective bargaining agreement 1037
in effect in the district that includes provisions for such 1038
committees. 1039

If the collective bargaining agreement does not specify a 1040
different method for the selection of teacher members of the 1041
committees, the exclusive representative of the district's 1042
teachers shall select the teacher members. 1043

If the collective bargaining agreement does not specify a 1044
different structure for the committees, the board of education of 1045
the school district shall establish the structure, including the 1046
number of committees and the number of teacher and administrative 1047
members on each committee; the specific administrative members to 1048
be part of each committee; whether the scope of the committees 1049
will be district levels, building levels, or by type of grade or 1050
age levels for which educator licenses are designated; the lengths 1051
of terms for members; the manner of filling vacancies on the 1052
committees; and the frequency and time and place of meetings. 1053
However, in all cases, except as provided in division ~~(F)~~(G)(4) of 1054
this section, there shall be a majority of teacher members of any 1055
professional development committee, there shall be at least five 1056
total members of any professional development committee, and the 1057
exclusive representative shall designate replacement members in 1058
the case of vacancies among teacher members, unless the collective 1059
bargaining agreement specifies a different method of selecting 1060
such replacements. 1061

(4) Whenever an administrator's coursework plan is being 1062
discussed or voted upon, the local professional development 1063
committee shall, at the request of one of its administrative 1064
members, cause a majority of the committee to consist of 1065
administrative members by reducing the number of teacher members 1066
voting on the plan. 1067

~~(G)~~(H)(1) The department of education, educational service 1068

centers, county boards of developmental disabilities, regional 1069
professional development centers, special education regional 1070
resource centers, college and university departments of education, 1071
head start programs, the eTech Ohio commission, and the Ohio 1072
education computer network may establish local professional 1073
development committees to determine whether the coursework 1074
proposed by their employees who are licensed or certificated under 1075
this section or section 3319.222 of the Revised Code, or under the 1076
former version of either section as it existed prior to ~~the~~ 1077
~~effective date of this amendment~~ October 16, 2009, meet the 1078
requirements of the rules adopted under this section. They may 1079
establish local professional development committees on their own 1080
or in collaboration with a school district or other agency having 1081
authority to establish them. 1082

Local professional development committees established by 1083
county boards of developmental disabilities shall be structured in 1084
a manner comparable to the structures prescribed for school 1085
districts in divisions ~~(F)~~(G)(2) and (3) of this section, as shall 1086
the committees established by any other entity specified in 1087
division ~~(G)~~(H)(1) of this section that provides educational 1088
services by employing or contracting for services of classroom 1089
teachers licensed or certificated under this section or section 1090
3319.222 of the Revised Code, or under the former version of 1091
either section as it existed prior to ~~the effective date of this~~ 1092
~~amendment~~ October 16, 2009. All other entities specified in 1093
division ~~(G)~~(H)(1) of this section shall structure their 1094
committees in accordance with guidelines which shall be issued by 1095
the state board. 1096

(2) Any public agency that is not specified in division 1097
~~(G)~~(H)(1) of this section but provides educational services and 1098
employs or contracts for services of classroom teachers licensed 1099
or certificated under this section or section 3319.222 of the 1100

Revised Code, or under the former version of either section as it 1101
existed prior to ~~the effective date of this amendment~~ October 16, 1102
2009, may establish a local professional development committee, 1103
subject to the approval of the department of education. The 1104
committee shall be structured in accordance with guidelines issued 1105
by the state board. 1106

Sec. 3319.223. (A) Not later than January 1, 2011, the 1107
superintendent of public instruction and the chancellor of the 1108
Ohio board of regents jointly shall establish the Ohio teacher 1109
residency program, which shall be a four-year, entry-level program 1110
for classroom teachers. The teacher residency program shall 1111
include at least the following components: 1112

(1) Mentoring by teachers who hold a lead professional 1113
educator license issued under section 3319.22 of the Revised Code; 1114

(2) Counseling to ensure that program participants receive 1115
needed professional development; 1116

(3) Use of measures of student academic gain to evaluate the 1117
effectiveness of program participants; 1118

(4) Measures of appropriate progression through the program. 1119

(B) The teacher residency program shall be aligned with the 1120
standards for teachers adopted by the state board of education 1121
under section 3319.61 of the Revised Code and best practices 1122
identified by the superintendent of public instruction. 1123

