

As Introduced

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Senator Sawyer

**Cosponsors: Senators Cates, Miller, R., Turner, Morano, Seitz, Smith,
Miller, D., Schiavoni, Goodman, Cafaro, Kearney**

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A B I L L

To enact section 3314.019 of the Revised Code to 1
permit the establishment of a community school to 2
serve adults of school age who are incarcerated or 3
who have been released from the custody of the 4
Department of Youth Services and to declare an 5
emergency. 6

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

Section 1. That section 3314.019 of the Revised Code be 7
enacted to read as follows: 8

Sec. 3314.019. (A) As used in this section: 9

(1) "Formula ADM" has the same meaning as in section 3306.02 10
of the Revised Code. 11

(2) "State correctional institution" has the same meaning as 12
in section 2967.01 of the Revised Code. 13

(B) A new start-up school sponsored by an entity described in 14
divisions (C)(1)(a) to (e) of section 3314.02 of the Revised Code 15
may be established in accordance with this section to serve 16
persons who are at least eighteen years of age but less than 17

twenty-two years of age and have been released from an institution 18
maintained by the department of youth services or are confined in 19
a state correctional institution. 20

(C) The educational program of a community school established 21
under this section shall be based on a curriculum that has a 22
demonstrated record of success in improving student achievement 23
and lowering recidivism and that emphasizes conflict resolution, 24
strengthened interpersonal communication and relationships, 25
personal responsibility, independence, and positive community 26
involvement. The educational program shall enable students to earn 27
high school credits and to complete the requirements for a high 28
school diploma under section 3313.61 of the Revised Code. Upon 29
successful completion of the program, in addition to a high school 30
diploma, students shall be awarded a certificate of achievement 31
and future employability, which may include a summary of the 32
student's education and work skills, information on bonding 33
programs and tax credits available under the Revised Code or 34
federal law for employers who hire persons who were formerly 35
institutionalized or incarcerated, and any other information 36
designated by the school's governing authority. 37

(D) Notwithstanding anything in the Revised Code to the 38
contrary, all of the following apply to a community school 39
established under this section: 40

(1) The school shall be established in two or more school 41
districts. 42

(2)(a) To enable the school to serve students while 43
incarcerated and while reintegrating into the community following 44
release from an institution maintained by the department of youth 45
services or a state correctional institution, the school's 46
governing authority shall maintain at least one facility on the 47
site of a state correctional institution and at least one 48
community-based facility that is not on the site of such an 49

institution and is located in a big-eight school district. 50

(b) The school's governing authority shall consult with the 51
department of rehabilitation and correction to identify state 52
correctional institutions at which the governing authority may 53
maintain a facility and the department shall allocate space in the 54
identified institutions for use by the school. Each facility 55
located on the site of a state correctional institution shall be a 56
single-gender facility and the governing authority shall ensure 57
that comparable facilities and learning opportunities are provided 58
for each gender. 59

(c)(i) Until July 1, 2013, the school shall establish not 60
more than two community-based facilities. On and after that date, 61
the school may establish any number of additional community-based 62
facilities, subject to division (D)(2)(c)(iii) of this section. 63
Nothing in division (D)(2)(c)(i) of this section shall prohibit 64
the school from initiating the process described in division 65
(D)(2)(c)(iii) of this section prior to July 1, 2013, for the 66
purpose of establishing a community-based facility on or after 67
that date. 68

(ii) If the school initially opens for operation in the 69
2010-2011 school year, the governing authority shall locate the 70
school's first community-based facility in the Columbus city 71
school district and shall not be required to comply with division 72
(D)(2)(c)(iii) of this section with respect to that facility. 73
However, if the governing authority seeks to establish any 74
additional community-based facilities, in that district or in any 75
other district, the governing authority shall comply with that 76
division with respect to each of those facilities. 77

(iii) Except as otherwise provided in division (D)(2)(c)(ii) 78
of this section, prior to establishing any community-based 79
facility, the school's governing authority shall obtain the 80
approval of the board of education of the big-eight school 81

district in which the governing authority is considering locating 82
the facility. For this purpose, not later than the fifteenth day 83
of April prior to the school year in which the facility will open 84
for operation, the governing authority shall notify the board of 85
education of each big-eight school district under consideration as 86
a potential location for the facility of the governing authority's 87
interest in locating the facility in that district. Not later than 88
sixty days after the notification, the board shall hold a public 89
hearing on the matter of locating the facility in the district and 90
shall vote on the question of whether to allow the governing 91
authority to locate the facility there. If the board votes against 92
allowing the governing authority to locate the facility in the 93
district, the governing authority shall not locate the facility in 94
the district. 95

(d) The school's governing authority may assign students in 96
the same grade level to multiple facilities. 97

(3) The school shall not be subject to division (A) of 98
section 3314.016 of the Revised Code. However, the school's 99
governing authority shall enter into a contract with a nonprofit 100
organization that has at least ten years of experience in the 101
fields of education and corrections and has been a contractor of 102
the department of rehabilitation and correction to serve persons 103
in the department's custody. The nonprofit organization shall be 104
responsible for directing the school's educational concept, 105
curriculum, and instructional practices and for any other aspects 106
of the school's daily operations designated by the school's 107
governing authority. The nonprofit organization with which the 108
governing authority contracts under this division shall be 109
considered an operator for purposes of this chapter. 110

(4)(a) The school shall enroll only persons who meet the 111
following criteria: 112

(i) The person has acquired sufficient high school credits 113

relative to the person's age that the person is reasonably 114
expected to complete the curriculum requirements for a high school 115
diploma prior to attaining twenty-two years of age. 116

(ii) If the person is in a state correctional institution, 117
the person agrees in writing to continue enrollment at the 118
school's community-based facility following the person's release 119
from the institution. 120

