

As Reported by the Senate Education Committee

**128th General Assembly
Regular Session
2009-2010**

Sub. S. B. No. 180

Senator Husted

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

—

A B I L L

To amend sections 3301.0714, 3314.013, 3314.014, 1
3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 2
3319.22, 3319.223, and 3319.61 and to enact 3
sections 3301.94, 3319.227, and 3333.0410 of the 4
Revised Code to allow new Internet- or 5
computer-based community schools to open under 6
certain conditions, to permit the Department of 7
Education and the Chancellor of the Board of 8
Regents to establish a longitudinal student data 9
system, to require the use of student performance 10
data in evaluating teachers and principals for 11
licensure, and to qualify Teach for America 12
participants for a professional educator license. 13

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

Section 1. That sections 3301.0714, 3314.013, 3314.014, 14
3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, 15
and 3319.61 be amended and sections 3301.94, 3319.227, and 16
3333.0410 of the Revised Code be enacted to read as follows: 17

Sec. 3301.0714. (A) The state board of education shall adopt 18
rules for a statewide education management information system. The 19

rules shall require the state board to establish guidelines for 20
the establishment and maintenance of the system in accordance with 21
this section and the rules adopted under this section. The 22
guidelines shall include: 23

(1) Standards identifying and defining the types of data in 24
the system in accordance with divisions (B) and (C) of this 25
section; 26

(2) Procedures for annually collecting and reporting the data 27
to the state board in accordance with division (D) of this 28
section; 29

(3) Procedures for annually compiling the data in accordance 30
with division (G) of this section; 31

(4) Procedures for annually reporting the data to the public 32
in accordance with division (H) of this section. 33

(B) The guidelines adopted under this section shall require 34
the data maintained in the education management information system 35
to include at least the following: 36

(1) Student participation and performance data, for each 37
grade in each school district as a whole and for each grade in 38
each school building in each school district, that includes: 39

(a) The numbers of students receiving each category of 40
instructional service offered by the school district, such as 41
regular education instruction, vocational education instruction, 42
specialized instruction programs or enrichment instruction that is 43
part of the educational curriculum, instruction for gifted 44
students, instruction for students with disabilities, and remedial 45
instruction. The guidelines shall require instructional services 46
under this division to be divided into discrete categories if an 47
instructional service is limited to a specific subject, a specific 48
type of student, or both, such as regular instructional services 49
in mathematics, remedial reading instructional services, 50

instructional services specifically for students gifted in 51
mathematics or some other subject area, or instructional services 52
for students with a specific type of disability. The categories of 53
instructional services required by the guidelines under this 54
division shall be the same as the categories of instructional 55
services used in determining cost units pursuant to division 56
(C)(3) of this section. 57

(b) The numbers of students receiving support or 58
extracurricular services for each of the support services or 59
extracurricular programs offered by the school district, such as 60
counseling services, health services, and extracurricular sports 61
and fine arts programs. The categories of services required by the 62
guidelines under this division shall be the same as the categories 63
of services used in determining cost units pursuant to division 64
(C)(4)(a) of this section. 65

(c) Average student grades in each subject in grades nine 66
through twelve; 67

(d) Academic achievement levels as assessed under sections 68
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 69

(e) The number of students designated as having a disabling 70
condition pursuant to division (C)(1) of section 3301.0711 of the 71
Revised Code; 72

(f) The numbers of students reported to the state board 73
pursuant to division (C)(2) of section 3301.0711 of the Revised 74
Code; 75

(g) Attendance rates and the average daily attendance for the 76
year. For purposes of this division, a student shall be counted as 77
present for any field trip that is approved by the school 78
administration. 79

(h) Expulsion rates; 80

(i) Suspension rates;	81
(j) Dropout rates;	82
(k) Rates of retention in grade;	83
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	84 85 86
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	87 88 89 90 91
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	92 93 94 95 96 97 98
(2) Personnel and classroom enrollment data for each school district, including:	99 100
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	101 102 103 104 105 106 107 108 109 110

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool

program, a private preschool program, or a head start program, and 143
the number of years the student participated in each of these 144
programs. 145

(4) Any data required to be collected pursuant to federal 146
law. 147

(C) The education management information system shall include 148
cost accounting data for each district as a whole and for each 149
school building in each school district. The guidelines adopted 150
under this section shall require the cost data for each school 151
district to be maintained in a system of mutually exclusive cost 152
units and shall require all of the costs of each school district 153
to be divided among the cost units. The guidelines shall require 154
the system of mutually exclusive cost units to include at least 155
the following: 156

(1) Administrative costs for the school district as a whole. 157
The guidelines shall require the cost units under this division 158
(C)(1) to be designed so that each of them may be compiled and 159
reported in terms of average expenditure per pupil in formula ADM 160
in the school district, as determined pursuant to section 3317.03 161
of the Revised Code. 162

(2) Administrative costs for each school building in the 163
school district. The guidelines shall require the cost units under 164
this division (C)(2) to be designed so that each of them may be 165
compiled and reported in terms of average expenditure per 166
full-time equivalent pupil receiving instructional or support 167
services in each building. 168

(3) Instructional services costs for each category of 169
instructional service provided directly to students and required 170
by guidelines adopted pursuant to division (B)(1)(a) of this 171
section. The guidelines shall require the cost units under 172
division (C)(3) of this section to be designed so that each of 173

them may be compiled and reported in terms of average expenditure 174
per pupil receiving the service in the school district as a whole 175
and average expenditure per pupil receiving the service in each 176
building in the school district and in terms of a total cost for 177
each category of service and, as a breakdown of the total cost, a 178
cost for each of the following components: 179

(a) The cost of each instructional services category required 180
by guidelines adopted under division (B)(1)(a) of this section 181
that is provided directly to students by a classroom teacher; 182

(b) The cost of the instructional support services, such as 183
services provided by a speech-language pathologist, classroom 184
aide, multimedia aide, or librarian, provided directly to students 185
in conjunction with each instructional services category; 186

(c) The cost of the administrative support services related 187
to each instructional services category, such as the cost of 188
personnel that develop the curriculum for the instructional 189
services category and the cost of personnel supervising or 190
coordinating the delivery of the instructional services category. 191

(4) Support or extracurricular services costs for each 192
category of service directly provided to students and required by 193
guidelines adopted pursuant to division (B)(1)(b) of this section. 194
The guidelines shall require the cost units under division (C)(4) 195
of this section to be designed so that each of them may be 196
compiled and reported in terms of average expenditure per pupil 197
receiving the service in the school district as a whole and 198
average expenditure per pupil receiving the service in each 199
building in the school district and in terms of a total cost for 200
each category of service and, as a breakdown of the total cost, a 201
cost for each of the following components: 202

(a) The cost of each support or extracurricular services 203
category required by guidelines adopted under division (B)(1)(b) 204

of this section that is provided directly to students by a 205
licensed employee, such as services provided by a guidance 206
counselor or any services provided by a licensed employee under a 207
supplemental contract; 208

(b) The cost of each such services category provided directly 209
to students by a nonlicensed employee, such as janitorial 210
services, cafeteria services, or services of a sports trainer; 211

(c) The cost of the administrative services related to each 212
services category in division (C)(4)(a) or (b) of this section, 213
such as the cost of any licensed or nonlicensed employees that 214
develop, supervise, coordinate, or otherwise are involved in 215
administering or aiding the delivery of each services category. 216

(D)(1) The guidelines adopted under this section shall 217
require school districts to collect information about individual 218
students, staff members, or both in connection with any data 219
required by division (B) or (C) of this section or other reporting 220
requirements established in the Revised Code. The guidelines may 221
also require school districts to report information about 222
individual staff members in connection with any data required by 223
division (B) or (C) of this section or other reporting 224
requirements established in the Revised Code. The guidelines shall 225
not authorize school districts to request social security numbers 226
of individual students. The guidelines shall prohibit the 227
reporting under this section of a student's name, address, and 228
social security number to the state board of education or the 229
department of education. The guidelines shall also prohibit the 230
reporting under this section of any personally identifiable 231
information about any student, except for the purpose of assigning 232
the data verification code required by division (D)(2) of this 233
section, to any other person unless such person is employed by the 234
school district or the information technology center operated 235
under section 3301.075 of the Revised Code and is authorized by 236

the district or technology center to have access to such 237
information or is employed by an entity with which the department 238
contracts for the scoring of assessments administered under 239
section 3301.0711 of the Revised Code. The guidelines may require 240
school districts to provide the social security numbers of 241
individual staff members. 242

(2) The guidelines shall provide for each school district or 243
community school to assign a data verification code that is unique 244
on a statewide basis over time to each student whose initial Ohio 245
enrollment is in that district or school and to report all 246
required individual student data for that student utilizing such 247
code. The guidelines shall also provide for assigning data 248
verification codes to all students enrolled in districts or 249
community schools on the effective date of the guidelines 250
established under this section. 251