(C) Each person who holds a resident educator license issued 1124
under section 3319.22 of the Revised Code or an alternative 1125
resident educator license issued under section 3319.26 of the 1126
Revised Code shall participate in the teacher residency program. 1127
Successful completion of the program shall be required to qualify 1128
any such person for a professional educator license issued under 1129
section 3319.22 of the Revised Code. 1130

Sec. 3319.227. Notwithstanding any other provision of the 1131
Revised Code or any rule adopted by the state board of education 1132
to the contrary, the state board shall issue an initial 1133
professional educator license under section 3319.22 of the Revised 1134
Code to any applicant who has completed at least two years of 1135
teaching in another state as a participant in the teach for 1136
America program. 1137

Sec. 3319.61. (A) The educator standards board, in 1138
consultation with the chancellor of the Ohio board of regents, 1139
shall do all of the following: 1140

(1) Develop state standards for teachers and principals that 1141
reflect what teachers and principals are expected to know and be 1142
able to do at all stages of their careers. These standards shall 1143
be aligned with the statewide academic content standards for 1144
students adopted pursuant to section 3301.079 of the Revised Code, 1145
be primarily based on educator performance instead of years of 1146
experience or certain courses completed, and rely on 1147
evidence-based factors. These standards shall also be aligned with 1148
the operating standards adopted under division (D)(3) of section 1149
3301.07 of the Revised Code. 1150

(a) The standards for teachers shall reflect the following 1151
additional criteria: 1152

(i) Alignment with the interstate new teacher assessment and 1153
support consortium standards; 1154

(ii) Differentiation among novice, experienced, and advanced 1155
teachers; 1156

(iii) Reliance on competencies that can be measured; 1157

(iv) Reliance on content knowledge, teaching skills, 1158
discipline-specific teaching methods, and requirements for 1159
professional development; 1160

(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	1161 1162 1163 1164
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	1165 1166 1167 1168
(vii) The Ohio leadership framework.	1169
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	1170 1171
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	1172 1173 1174 1175 1176 1177 1178
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	1179 1180 1181 1182 1183 1184 1185 1186
(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;	1187 1188
(5) Develop standards for educator professional development;	1189
(6) Investigate and make recommendations for the creation,	1190

expansion, and implementation of school building and school 1191
district leadership academies. 1192

The superintendent of public instruction, the chancellor of 1193
the Ohio board of regents, or the education standards board itself 1194
may request that the educator standards board update, review, or 1195
reconsider any standards developed under this section. 1196

(B) The educator standards board shall incorporate indicators 1197
of cultural competency into the standards developed under division 1198
(A) of this section. For this purpose, the educator standards 1199
board shall develop a definition of cultural competency based upon 1200
content and experiences that enable educators to know, understand, 1201
and appreciate the students, families, and communities that they 1202
serve and skills for addressing cultural diversity in ways that 1203
respond equitably and appropriately to the cultural needs of 1204
individual students. 1205

(C) In developing the standards under division (A) of this 1206
section, the educator standards board shall consider the impact of 1207
the standards on closing the achievement gap between students of 1208
different subgroups. 1209

(D) In developing the standards under division (A) of this 1210
section, the educator standards board shall ensure both of the 1211
following: 1212

(1) That teachers have sufficient knowledge to provide 1213
appropriate instruction for students identified as gifted pursuant 1214
to Chapter 3324. of the Revised Code and to assist in the 1215
identification of such students, and have sufficient knowledge 1216
that will enable teachers to provide learning opportunities for 1217
all children to succeed; 1218

(2) That principals, superintendents, school treasurers, and 1219
school business managers have sufficient knowledge to provide 1220
principled, collaborative, foresighted, and data-based leadership 1221

that will provide learning opportunities for all children to 1222
succeed. 1223

(E) The standards for educator professional development 1224
developed under division (A)(5) of this section shall include the 1225
following: 1226

(1) Standards for the inclusion of local professional 1227
development committees established under section 3319.22 of the 1228
Revised Code in the planning and design of professional 1229
development; 1230

(2) Standards that address the crucial link between academic 1231
achievement and mental health issues. 1232

(F) The educator standards board shall also perform the 1233
following functions: 1234

(1) Monitor compliance with the standards developed under 1235
division (A) of this section and make recommendations to the state 1236
board of education for appropriate corrective action if such 1237
standards are not met; 1238

(2) Research, develop, and recommend policies on the 1239
professions of teaching and school administration; 1240

(3) Recommend policies to close the achievement gap between 1241
students of different subgroups; 1242

(4) Define a "master teacher" in a manner that can be used 1243
uniformly by all school districts; 1244