Nothing in division (D)(4)(a) of this section shall prohibit 121
the school from enrolling persons who were not residents of this 122
state immediately prior to being placed in the custody of an 123
institution maintained by the department of youth services or 124
incarcerated, subject to division (E)(5) of this section. 125

(b) If the number of applicants for enrollment exceeds the 126
school's capacity, students shall be admitted by lot from all 127
those submitting applications, except preference shall be given to 128
persons who, prior to being institutionalized or incarcerated, 129
were residents of school districts with a graduation rate, as 130
defined in section 3301.0711 of the Revised Code, of ninety per 131
cent or less. 132

(c) The department of youth services and the department of 133
rehabilitation and correction shall assist the school's governing 134
authority in identifying persons who meet the eligibility criteria 135
for enrollment in the school. If necessary, upon a person's 136
enrollment, the department of rehabilitation and correction shall 137
reassign the person to a state correctional institution at which 138
the school maintains a facility. 139

(5) The school's governing authority may employ a person who 140
has been convicted of or pleaded guilty to an offense described in 141
division (B)(1) of section 3319.39 of the Revised Code under the 142
following conditions: 143

(a) The person is a graduate of the school or another 144

educational program provided by the nonprofit organization 145
described in division (D)(3) of this section. 146

(b) The person has received training in using the person's 147
experiences as an instructional tool and educational intervention 148
for students. 149

(c) During any period of time in which the person will have 150
routine interaction with a student or regular responsibility for 151
the care, custody, or control of a student, the person shall be 152
supervised by an employee of the school who holds a teacher 153
license issued by the state board of education under section 154
3319.22 or 3319.222 or former section 3319.22 of the Revised Code 155
or by an employee of the state correctional institution at which 156
the school is located. 157

(6) The school's governing authority shall be permanently 158
responsible for providing student transportation to the school's 159
community-based facility in accordance with a transportation 160
policy established by the governing authority. The governing 161
authority shall comply with either division (A) or (B) of section 162
3314.091 of the Revised Code in assuming the transportation 163
responsibility, and the school shall be eligible for any payments 164
authorized under that section. The school shall not be entitled to 165
any payment for the provision of transportation from the school 166
district in which the community-based facility is located, except 167
as otherwise authorized under section 3314.091 of the Revised 168
Code. 169

(E) Notwithstanding anything in this chapter or Chapter 3306. 170
or 3317. of the Revised Code to the contrary, all of the following 171
apply in the case of each student enrolled in a community school 172
established under this section: 173

(1) For purposes of the report required under division (B)(2) 174
of section 3314.08 of the Revised Code, the community school shall 175

report the following: 176

(a) If the student was a resident of this state immediately 177
prior to being placed in the custody of an institution maintained 178
by the department of youth services or incarcerated, the name of 179
the school district in which the student was entitled to attend 180
school under section 3313.64 or 3313.65 of the Revised Code at 181
that time. The school district reported shall not be the district 182
in which the student was last known to be enrolled or the district 183
in which the offense that led to the student's 184
institutionalization or incarceration was committed, unless that 185
district is the same district in which the student was entitled to 186
attend school under section 3313.64 or 3313.65 of the Revised Code 187
immediately prior to being institutionalized or incarcerated. The 188
school district reported shall not change, regardless of whether 189
the school district in which the student resides after the 190
student's release from institutionalization or incarceration is 191
different from the school district reported. 192

(b) If the student was not a resident of this state 193
immediately prior to being institutionalized or incarcerated, the 194
fact that the student was not a resident at that time; 195

(c) If the school cannot determine the student's residency 196
status immediately prior to being institutionalized or 197
incarcerated, the fact that the student's residency status is 198
unknown. 199

(2) In the case of each student to whom division (E)(1)(a) of 200
this section applies, the department of education shall include 201
the student in the formula ADM of the school district reported 202
under that division. The student shall not be included in the 203
formula ADM of any other school district. 204

In the case of each student to whom division (E)(1)(b) or (c) 205
of this section applies, the department shall not include the 206

student in the formula ADM of any school district. 207

(3) Subject to section 3314.088 of the Revised Code, the 208
department of education shall deduct the applicable amounts 209
prescribed under division (C) of section 3314.08 of the Revised 210
Code from the school district in whose formula ADM the student was 211
included under division (E)(2) of this section and shall not 212
deduct any amount for the student from any other school district. 213
If the student was not included in the formula ADM of a school 214
district under division (E)(2) of this section, the department 215
shall not make any deduction for the student under this division. 216

(4) Subject to section 3314.088 of the Revised Code, the 217
department of education shall make the payments prescribed in 218
divisions (D) and (E) of section 3314.08 of the Revised Code to 219
the community school. If the student was not included in the 220
formula ADM of a school district under division (E)(2) of this 221
section, the department shall not make any payment for the student 222
under this division. 223

(5) In the case of each student to whom division (E)(1)(b) or 224
(c) of this section applies, the community school shall be 225
responsible for the total cost of educating the student and may 226
apply for and receive funding from any public or private entity to 227
defray that cost. 228

(6) No state correctional institution shall be entitled to 229
tuition payments under section 3323.091 of the Revised Code for 230
the student. 231

(F) Except as otherwise provided in this section, a community 232
school established under this section shall comply with all 233
requirements of this chapter. 234

Section 2. This act is hereby declared to be an emergency 235
measure necessary for the immediate preservation of the public 236

peace, health, and safety. The reason for such necessity is that 237
federal grant money is available to help pay the costs of 238
establishing and operating a community school described in this 239
act that is prepared to open in the 2010-2011 school year. 240
Therefore, this act shall go into immediate effect. 241