Individual student data shall be reported to the department 252
through the information technology centers utilizing the code but, 253
except as provided in sections 3310.11, 3310.42, 3313.978, and 254
3317.20 of the Revised Code, at no time shall the state board or 255
the department have access to information that would enable any 256
data verification code to be matched to personally identifiable 257
student data. 258

Each school district shall ensure that the data verification 259
code is included in the student's records reported to any 260
subsequent school district ~~or~~, community school, or state 261
institution of higher education, as defined in section 3345.011 of 262
the Revised Code, in which the student enrolls. Any such 263
subsequent district or school shall utilize the same identifier in 264
its reporting of data under this section. 265

The director of health shall request and receive, pursuant to 266
sections 3301.0723 and 3701.62 of the Revised Code, a data 267
verification code for a child who is receiving services under 268

division (A)(2) of section 3701.61 of the Revised Code. 269

(E) The guidelines adopted under this section may require 270
school districts to collect and report data, information, or 271
reports other than that described in divisions (A), (B), and (C) 272
of this section for the purpose of complying with other reporting 273
requirements established in the Revised Code. The other data, 274
information, or reports may be maintained in the education 275
management information system but are not required to be compiled 276
as part of the profile formats required under division (G) of this 277
section or the annual statewide report required under division (H) 278
of this section. 279

(F) Beginning with the school year that begins July 1, 1991, 280
the board of education of each school district shall annually 281
collect and report to the state board, in accordance with the 282
guidelines established by the board, the data required pursuant to 283
this section. A school district may collect and report these data 284
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 285

(G) The state board shall, in accordance with the procedures 286
it adopts, annually compile the data reported by each school 287
district pursuant to division (D) of this section. The state board 288
shall design formats for profiling each school district as a whole 289
and each school building within each district and shall compile 290
the data in accordance with these formats. These profile formats 291
shall: 292

(1) Include all of the data gathered under this section in a 293
manner that facilitates comparison among school districts and 294
among school buildings within each school district; 295

(2) Present the data on academic achievement levels as 296
assessed by the testing of student achievement maintained pursuant 297
to division (B)(1)(d) of this section. 298

(H)(1) The state board shall, in accordance with the 299

procedures it adopts, annually prepare a statewide report for all 300
school districts and the general public that includes the profile 301
of each of the school districts developed pursuant to division (G) 302
of this section. Copies of the report shall be sent to each school 303
district. 304

(2) The state board shall, in accordance with the procedures 305
it adopts, annually prepare an individual report for each school 306
district and the general public that includes the profiles of each 307
of the school buildings in that school district developed pursuant 308
to division (G) of this section. Copies of the report shall be 309
sent to the superintendent of the district and to each member of 310
the district board of education. 311

(3) Copies of the reports received from the state board under 312
divisions (H)(1) and (2) of this section shall be made available 313
to the general public at each school district's offices. Each 314
district board of education shall make copies of each report 315
available to any person upon request and payment of a reasonable 316
fee for the cost of reproducing the report. The board shall 317
annually publish in a newspaper of general circulation in the 318
school district, at least twice during the two weeks prior to the 319
week in which the reports will first be available, a notice 320
containing the address where the reports are available and the 321
date on which the reports will be available. 322

(I) Any data that is collected or maintained pursuant to this 323
section and that identifies an individual pupil is not a public 324
record for the purposes of section 149.43 of the Revised Code. 325

(J) As used in this section: 326

(1) "School district" means any city, local, exempted 327
village, or joint vocational school district and, in accordance 328
with section 3314.17 of the Revised Code, any community school. As 329
used in division (L) of this section, "school district" also 330

includes any educational service center or other educational 331
entity required to submit data using the system established under 332
this section. 333

(2) "Cost" means any expenditure for operating expenses made 334
by a school district excluding any expenditures for debt 335
retirement except for payments made to any commercial lending 336
institution for any loan approved pursuant to section 3313.483 of 337
the Revised Code. 338

(K) Any person who removes data from the information system 339
established under this section for the purpose of releasing it to 340
any person not entitled under law to have access to such 341
information is subject to section 2913.42 of the Revised Code 342
prohibiting tampering with data. 343

(L)(1) In accordance with division (L)(2) of this section and 344
the rules adopted under division (L)(10) of this section, the 345
department of education may sanction any school district that 346
reports incomplete or inaccurate data, reports data that does not 347
conform to data requirements and descriptions published by the 348
department, fails to report data in a timely manner, or otherwise 349
does not make a good faith effort to report data as required by 350
this section. 351

(2) If the department decides to sanction a school district 352
under this division, the department shall take the following 353
sequential actions: 354

(a) Notify the district in writing that the department has 355
determined that data has not been reported as required under this 356
section and require the district to review its data submission and 357
submit corrected data by a deadline established by the department. 358
The department also may require the district to develop a 359
corrective action plan, which shall include provisions for the 360
district to provide mandatory staff training on data reporting 361

procedures.	362
(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;	363 364 365 366 367
(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;	368 369 370
(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:	371 372 373 374
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	375 376
(ii) Conduct a site visit and evaluation of the district;	377
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	378 379 380
(iv) Continue monitoring the district's data reporting;	381
(v) Assign department staff to supervise the district's data management system;	382 383
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	384 385 386
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	387 388 389 390
(viii) If the district is issued a report card under section	391

3302.03 of the Revised Code and incomplete or inaccurate data 392
submitted by the district likely caused the district to receive a 393
higher performance rating than it deserved under that section, 394
issue a revised report card for the district; 395

(ix) Any other action designed to correct the district's data 396
reporting problems. 397

(3) Any time the department takes an action against a school 398
district under division (L)(2) of this section, the department 399
shall make a report of the circumstances that prompted the action. 400
The department shall send a copy of the report to the district 401
superintendent or chief administrator and maintain a copy of the 402
report in its files. 403

(4) If any action taken under division (L)(2) of this section 404
resolves a school district's data reporting problems to the 405
department's satisfaction, the department shall not take any 406
further actions described by that division. If the department 407
withheld funds from the district under that division, the 408
department may release those funds to the district, except that if 409
the department withheld funding under division (L)(2)(c) of this 410
section, the department shall not release the funds withheld under 411
division (L)(2)(b) of this section and, if the department withheld 412
funding under division (L)(2)(d) of this section, the department 413
shall not release the funds withheld under division (L)(2)(b) or 414
(c) of this section. 415

(5) Notwithstanding anything in this section to the contrary, 416
the department may use its own staff or an outside entity to 417
conduct an audit of a school district's data reporting practices 418
any time the department has reason to believe the district has not 419
made a good faith effort to report data as required by this 420
section. If any audit conducted by an outside entity under 421
division (L)(2)(d)(i) or (5) of this section confirms that a 422
district has not made a good faith effort to report data as 423

required by this section, the district shall reimburse the 424
department for the full cost of the audit. The department may 425
withhold state funds due to the district for this purpose. 426

(6) Prior to issuing a revised report card for a school 427
district under division (L)(2)(d)(viii) of this section, the 428
department may hold a hearing to provide the district with an 429
opportunity to demonstrate that it made a good faith effort to 430
report data as required by this section. The hearing shall be 431
conducted by a referee appointed by the department. Based on the 432
information provided in the hearing, the referee shall recommend 433
whether the department should issue a revised report card for the 434
district. If the referee affirms the department's contention that 435
the district did not make a good faith effort to report data as 436
required by this section, the district shall bear the full cost of 437
conducting the hearing and of issuing any revised report card. 438

(7) If the department determines that any inaccurate data 439
reported under this section caused a school district to receive 440
excess state funds in any fiscal year, the district shall 441
reimburse the department an amount equal to the excess funds, in 442
accordance with a payment schedule determined by the department. 443
The department may withhold state funds due to the district for 444
this purpose. 445

(8) Any school district that has funds withheld under 446
division (L)(2) of this section may appeal the withholding in 447
accordance with Chapter 119. of the Revised Code. 448

(9) In all cases of a disagreement between the department and 449
a school district regarding the appropriateness of an action taken 450
under division (L)(2) of this section, the burden of proof shall 451
be on the district to demonstrate that it made a good faith effort 452
to report data as required by this section. 453

(10) The state board of education shall adopt rules under 454

Chapter 119. of the Revised Code to implement division (L) of this section. 455
456

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department. 457
458
459
460
461

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system. 462
463
464
465
466
467

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree. 468
469
470

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code. 471
472
473
474
475

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division. 476
477
478
479
480

Sec. 3301.94. Upon approval of the state board of education, the superintendent of public instruction and the chancellor of the Ohio board of regents may enter into a memorandum of understanding under which the department of education, on behalf of the 481
482
483
484

chancellor, will receive and maintain copies of data records 485
containing student information reported to the chancellor for the 486
purpose of combining those records with the data reported to the 487
education management information system established under section 488
3301.0714 of the Revised Code to establish an education data 489
repository that may be used to conduct longitudinal research and 490
evaluation. The memorandum of understanding shall specify the 491
following: 492