(5) Adopt criteria that a candidate for a lead professional 1245
educator license under section 3319.22 of the Revised Code who 1246
does not hold a valid certificate issued by the national board for 1247
professional teaching standards must meet to be considered a lead 1248
teacher for purposes of division (B)(4)(d) of that section. It is 1249
the intent of the general assembly that the educator standards 1250
board shall adopt multiple, equal-weighted criteria to use in 1251

determining whether a person is a lead teacher. The criteria shall 1252
be in addition to the other standards and qualifications 1253
prescribed in division (B)(4) of section 3319.22 of the Revised 1254
Code. The criteria may include, but shall not be limited to, 1255
completion of educational levels beyond a master's degree or other 1256
professional development courses or demonstration of a leadership 1257
role in the teacher's school building or district. The board shall 1258
determine the number of criteria that a teacher shall satisfy to 1259
be recognized as a lead teacher, which shall not be the total 1260
number of criteria adopted by the board. 1261

(6) Develop model teacher and principal evaluation 1262
instruments and processes. The models shall be based on the 1263
standards developed under division (A) of this section. 1264
1265

~~(7) Develop a method of measuring the academic improvement 1266
made by individual students during a one year period and make 1267
recommendations for incorporating the measurement as one of 1268
multiple evaluation criteria into each of the following: 1269~~

~~(a) Eligibility for a professional educator license, senior 1270
professional educator license, lead professional educator license, 1271
or principal license issued under section 3319.22 of the Revised 1272
Code; 1273~~

~~(b) The Ohio teacher residency program established under 1274
section 3319.223 of the Revised Code; 1275~~

~~(c) The model teacher and principal evaluation instruments 1276
and processes developed under division (F)(6) of this section and 1277
student performance over time as determined by value-added data 1278
and other standardized evidence of student achievement gains. 1279~~

(G) The educator standards board shall submit recommendations 1280
of standards developed under division (A) of this section to the 1281
state board of education not later than September 1, 2010. The 1282

state board of education shall review those recommendations at the 1283
state board's regular meeting that next succeeds the date that the 1284
recommendations are submitted to the state board. At that meeting, 1285
the state board of education shall vote to either adopt standards 1286
based on those recommendations or request that the educator 1287
standards board reconsider its recommendations. The state board of 1288
education shall articulate reasons for requesting reconsideration 1289
of the recommendations but shall not direct the content of the 1290
recommendations. The educator standards board shall reconsider its 1291
recommendations if the state board of education so requests, may 1292
revise the recommendations, and shall resubmit the 1293
recommendations, whether revised or not, to the state board not 1294
later than two weeks prior to the state board's regular meeting 1295
that next succeeds the meeting at which the state board requested 1296
reconsideration of the initial recommendations. The state board of 1297
education shall review the recommendations as resubmitted by the 1298
educator standards board at the state board's regular meeting that 1299
next succeeds the meeting at which the state board requested 1300
reconsideration of the initial recommendations and may adopt the 1301
standards as resubmitted or, if the resubmitted standards have not 1302
addressed the state board's concerns, the state board may modify 1303
the standards prior to adopting them. The state board shall adopt 1304
standards under this section in accordance with Chapter 119. of 1305
the Revised Code. The final responsibility to determine whether to 1306
adopt standards as described in division (A) of this section and 1307
the content of those standards, if adopted, belongs solely to the 1308
state board of education. 1309

Section 2. That existing sections 3314.013, 3314.014, 1310
3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, 1311
and 3319.61 of the Revised Code are hereby repealed. 1312

Section 3. Section 3314.014 of the Revised Code is presented 1313

in this act as a composite of the section as amended by both Am. 1314
Sub. H.B. 79 and Am. Sub. H.B. 276 of the 126th General Assembly. 1315
The General Assembly, applying the principle stated in division 1316
(B) of section 1.52 of the Revised Code that amendments are to be 1317
harmonized if reasonably capable of simultaneous operation, finds 1318
that the composite is the resulting version of the section in 1319
effect prior to the effective date of the section as presented in 1320
this act. 1321

Section 4. Section 3319.22 of the Revised Code is presented 1322
in this act as a composite of the section as amended by both Am. 1323
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1324
General Assembly, applying the principle stated in division (B) of 1325
section 1.52 of the Revised Code that amendments are to be 1326
harmonized if reasonably capable of simultaneous operation, finds 1327
that the composite is the resulting version of the section in 1328
effect prior to the effective date of the section as presented in 1329
this act. 1330