(A) That, prior to establishing the repository, the 493
superintendent and chancellor shall develop a strategic plan for 494
the repository that outlines the goals to be achieved from its 495
implementation and use. A copy of the strategic plan shall be 496
provided to the governor, the president of the senate, and the 497
speaker of the house of representatives. 498

(B) That the chancellor shall submit all student data to be 499
included in the repository to the independent contractor engaged 500
by the department to create and maintain the student data 501
verification codes required by division (D)(2) of section 502
3301.0714 of the Revised Code. For each student included in the 503
data submitted by the chancellor, the independent contractor shall 504
determine whether a data verification code has been assigned to 505
that student. In the case of a student to whom a data verification 506
code has been assigned, the independent contractor shall add the 507
code to the student's data record and remove from the data record 508
any information that would enable the data verification code to be 509
matched to personally identifiable student data. In the case of a 510
student to whom a data verification code has not been assigned, 511
the independent contractor shall assign a data verification code 512
to the student, add the data verification code to the student's 513
data record, and remove from the data record any information that 514
would enable the data verification code to be matched to 515
personally identifiable student data. After making the 516

modifications described in this division, the independent 517
contractor shall transmit the data to the department. 518

(C) That the superintendent and the chancellor jointly shall 519
develop procedures for the maintenance of the data in the 520
repository and shall designate the types of research that may be 521
conducted using that data. Permitted uses of the data shall 522
include, but are not limited to, the following: 523

(1) Assisting the department, superintendent, or state board 524
in performing audit and evaluation functions concerning preschool, 525
elementary, and secondary education as required or authorized by 526
any provision of law, including division (C) of section 3301.07 527
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 528
3302.03 of the Revised Code; 529

(2) Assisting the chancellor in performing audit and 530
evaluation functions concerning higher education as required or 531
authorized by any provision of law, including sections 3333.04, 532
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 533
3333.374, 3333.72, and 3333.82 of the Revised Code. 534

(D) That the superintendent and the chancellor, from time to 535
time, jointly may enter into written agreements with entities for 536
the use of data in the repository to conduct research and analysis 537
designed to evaluate the effectiveness of programs or services, to 538
measure progress against specific strategic planning goals, or for 539
any other purpose permitted by law that the superintendent and 540
chancellor consider necessary for the performance of their duties 541
under the Revised Code. The agreements may permit the disclosure 542
of personally identifiable student information to the entity named 543
in the agreement, provided that disclosure complies with the 544
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 545
20 U.S.C. 1232g, as amended, and regulations promulgated under 546
that act prescribing requirements for such agreements. The 547
superintendent shall notify the state board of each agreement 548

entered into under this division. 549

(E) That the data in the repository submitted by the 550
department shall remain under the direct control of the department 551
and that the data in the repository submitted by the chancellor 552
shall remain under the direct control of the chancellor; 553

(F) That the data in the repository shall be managed in a 554
manner that complies with the "Family Educational Rights and 555
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 556

(G) That all costs related to the initial establishment and 557
ongoing maintenance of the repository shall be paid from funds 558
received from state incentive grants awarded under division (A), 559
Title XIV, section 14006 of the American Recovery and Reinvestment 560
Act of 2009, other federal grant programs, or existing 561
appropriations of the department or chancellor that are designated 562
for a purpose consistent with this section; 563

(H) That the department annually shall report to the state 564
board and the chancellor all requests for access to or use of the 565
data in the repository and all costs related to the initial 566
establishment and ongoing maintenance of the repository. 567

Sec. 3314.013. ~~(A)(1) Until July 1, 2000, no more than~~ 568
~~seventy five contracts between start up schools and the state~~ 569
~~board of education may be in effect outside the pilot project area~~ 570
~~at any time under this chapter.~~ 571

~~(2) After July 1, 2000, and until July 1, 2001, no more than~~ 572
~~one hundred twenty five contracts between start up schools and the~~ 573
~~state board of education may be in effect outside the pilot~~ 574
~~project area at any time under this chapter.~~ 575

~~(3) This division applies only to contracts between start up~~ 576
~~schools and the state board of education and contracts between~~ 577
~~start up schools and entities described in divisions (C)(1)(b) to~~ 578

~~(f) of section 3314.02 of the Revised Code. 579~~

~~Until July 1, 2005, not more than two hundred twenty five 580~~
~~contracts to which this division applies may be in effect at any 581~~
~~time under this chapter. 582~~

~~(4) This division applies only to contracts between start up 583~~
~~schools and entities described in divisions (C)(1)(b) to (f) of 584~~
~~section 3314.02 of the Revised Code. 585~~

~~Except as otherwise provided in section 3314.014 of the 586~~
~~Revised Code, after July 1, 2005, and until July 1, 2007, the 587~~
~~number of contracts to which this division applies in effect at 588~~
~~any time under this chapter shall be not more than thirty plus the 589~~
~~number of such contracts with schools that were open for operation 590~~
~~as of May 1, 2005. 591~~

~~(5) This division applies only to contracts between a 592~~
~~conversion school that is an internet or computer based community 593~~
~~school or a start up school and the board of education of the 594~~
~~school district in which the school is or is proposed to be 595~~
~~located. 596~~

~~Except as otherwise provided in section 3314.014 of the 597~~
~~Revised Code, until July 1, 2007, the number of contracts to which 598~~
~~this division applies in effect at any time under this chapter 599~~
~~shall be not more than thirty plus the number of such contracts 600~~
~~with schools that were open for operation as of May 1, 2005. 601~~

~~(6) Until Except as otherwise provided in division (B) of 602~~
~~this section, until the effective date of any standards enacted by 603~~
~~the general assembly governing the operation of internet- or 604~~
~~computer-based community schools, no internet- or computer-based 605~~
~~community school shall operate unless the school was open for 606~~
~~instruction as of May 1, 2005. No entity described in division 607~~
~~(C)(1) of section 3314.02 of the Revised Code shall enter into a 608~~
~~contract to sponsor an internet- or computer-based community 609~~

school, including a conversion school, between May 1, 2005, and 610
the effective date of any standards enacted by the general 611
assembly governing the operation of internet- or computer-based 612
community schools, except as follows: 613

~~(a) Any (1) The entity described in division (C)(1) of that 614
section may renew a contract that the entity entered into with an 615
internet- or computer-based community school prior to May 1, 2005, 616
if the school was open for operation as of that date. 617~~

~~(b) Any (2) The entity described in divisions (C)(1)(a) to 618
(e) of that section may assume sponsorship of an existing 619
internet- or computer-based community school that was formerly 620
sponsored by another entity and may enter into a contract with 621
that community school in accordance with section 3314.03 of the 622
Revised Code. 623~~

~~(c) Any entity described in division (C)(1)(f) of that 624
section may assume sponsorship of an existing internet- or 625
computer-based community school in accordance with division (A)(7) 626
of this section and may enter into a contract with that community 627
school in accordance with section 3314.03 of the Revised Code. 628~~

If a sponsor entered into a contract with an internet- or 629
computer-based community school, including a conversion school, 630
but the school was not open for operation as of May 1, 2005, the 631
contract shall be void and, except as otherwise provided in 632
division (B) of this section, the entity shall not enter into 633
another contract with the school until the effective date of any 634
standards enacted by the general assembly governing the operation 635
of internet- or computer-based community schools. 636

~~(7) Until July 1, 2005, any entity described in division 637
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 638
a community school that formerly was sponsored by the state board 639
of education under division (C)(1)(d) of that section, as it 640~~

~~existed prior to April 8, 2003. After July 1, 2005, any such~~ 641
~~entity may assume sponsorship of any existing community school,~~ 642
~~and may sponsor any new community school that is not an internet-~~ 643
~~or computer based community school. Beginning on the effective~~ 644
~~date of any standards enacted by the general assembly governing~~ 645
~~the operation of internet or computer based community schools,~~ 646
~~any such entity may sponsor a new internet or computer based~~ 647
~~community school.~~ 648

~~(8)~~(B) For each community school that an entity sponsors 649
that, on or after September 1, 2009, has a rating of in need of 650
continuous improvement or higher under section 3302.03 of the 651
Revised Code, the sponsor may enter into a contract to sponsor a 652
new internet- or computer-based community school, including a 653
conversion school, in accordance with section 3314.03 of the 654
Revised Code. Each new start-up school with which the sponsor 655
enters into a contract under this division shall comply with 656
division (A) of section 3314.016 of the Revised Code. 657

(C) Nothing in division (A) of this section prohibits a an 658
internet- or computer-based community school from increasing the 659
number of grade levels it offers. 660

~~(B)~~(D) Within twenty-four hours of a request by any person, 661
the superintendent of public instruction shall indicate the number 662
of preliminary agreements for start-up schools currently 663
outstanding and the number of contracts for these schools in 664
effect at the time of the request. 665

~~(C) It is the intent of the general assembly to consider~~ 666
~~whether to provide limitations on the number of start up community~~ 667
~~schools after July 1, 2001, following its examination of the~~ 668
~~results of the studies by the legislative office of education~~ 669
~~oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of~~ 670
~~the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B.~~ 671
~~No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B.~~ 672

~~No. 770 of the 122nd general assembly.~~ 673

Sec. 3314.014. ~~(A)~~ As used in this chapter, "operator" means 674
either of the following: 675

~~(1)(A)~~ An individual or organization that manages the daily 676
operations of a community school pursuant to a contract between 677
the operator and the school's governing authority; 678

~~(2)(B)~~ A nonprofit organization that provides programmatic 679
oversight and support to a community school under a contract with 680
the school's governing authority and that retains the right to 681
terminate its affiliation with the school if the school fails to 682
meet the organization's quality standards. 683

~~(B)(1)~~ Notwithstanding the limit prescribed by division 684
~~(A)(4)~~ of section 3314.013 of the Revised Code, a start up school 685
sponsored by an entity described in divisions ~~(C)(1)(b) to (f)~~ of 686
section 3314.02 of the Revised Code may be established after the 687
date that limit is reached, provided the school's governing 688
authority enters into a contract with an operator permitted to 689
manage the school under division ~~(C)~~ of this section. 690

~~(2)~~ Notwithstanding the limit prescribed by division ~~(A)(5)~~ 691
of section 3314.013 of the Revised Code, a conversion school that 692
is an internet or computer based community school or a start up 693
school sponsored by the school district in which the school is or 694
is proposed to be located may be established after the date that 695
limit is reached, provided the school's governing authority enters 696
into a contract with an operator permitted to manage the school 697
under division ~~(C)~~ of this section. However, a conversion school 698
that is an internet or computer based community school may be 699
established after that date only if the prohibition prescribed by 700
division ~~(A)(6)~~ of section 3314.013 of the Revised Code is no 701
longer in effect. 702

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

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

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

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

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

~~(b) The school made adequate yearly progress, as defined in~~

~~section 3302.01 of the Revised Code, for the previous school year.~~ 734

~~(c) The school has been in operation for at least four school years.~~ 735
736

~~(d) The school is not managed by an operator.~~ 737

Sec. 3314.016. (A) ~~After June 30, 2007, a~~ The governing 738
authority of each new start-up school ~~may be~~ established under 739
this chapter ~~only if the school's governing authority enters~~ after 740
June 30, 2007, shall enter into a contract with an operator that 741
manages other schools in the United States that perform at a level 742
higher than academic watch. The governing authority of the 743
community school may sign a contract with an operator only if the 744
operator has fewer contracts with the governing authorities of new 745
start-up schools established under this chapter after June 30, 746
2007, than the number of schools managed by the operator in the 747
United States that perform at a level higher than academic watch, 748
as determined by the department of education. However, the 749
governing authority shall not contract with an operator that 750
currently manages any community schools in Ohio for which the 751
department issues annual report cards under section 3314.012 of 752
the Revised Code, unless the latest report card issued for at 753
least one of those schools designates a performance rating under 754
section 3302.03 of the Revised Code of in need of continuous 755
improvement or higher. 756

(B) Notwithstanding division (A) of this section, the 757
governing authority of a start-up school sponsored by an entity 758
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 759
Revised Code may establish one additional school serving the same 760
grade levels and providing the same educational program as the 761
current start-up school and may open that additional school in the 762
2007-2008 school year, if both of the following conditions are 763
met: 764

(1) The governing authority entered into another contract 765
with the same sponsor or a different sponsor described in 766
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 767
and filed a copy of that contract with the superintendent of 768
public instruction prior to March 15, 2006. 769

(2) The governing authority's current school satisfies all of 770
the following conditions: 771

(a) The school currently is rated as excellent or effective 772
pursuant to section 3302.03 of the Revised Code. 773

(b) The school made adequate yearly progress, as defined in 774
section 3302.01 of the Revised Code, for the previous school year. 775

(c) The school has been in operation for at least four school 776
years. 777

(d) The school is not managed by an operator. 778

(C) Notwithstanding division (A) of this section, the 779
governing authority of a start-up school sponsored by the big 780
eight school district in which the school is located may establish 781
one additional start-up school that is located in the same school 782
district and that provides a general educational program to 783
students in any or all of grades kindergarten through five to 784
facilitate their transition to the current start-up school, and 785
may open the additional start-up school in the 2009-2010 school 786
year, if both of the following conditions are met: 787

(1) The governing authority enters into another contract with 788
the same sponsor and files a copy of the contract with the 789
superintendent of public instruction prior to March 15, 2009. 790

(2) The governing authority's current school satisfies all of 791
the following conditions: 792

(a) The school provided instruction to students for eleven 793
months in the previous school year. 794

(b) The school has been in operation for at least two school 795
years. 796

(c) The school qualified to be rated in need of continuous 797
improvement or higher pursuant to section 3302.03 of the Revised 798
Code for its first school year of operation, even though the 799
department of education did not issue a report card for the school 800
for that school year. 801

Sec. 3314.02. (A) As used in this chapter: 802

(1) "Sponsor" means an entity listed in division (C)(1) of 803
this section, which has been approved by the department of 804
education to sponsor community schools and with which the 805
governing authority of the proposed community school enters into a 806
contract pursuant to this section. 807

(2) "Pilot project area" means the school districts included 808
in the territory of the former community school pilot project 809
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 810
the 122nd general assembly. 811

(3) "Challenged school district" means any of the following: 812

(a) A school district that is part of the pilot project area; 813

(b) A school district that is either in a state of academic 814
emergency or in a state of academic watch under section 3302.03 of 815
the Revised Code; 816

(c) A big eight school district. 817

(4) "Big eight school district" means a school district that 818
for fiscal year 1997 had both of the following: 819

(a) A percentage of children residing in the district and 820
participating in the predecessor of Ohio works first greater than 821
thirty per cent, as reported pursuant to section 3317.10 of the 822
Revised Code; 823

(b) An average daily membership greater than twelve thousand, 824
as reported pursuant to former division (A) of section 3317.03 of 825
the Revised Code. 826

(5) "New start-up school" means a community school other than 827
one created by converting all or part of an existing public school 828
or educational service center building, as designated in the 829
school's contract pursuant to division (A)(17) of section 3314.03 830
of the Revised Code. 831

(6) "Urban school district" means one of the state's 832
twenty-one urban school districts as defined in division (O) of 833
section 3317.02 of the Revised Code as that section existed prior 834
to July 1, 1998. 835

(7) "Internet- or computer-based community school" means a 836
community school established under this chapter in which the 837
enrolled students work primarily from their residences on 838
assignments in nonclassroom-based learning opportunities provided 839
via an internet- or other computer-based instructional method that 840
does not rely on regular classroom instruction or via 841
comprehensive instructional methods that include internet-based, 842
other computer-based, and noncomputer-based learning 843
opportunities. 844

(B) Any person or group of individuals may initially propose 845
under this division the conversion of all or a portion of a public 846
school or a building operated by an educational service center to 847
a community school. The proposal shall be made to the board of 848
education of the city, local, exempted village, or joint 849
vocational school district in which the public school is proposed 850
to be converted or, in the case of the conversion of a building 851
operated by an educational service center, to the governing board 852
of the service center. Upon receipt of a proposal, a board may 853
enter into a preliminary agreement with the person or group 854
proposing the conversion of the public school or service center 855

building, indicating the intention of the board to support the 856
conversion to a community school. A proposing person or group that 857
has a preliminary agreement under this division may proceed to 858
finalize plans for the school, establish a governing authority for 859
the school, and negotiate a contract with the board. Provided the 860
proposing person or group adheres to the preliminary agreement and 861
all provisions of this chapter, the board shall negotiate in good 862
faith to enter into a contract in accordance with section 3314.03 863
of the Revised Code and division (C) of this section. 864

(C)(1) Any person or group of individuals may propose under 865
this division the establishment of a new start-up school to be 866
located in a challenged school district. The proposal may be made 867
to any of the following entities: 868

(a) The board of education of the district in which the 869
school is proposed to be located; 870

(b) The board of education of any joint vocational school 871
district with territory in the county in which is located the 872
majority of the territory of the district in which the school is 873
proposed to be located; 874

(c) The board of education of any other city, local, or 875
exempted village school district having territory in the same 876
county where the district in which the school is proposed to be 877
located has the major portion of its territory; 878

(d) The governing board of any educational service center, as 879
long as the proposed school will be located in a county within the 880
territory of the service center or in a county contiguous to such 881
county; 882

(e) A sponsoring authority designated by the board of 883
trustees of any of the thirteen state universities listed in 884
section 3345.011 of the Revised Code or the board of trustees 885
itself as long as a mission of the proposed school to be specified 886

in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

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

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

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

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

(iv) The entity is not a community school.

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

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the

entity shall negotiate in good faith to enter into a contract in 918
accordance with section 3314.03 of the Revised Code. 919

(3) A new start-up school that is established in a school 920
district while that district is either in a state of academic 921
emergency or in a state of academic watch under section 3302.03 of 922
the Revised Code may continue in existence once the school 923
district is no longer in a state of academic emergency or academic 924
watch, provided there is a valid contract between the school and a 925
sponsor. 926

(4) A copy of every preliminary agreement entered into under 927
this division shall be filed with the superintendent of public 928
instruction. 929

(D) A majority vote of the board of a sponsoring entity and a 930
majority vote of the members of the governing authority of a 931
community school shall be required to adopt a contract and convert 932
the public school or educational service center building to a 933
community school or establish the new start-up school. Beginning 934
September 29, 2005, adoption of the contract shall occur not later 935
than the fifteenth day of March, and signing of the contract shall 936
occur not later than the fifteenth day of May, prior to the school 937
year in which the school will open. The governing authority shall 938
notify the department of education when the contract has been 939
signed. Subject to sections 3314.013, ~~3314.014~~, 3314.016, and 940
3314.017 of the Revised Code, an unlimited number of community 941
schools may be established in any school district provided that a 942
contract is entered into for each community school pursuant to 943
this chapter. 944

(E)(1) As used in this division, "immediate relatives" are 945
limited to spouses, children, parents, grandparents, siblings, and 946
in-laws. 947

Each new start-up community school established under this 948

chapter shall be under the direction of a governing authority 949
which shall consist of a board of not less than five individuals. 950

No person shall serve on the governing authority or operate 951
the community school under contract with the governing authority 952
so long as the person owes the state any money or is in a dispute 953
over whether the person owes the state any money concerning the 954
operation of a community school that has closed. 955

(2) No person shall serve on the governing authorities of 956
more than two start-up community schools at the same time. 957

(3) No present or former member, or immediate relative of a 958
present or former member, of the governing authority of any 959
community school established under this chapter shall be an owner, 960
employee, or consultant of any nonprofit or for-profit operator of 961
a community school, unless at least one year has elapsed since the 962
conclusion of the person's membership. 963

(F)(1) A new start-up school that is established prior to 964
August 15, 2003, in an urban school district that is not also a 965
big-eight school district may continue to operate after that date 966
and the contract between the school's governing authority and the 967
school's sponsor may be renewed, as provided under this chapter, 968
after that date, but no additional new start-up schools may be 969
established in such a district unless the district is a challenged 970
school district as defined in this section as it exists on and 971
after that date. 972

(2) A community school that was established prior to June 29, 973
1999, and is located in a county contiguous to the pilot project 974
area and in a school district that is not a challenged school 975
district may continue to operate after that date, provided the 976
school complies with all provisions of this chapter. The contract 977
between the school's governing authority and the school's sponsor 978
may be renewed, but no additional start-up community school may be 979

established in that district unless the district is a challenged 980
school district. 981

(3) Any educational service center that, on June 30, 2007, 982
sponsors a community school that is not located in a county within 983
the territory of the service center or in a county contiguous to 984
such county may continue to sponsor that community school on and 985
after June 30, 2007, and may renew its contract with the school. 986
However, the educational service center shall not enter into a 987
contract with any additional community school unless the school is 988
located in a county within the territory of the service center or 989
in a county contiguous to such county. 990

Sec. 3314.021. (A) This section applies to any entity that is 991
exempt from taxation under section 501(c)(3) of the Internal 992
Revenue Code and that satisfies the conditions specified in 993
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 994
Revised Code but does not satisfy the condition specified in 995
division (C)(1)(f)(i) of that section. 996

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 997
of the Revised Code, an entity described in division (A) of this 998
section may do both of the following without obtaining the 999
department of education's initial approval of its sponsorship 1000
under divisions (A)(2) and (B)(1) of section 3314.015 of the 1001
Revised Code: 1002

(1) Succeed the board of trustees of a state university 1003
located in the pilot project area or that board's designee as the 1004
sponsor of a community school established under this chapter; 1005

(2) Continue to sponsor that school in conformance with the 1006
terms of the contract between the board of trustees or its 1007
designee and the governing authority of the community school and 1008
renew that contract as provided in division (E) of section 3314.03 1009
of the Revised Code. 1010

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

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

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

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

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

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003~~+~~₁

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 1041
1042
1043
- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 1044
1045
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 1046
1047
- (6)(a) Dismissal procedures; 1048
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 1049
1050
1051
1052
1053
1054
- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 1055
1056
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 1057
1058
1059
1060
1061
1062
- (9) The facilities to be used and their locations; 1063
- (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; 1064
1065
1066
1067
1068
1069
- (11) That the school will comply with the following 1070

requirements: 1071

(a) The school will provide learning opportunities to a 1072
minimum of twenty-five students for a minimum of nine hundred 1073
twenty hours per school year. 1074

(b) The governing authority will purchase liability 1075
insurance, or otherwise provide for the potential liability of the 1076
school. 1077

(c) The school will be nonsectarian in its programs, 1078
admission policies, employment practices, and all other 1079
operations, and will not be operated by a sectarian school or 1080
religious institution. 1081

(d) The school will comply with sections 9.90, 9.91, 109.65, 1082
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 1083
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 1084
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 1085
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1086
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1087
3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 1088
3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 1089
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 1090
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 1091
4123., 4141., and 4167. of the Revised Code as if it were a school 1092
district and will comply with section 3301.0714 of the Revised 1093
Code in the manner specified in section 3314.17 of the Revised 1094
Code. 1095

(e) The school shall comply with Chapter 102. and section 1096
2921.42 of the Revised Code. 1097

(f) The school will comply with sections 3313.61, 3313.611, 1098
and 3313.614 of the Revised Code, except that for students who 1099
enter ninth grade for the first time before July 1, 2010, the 1100
requirement in sections 3313.61 and 3313.611 of the Revised Code 1101

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.

(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.

(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.

(12) Arrangements for providing health and other benefits to employees;

(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.

(14) The governing authority of the school, which shall be 1133
responsible for carrying out the provisions of the contract; 1134

(15) A financial plan detailing an estimated school budget 1135
for each year of the period of the contract and specifying the 1136
total estimated per pupil expenditure amount for each such year. 1137
The plan shall specify for each year the base formula amount that 1138
will be used for purposes of funding calculations under section 1139
3314.08 of the Revised Code. This base formula amount for any year 1140
shall not exceed the formula amount defined under section 3317.02 1141
of the Revised Code. The plan may also specify for any year a 1142
percentage figure to be used for reducing the per pupil amount of 1143
the subsidy calculated pursuant to section 3317.029 of the Revised 1144
Code the school is to receive that year under section 3314.08 of 1145
the Revised Code. 1146

(16) Requirements and procedures regarding the disposition of 1147
employees of the school in the event the contract is terminated or 1148
not renewed pursuant to section 3314.07 of the Revised Code; 1149

(17) Whether the school is to be created by converting all or 1150
part of an existing public school or educational service center 1151
building or is to be a new start-up school, and if it is a 1152
converted public school or service center building, specification 1153
of any duties or responsibilities of an employer that the board of 1154
education or service center governing board that operated the 1155
school or building before conversion is delegating to the 1156
governing authority of the community school with respect to all or 1157
any specified group of employees provided the delegation is not 1158
prohibited by a collective bargaining agreement applicable to such 1159
employees; 1160

(18) Provisions establishing procedures for resolving 1161
disputes or differences of opinion between the sponsor and the 1162
governing authority of the community school; 1163

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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

take such action; 1194

(23) A description of the learning opportunities that will be 1195
offered to students including both classroom-based and 1196
non-classroom-based learning opportunities that is in compliance 1197
with criteria for student participation established by the 1198
department under division (L)(2) of section 3314.08 of the Revised 1199
Code; 1200

(24) The school will comply with sections 3302.04 and 1201
3302.041 of the Revised Code, except that any action required to 1202
be taken by a school district pursuant to those sections shall be 1203
taken by the sponsor of the school. However, the sponsor shall not 1204
be required to take any action described in division (F) of 1205
section 3302.04 of the Revised Code. 1206

(25) Beginning in the 2006-2007 school year, the school will 1207
open for operation not later than the thirtieth day of September 1208
each school year, unless the mission of the school as specified 1209
under division (A)(2) of this section is solely to serve dropouts. 1210
In its initial year of operation, if the school fails to open by 1211
the thirtieth day of September, or within one year after the 1212
adoption of the contract pursuant to division (D) of section 1213
3314.02 of the Revised Code if the mission of the school is solely 1214
to serve dropouts, the contract shall be void. 1215

(B) The community school shall also submit to the sponsor a 1216
comprehensive plan for the school. The plan shall specify the 1217
following: 1218

(1) The process by which the governing authority of the 1219
school will be selected in the future; 1220

(2) The management and administration of the school; 1221

(3) If the community school is a currently existing public 1222
school or educational service center building, alternative 1223
arrangements for current public school students who choose not to 1224

attend the converted school and for teachers who choose not to	1225
teach in the school or building after conversion;	1226
(4) The instructional program and educational philosophy of	1227
the school;	1228
(5) Internal financial controls.	1229
(C) A contract entered into under section 3314.02 of the	1230
Revised Code between a sponsor and the governing authority of a	1231
community school may provide for the community school governing	1232
authority to make payments to the sponsor, which is hereby	1233
authorized to receive such payments as set forth in the contract	1234
between the governing authority and the sponsor. The total amount	1235
of such payments for oversight and monitoring of the school shall	1236
not exceed three per cent of the total amount of payments for	1237
operating expenses that the school receives from the state.	1238
(D) The contract shall specify the duties of the sponsor	1239
which shall be in accordance with the written agreement entered	1240
into with the department of education under division (B) of	1241
section 3314.015 of the Revised Code and shall include the	1242
following:	1243
(1) Monitor the community school's compliance with all laws	1244
applicable to the school and with the terms of the contract;	1245
(2) Monitor and evaluate the academic and fiscal performance	1246
and the organization and operation of the community school on at	1247
least an annual basis;	1248
(3) Report on an annual basis the results of the evaluation	1249
conducted under division (D)(2) of this section to the department	1250
of education and to the parents of students enrolled in the	1251
community school;	1252
(4) Provide technical assistance to the community school in	1253
complying with laws applicable to the school and terms of the	1254

contract; 1255

(5) Take steps to intervene in the school's operation to 1256
correct problems in the school's overall performance, declare the 1257
school to be on probationary status pursuant to section 3314.073 1258
of the Revised Code, suspend the operation of the school pursuant 1259
to section 3314.072 of the Revised Code, or terminate the contract 1260
of the school pursuant to section 3314.07 of the Revised Code as 1261
determined necessary by the sponsor; 1262

(6) Have in place a plan of action to be undertaken in the 1263
event the community school experiences financial difficulties or 1264
closes prior to the end of a school year. 1265

(E) Upon the expiration of a contract entered into under this 1266
section, the sponsor of a community school may, with the approval 1267
of the governing authority of the school, renew that contract for 1268
a period of time determined by the sponsor, but not ending earlier 1269
than the end of any school year, if the sponsor finds that the 1270
school's compliance with applicable laws and terms of the contract 1271
and the school's progress in meeting the academic goals prescribed 1272
in the contract have been satisfactory. Any contract that is 1273
renewed under this division remains subject to the provisions of 1274
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1275

(F) If a community school fails to open for operation within 1276
one year after the contract entered into under this section is 1277
adopted pursuant to division (D) of section 3314.02 of the Revised 1278
Code or permanently closes prior to the expiration of the 1279
contract, the contract shall be void and the school shall not 1280
enter into a contract with any other sponsor. A school shall not 1281
be considered permanently closed because the operations of the 1282
school have been suspended pursuant to section 3314.072 of the 1283
Revised Code. ~~Any contract that becomes void under this division~~ 1284
~~shall not count toward any statewide limit on the number of such~~ 1285
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 1286

Sec. 3314.05. (A) The contract between the community school 1287
and the sponsor shall specify the facilities to be used for the 1288
community school and the method of acquisition. Except as provided 1289
in division (B)(3) of this section, no community school shall be 1290
established in more than one school district under the same 1291
contract. 1292

(B) Division (B) of this section shall not apply to internet- 1293
or computer-based community schools. 1294

(1) A community school may be located in multiple facilities 1295
under the same contract only if the limitations on availability of 1296
space prohibit serving all the grade levels specified in the 1297
contract in a single facility or division (B)(2) or (3) of this 1298
section applies to the school. The school shall not offer the same 1299
grade level classrooms in more than one facility. 1300

(2) A community school may be located in multiple facilities 1301
under the same contract and, notwithstanding division (B)(1) of 1302
this section, may assign students in the same grade level to 1303
multiple facilities, as long as all of the following apply: 1304

(a) The governing authority of the community school filed a 1305
copy of its contract with the school's sponsor under section 1306
3314.03 of the Revised Code with the superintendent of public 1307
instruction on or before May 15, 2008. 1308

(b) The school was not open for operation prior to July 1, 1309
2008. 1310

(c) The governing authority has entered into and maintains a 1311
contract with an operator of the type described in division 1312
~~(A)(2)~~(B) of section 3314.014 of the Revised Code. 1313

(d) The contract with that operator qualified the school to 1314
be established pursuant to division (A) of section 3314.016 of the 1315
Revised Code. 1316

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

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

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

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

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

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

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

buildings. 1348

(C) In the case where a community school is proposed to be 1349
located in a facility owned by a school district or educational 1350
service center, the facility may not be used for such community 1351
school unless the district or service center board owning the 1352
facility enters into an agreement for the community school to 1353
utilize the facility. Use of the facility may be under any terms 1354
and conditions agreed to by the district or service center board 1355
and the school. 1356

Sec. 3319.22. (A)(1) The state board of education shall issue 1357
the following educator licenses: 1358

(a) A resident educator license, which shall be valid for 1359
four years, except that the state board, on a case-by-case basis, 1360
may extend the license's duration as necessary to enable the 1361
license holder to complete the Ohio teacher residency program 1362
established under section 3319.223 of the Revised Code; 1363

(b) A professional educator license, which shall be valid for 1364
five years and shall be renewable; 1365

(c) A senior professional educator license, which shall be 1366
valid for five years and shall be renewable; 1367

(d) A lead professional educator license, which shall be 1368
valid for five years and shall be renewable. 1369

(2) The state board may issue any additional educator 1370
licenses of categories, types, and levels the board elects to 1371
provide. 1372

(3) The state board shall adopt rules establishing the 1373
standards and requirements for obtaining each educator license 1374
issued under this section. 1375

(B) The rules adopted under this section shall require at 1376
least the following standards and qualifications for the educator 1377

licenses described in division (A)(1) of this section:	1378
(1) An applicant for a resident educator license shall hold	1379
at least a bachelor's degree from an accredited teacher	1380
preparation program.	1381
(2) An applicant for a professional educator license shall:	1382
(a) Hold at least a bachelor's degree from an institution of	1383
higher education accredited by a regional accrediting	1384
organization;	1385
(b) Have successfully completed the Ohio teacher residency	1386
program established under section 3319.223 of the Revised Code, if	1387
the applicant's current or most recently issued license is a	1388
resident educator license issued under this section or an	1389
alternative resident educator license issued under section 3319.26	1390
of the Revised Code;	1391
(c) <u>Demonstrate that students in the applicant's classroom</u>	1392
<u>have achieved the applicable value-added measure specified in</u>	1393
<u>division (D) of this section.</u>	1394
(3) An applicant for a senior professional educator license	1395
shall:	1396
(a) Hold at least a master's degree from an institution of	1397
higher education accredited by a regional accrediting	1398
organization;	1399
(b) Have previously held a professional educator license	1400
issued under this section or section 3319.222 or under former	1401
section 3319.22 of the Revised Code;	1402
(c) Meet the criteria for the accomplished or distinguished	1403
level of performance, as described in the standards for teachers	1404
adopted by the state board under section 3319.61 of the Revised	1405
Code;	1406
(d) <u>Demonstrate that students in the applicant's classroom</u>	1407

<u>have achieved the applicable value-added measure specified in</u>	1408
<u>division (D) of this section.</u>	1409
(4) An applicant for a lead professional educator license shall:	1410
	1411
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	1412
	1413
	1414
(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;	1415
	1416
	1417
	1418
(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;	1419
	1420
	1421
(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;	1422
	1423
	1424
	1425
	1426
<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>	1427
	1428
	1429
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. <u>The rules adopted under this section for obtaining a principal license shall require that an applicant, as a condition of qualifying for the license, demonstrate that students in the applicant's classroom have achieved the applicable value-added measure specified in division (D) of this section, if the applicant is a classroom teacher seeking issuance of a new</u>	1430
	1431
	1432
	1433
	1434
	1435
	1436
	1437
	1438

principal license, or that students in the applicant's building 1439
have achieved the applicable value-added measure specified in that 1440
division, if the applicant is a principal seeking renewal of a 1441
principal license. 1442

(D) For the purpose of evaluating applicants for teacher and 1443
principal licenses under divisions (B) and (C) of this section, 1444
the state board shall use the following value-added measure: 1445

(1) For teachers who provide instruction to students in 1446
reading or mathematics in any of grades four to eight, one 1447
standard year of academic growth for the applicable grade level, 1448
as determined by the department of education in accordance with 1449
rules adopted under division (A) of section 3302.021 of the 1450
Revised Code, in each of those subject areas in which the teacher 1451
provides instruction; 1452

(2) For teachers who provide instruction in a course for 1453
which an end-of-course examination has been selected under section 1454
3301.0712 of the Revised Code, a standardized measure of 1455
improvement in student achievement designated by the 1456
superintendent of public instruction as applied to performance on 1457
that examination by students enrolled in the teacher's course. If 1458
a teacher provides instruction in more than one course for which 1459
an end-of-course examination has been selected, the measure shall 1460
account for student performance on each end-of-course examination 1461
administered in a course taught by the teacher. 1462

(3) For teachers to whom divisions (D)(1) and (2) of this 1463
section do not apply, a value-added measure designated by the 1464
superintendent of public instruction; 1465

(4) For principals of schools in which a majority of the 1466
grades offered are in the range from grade four to grade eight, 1467
one standard year of academic growth in reading and mathematics 1468
for each such grade level offered by the school, as determined by 1469

the department in accordance with rules adopted under division (A) 1470
of section 3302.021 of the Revised Code; 1471

(5) For principals of schools in which a majority of the 1472
grades offered are in the range from grade nine to grade twelve, a 1473
standardized measure of improvement in student achievement 1474
designated by the superintendent of public instruction as applied 1475
to student performance on all end-of-course examinations selected 1476
under section 3301.0712 of the Revised Code that are administered 1477
by the school; 1478

(6) For principals to whom divisions (D)(4) and (5) of this 1479
section do not apply, a value-added measure designated by the 1480
superintendent of public instruction. 1481

(E) If the state board requires any examinations for educator 1482
licensure, the department of education shall provide the results 1483
of such examinations received by the department to the chancellor 1484
of the Ohio board of regents, in the manner and to the extent 1485
permitted by state and federal law. 1486

~~(E)~~(F) Any rules the state board of education adopts, amends, 1487
or rescinds for educator licenses under this section, division (D) 1488
of section 3301.07 of the Revised Code, or any other law shall be 1489
adopted, amended, or rescinded under Chapter 119. of the Revised 1490
Code except as follows: 1491

(1) Notwithstanding division (D) of section 119.03 and 1492
division (A)(1) of section 119.04 of the Revised Code, in the case 1493
of the adoption of any rule or the amendment or rescission of any 1494
rule that necessitates institutions' offering preparation programs 1495
for educators and other school personnel that are approved by the 1496
chancellor of the Ohio board of regents under section 3333.048 of 1497
the Revised Code to revise the curriculum of those programs, the 1498
effective date shall not be as prescribed in division (D) of 1499
section 119.03 and division (A)(1) of section 119.04 of the 1500

Revised Code. Instead, the effective date of such rules, or the
amendment or rescission of such rules, shall be the date
prescribed by section 3333.048 of the Revised Code.

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

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

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

Not later than the effective date of the rules adopted under
this section, the board of education of each school district shall
establish the structure for one or more local professional
development committees to be operated by such school district. The

committee structure so established by a district board shall 1533
remain in effect unless within thirty days prior to an anniversary 1534
of the date upon which the current committee structure was 1535
established, the board provides notice to all affected district 1536
employees that the committee structure is to be modified. 1537
Professional development committees may have a district-level or 1538
building-level scope of operations, and may be established with 1539
regard to particular grade or age levels for which an educator 1540
license is designated. 1541

Each professional development committee shall consist of at 1542
least three classroom teachers employed by the district, one 1543
principal employed by the district, and one other employee of the 1544
district appointed by the district superintendent. For committees 1545
with a building-level scope, the teacher and principal members 1546
shall be assigned to that building, and the teacher members shall 1547
be elected by majority vote of the classroom teachers assigned to 1548
that building. For committees with a district-level scope, the 1549
teacher members shall be elected by majority vote of the classroom 1550
teachers of the district, and the principal member shall be 1551
elected by a majority vote of the principals of the district, 1552
unless there are two or fewer principals employed by the district, 1553
in which case the one or two principals employed shall serve on 1554
the committee. If a committee has a particular grade or age level 1555
scope, the teacher members shall be licensed to teach such grade 1556
or age levels, and shall be elected by majority vote of the 1557
classroom teachers holding such a license and the principal shall 1558
be elected by all principals serving in buildings where any such 1559
teachers serve. The district superintendent shall appoint a 1560
replacement to fill any vacancy that occurs on a professional 1561
development committee, except in the case of vacancies among the 1562
elected classroom teacher members, which shall be filled by vote 1563
of the remaining members of the committee so selected. 1564

Terms of office on professional development committees shall 1565
be prescribed by the district board establishing the committees. 1566
The conduct of elections for members of professional development 1567
committees shall be prescribed by the district board establishing 1568
the committees. A professional development committee may include 1569
additional members, except that the majority of members on each 1570
such committee shall be classroom teachers employed by the 1571
district. Any member appointed to fill a vacancy occurring prior 1572
to the expiration date of the term for which a predecessor was 1573
appointed shall hold office as a member for the remainder of that 1574
term. 1575

The initial meeting of any professional development 1576
committee, upon election and appointment of all committee members, 1577
shall be called by a member designated by the district 1578
superintendent. At this initial meeting, the committee shall 1579
select a chairperson and such other officers the committee deems 1580
necessary, and shall adopt rules for the conduct of its meetings. 1581
Thereafter, the committee shall meet at the call of the 1582
chairperson or upon the filing of a petition with the district 1583
superintendent signed by a majority of the committee members 1584
calling for the committee to meet. 1585

(3) In the case of a school district in which an exclusive 1586
representative has been established pursuant to Chapter 4117. of 1587
the Revised Code, professional development committees shall be 1588
established in accordance with any collective bargaining agreement 1589
in effect in the district that includes provisions for such 1590
committees. 1591

If the collective bargaining agreement does not specify a 1592
different method for the selection of teacher members of the 1593
committees, the exclusive representative of the district's 1594
teachers shall select the teacher members. 1595

If the collective bargaining agreement does not specify a 1596

different structure for the committees, the board of education of 1597
the school district shall establish the structure, including the 1598
number of committees and the number of teacher and administrative 1599
members on each committee; the specific administrative members to 1600
be part of each committee; whether the scope of the committees 1601
will be district levels, building levels, or by type of grade or 1602
age levels for which educator licenses are designated; the lengths 1603
of terms for members; the manner of filling vacancies on the 1604
committees; and the frequency and time and place of meetings. 1605
However, in all cases, except as provided in division ~~(F)~~(G)(4) of 1606
this section, there shall be a majority of teacher members of any 1607
professional development committee, there shall be at least five 1608
total members of any professional development committee, and the 1609
exclusive representative shall designate replacement members in 1610
the case of vacancies among teacher members, unless the collective 1611
bargaining agreement specifies a different method of selecting 1612
such replacements. 1613

(4) Whenever an administrator's coursework plan is being 1614
discussed or voted upon, the local professional development 1615
committee shall, at the request of one of its administrative 1616
members, cause a majority of the committee to consist of 1617
administrative members by reducing the number of teacher members 1618
voting on the plan. 1619

~~(G)~~(H)(1) The department of education, educational service 1620
centers, county boards of developmental disabilities, regional 1621
professional development centers, special education regional 1622
resource centers, college and university departments of education, 1623
head start programs, the eTech Ohio commission, and the Ohio 1624
education computer network may establish local professional 1625
development committees to determine whether the coursework 1626
proposed by their employees who are licensed or certificated under 1627
this section or section 3319.222 of the Revised Code, or under the 1628

former version of either section as it existed prior to ~~the~~ 1629
~~effective date of this amendment~~ October 16, 2009, meet the 1630
requirements of the rules adopted under this section. They may 1631
establish local professional development committees on their own 1632
or in collaboration with a school district or other agency having 1633
authority to establish them. 1634

Local professional development committees established by 1635
county boards of developmental disabilities shall be structured in 1636
a manner comparable to the structures prescribed for school 1637
districts in divisions ~~(F)~~(G)(2) and (3) of this section, as shall 1638
the committees established by any other entity specified in 1639
division ~~(G)~~(H)(1) of this section that provides educational 1640
services by employing or contracting for services of classroom 1641
teachers licensed or certificated under this section or section 1642
3319.222 of the Revised Code, or under the former version of 1643
either section as it existed prior to ~~the effective date of this~~ 1644
~~amendment~~ October 16, 2009. All other entities specified in 1645
division ~~(G)~~(H)(1) of this section shall structure their 1646
committees in accordance with guidelines which shall be issued by 1647
the state board. 1648

(2) Any public agency that is not specified in division 1649
~~(G)~~(H)(1) of this section but provides educational services and 1650
employs or contracts for services of classroom teachers licensed 1651
or certificated under this section or section 3319.222 of the 1652
Revised Code, or under the former version of either section as it 1653
existed prior to ~~the effective date of this amendment~~ October 16, 1654
2009, may establish a local professional development committee, 1655
subject to the approval of the department of education. The 1656
committee shall be structured in accordance with guidelines issued 1657
by the state board. 1658

Sec. 3319.223. (A) Not later than January 1, 2011, the 1659

superintendent of public instruction and the chancellor of the 1660
Ohio board of regents jointly shall establish the Ohio teacher 1661
residency program, which shall be a four-year, entry-level program 1662
for classroom teachers. The teacher residency program shall 1663
include at least the following components: 1664

(1) Mentoring by teachers who hold a lead professional 1665
educator license issued under section 3319.22 of the Revised Code; 1666

(2) Counseling to ensure that program participants receive 1667
needed professional development; 1668

(3) Use of measures of student academic gain to evaluate the 1669
effectiveness of program participants; 1670

(4) Measures of appropriate progression through the program. 1671

(B) The teacher residency program shall be aligned with the 1672
standards for teachers adopted by the state board of education 1673
under section 3319.61 of the Revised Code and best practices 1674
identified by the superintendent of public instruction. 1675

(C) Each person who holds a resident educator license issued 1676
under section 3319.22 of the Revised Code or an alternative 1677
resident educator license issued under section 3319.26 of the 1678
Revised Code shall participate in the teacher residency program. 1679
Successful completion of the program shall be required to qualify 1680
any such person for a professional educator license issued under 1681
section 3319.22 of the Revised Code. 1682

Sec. 3319.227. Notwithstanding any other provision of the 1683
Revised Code or any rule adopted by the state board of education 1684
to the contrary, the state board shall issue an initial 1685
professional educator license under section 3319.22 of the Revised 1686
Code to any applicant who has completed at least two years of 1687
teaching in another state as a participant in the teach for 1688
America program. 1689

Sec. 3319.61. (A) The educator standards board, in 1690
consultation with the chancellor of the Ohio board of regents, 1691
shall do all of the following: 1692

(1) Develop state standards for teachers and principals that 1693
reflect what teachers and principals are expected to know and be 1694
able to do at all stages of their careers. These standards shall 1695
be aligned with the statewide academic content standards for 1696
students adopted pursuant to section 3301.079 of the Revised Code, 1697
be primarily based on educator performance instead of years of 1698
experience or certain courses completed, and rely on 1699
evidence-based factors. These standards shall also be aligned with 1700
the operating standards adopted under division (D)(3) of section 1701
3301.07 of the Revised Code. 1702

(a) The standards for teachers shall reflect the following 1703
additional criteria: 1704

(i) Alignment with the interstate new teacher assessment and 1705
support consortium standards; 1706

(ii) Differentiation among novice, experienced, and advanced 1707
teachers; 1708

(iii) Reliance on competencies that can be measured; 1709

(iv) Reliance on content knowledge, teaching skills, 1710
discipline-specific teaching methods, and requirements for 1711
professional development; 1712

(v) Alignment with a career-long system of professional 1713
development and evaluation that ensures teachers receive the 1714
support and training needed to achieve the teaching standards as 1715
well as reliable feedback about how well they meet the standards; 1716

(vi) The standards under section 3301.079 of the Revised 1717
Code, including standards on collaborative learning environments 1718
and interdisciplinary, project-based, real-world learning and 1719

differentiated instruction;	1720
(vii) The Ohio leadership framework.	1721
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	1722 1723
(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.	1724 1725 1726 1727 1728 1729 1730
(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.	1731 1732 1733 1734 1735 1736 1737 1738
(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;	1739 1740
(5) Develop standards for educator professional development;	1741
(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies.	1742 1743 1744
The superintendent of public instruction, the chancellor of the Ohio board of regents, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.	1745 1746 1747 1748
(B) The educator standards board shall incorporate indicators	1749

of cultural competency into the standards developed under division 1750
(A) of this section. For this purpose, the educator standards 1751
board shall develop a definition of cultural competency based upon 1752
content and experiences that enable educators to know, understand, 1753
and appreciate the students, families, and communities that they 1754
serve and skills for addressing cultural diversity in ways that 1755
respond equitably and appropriately to the cultural needs of 1756
individual students. 1757

(C) In developing the standards under division (A) of this 1758
section, the educator standards board shall consider the impact of 1759
the standards on closing the achievement gap between students of 1760
different subgroups. 1761

(D) In developing the standards under division (A) of this 1762
section, the educator standards board shall ensure both of the 1763
following: 1764

(1) That teachers have sufficient knowledge to provide 1765
appropriate instruction for students identified as gifted pursuant 1766
to Chapter 3324. of the Revised Code and to assist in the 1767
identification of such students, and have sufficient knowledge 1768
that will enable teachers to provide learning opportunities for 1769
all children to succeed; 1770

(2) That principals, superintendents, school treasurers, and 1771
school business managers have sufficient knowledge to provide 1772
principled, collaborative, foresighted, and data-based leadership 1773
that will provide learning opportunities for all children to 1774
succeed. 1775

(E) The standards for educator professional development 1776
developed under division (A)(5) of this section shall include the 1777
following: 1778

(1) Standards for the inclusion of local professional 1779
development committees established under section 3319.22 of the 1780

Revised Code in the planning and design of professional development;	1781
	1782
(2) Standards that address the crucial link between academic achievement and mental health issues.	1783
	1784
(F) The educator standards board shall also perform the following functions:	1785
	1786
(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met;	1787
	1788
	1789
	1790
(2) Research, develop, and recommend policies on the professions of teaching and school administration;	1791
	1792
(3) Recommend policies to close the achievement gap between students of different subgroups;	1793
	1794
(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;	1795
	1796
(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to	1797
	1798
	1799
	1800
	1801
	1802
	1803
	1804
	1805
	1806
	1807
	1808
	1809
	1810
	1811

be recognized as a lead teacher, which shall not be the total 1812
number of criteria adopted by the board. 1813

(6) Develop model teacher and principal evaluation 1814
instruments and processes. The models shall be based on the 1815
standards developed under division (A) of this section. 1816

~~(7) Develop a method of measuring the academic improvement 1817
made by individual students during a one-year period and make 1818
recommendations for incorporating the measurement as one of 1819
multiple evaluation criteria into each of the following. 1820~~

~~(a) Eligibility for a professional educator license, senior 1821
professional educator license, lead professional educator license, 1822
or principal license issued under section 3319.22 of the Revised 1823
Code. 1824~~

~~(b) The Ohio teacher residency program established under 1825
section 3319.223 of the Revised Code. 1826~~

~~(c) The model teacher and principal evaluation instruments 1827
and processes developed under division (F)(6) of this section and 1828
shall utilize multiple evaluation criteria, with student 1829
performance over time, as determined by value-added data or other 1830
appropriate measures of student achievement gains, counting for 1831
fifty per cent of the teacher's or principal's overall evaluation. 1832~~

(G) The educator standards board shall submit recommendations 1833
of standards developed under division (A) of this section to the 1834
state board of education not later than September 1, 2010. The 1835
state board of education shall review those recommendations at the 1836
state board's regular meeting that next succeeds the date that the 1837
recommendations are submitted to the state board. At that meeting, 1838
the state board of education shall vote to either adopt standards 1839
based on those recommendations or request that the educator 1840
standards board reconsider its recommendations. The state board of 1841
education shall articulate reasons for requesting reconsideration 1842

of the recommendations but shall not direct the content of the 1843
recommendations. The educator standards board shall reconsider its 1844
recommendations if the state board of education so requests, may 1845
revise the recommendations, and shall resubmit the 1846
recommendations, whether revised or not, to the state board not 1847
later than two weeks prior to the state board's regular meeting 1848
that next succeeds the meeting at which the state board requested 1849
reconsideration of the initial recommendations. The state board of 1850
education shall review the recommendations as resubmitted by the 1851
educator standards board at the state board's regular meeting that 1852
next succeeds the meeting at which the state board requested 1853
reconsideration of the initial recommendations and may adopt the 1854
standards as resubmitted or, if the resubmitted standards have not 1855
addressed the state board's concerns, the state board may modify 1856
the standards prior to adopting them. The state board shall adopt 1857
standards under this section in accordance with Chapter 119. of 1858
the Revised Code. The final responsibility to determine whether to 1859
adopt standards as described in division (A) of this section and 1860
the content of those standards, if adopted, belongs solely to the 1861
state board of education. 1862

Sec. 3333.0410. The chancellor of the Ohio board of regents 1863
shall require each state institution of higher education, as 1864
defined in section 3345.011 of the Revised Code, when reporting 1865
student data to the chancellor under any provision of law, to use 1866
the student's data verification code assigned under division 1867
(D)(2) of section 3301.0714 of the Revised Code, if that code was 1868
included in the student's records submitted to the institution by 1869
the student's high school or by another state institution of 1870
higher education. 1871

Section 2. That existing sections 3301.0714, 3314.013, 1872
3314.014, 3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 1873

3319.223, and 3319.61 of the Revised Code are hereby repealed. 1874

Section 3. Section 3314.014 of the Revised Code is presented 1875
in this act as a composite of the section as amended by both Am. 1876
Sub. H.B. 79 and Am. Sub. H.B. 276 of the 126th General Assembly. 1877
The General Assembly, applying the principle stated in division 1878
(B) of section 1.52 of the Revised Code that amendments are to be 1879
harmonized if reasonably capable of simultaneous operation, finds 1880
that the composite is the resulting version of the section in 1881
effect prior to the effective date of the section as presented in 1882
this act. 1883

Section 4. Section 3319.22 of the Revised Code is presented 1884
in this act as a composite of the section as amended by both Am. 1885
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1886
General Assembly, applying the principle stated in division (B) of 1887
section 1.52 of the Revised Code that amendments are to be 1888
harmonized if reasonably capable of simultaneous operation, finds 1889
that the composite is the resulting version of the section in 1890
effect prior to the effective date of the section as presented in 1891
this act. 1892