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Representatives Schuring, Letson

Cosponsors: Representatives Derickson, Hall, Combs, Stebelton, Yuko, Hollington, Fende, Antonio, Adams, J., Adams, R., Anielski, Barnes, Beck, Boose, Brenner, Bubp, Buchy, Budish, Carney, Celeste, Dovilla, Driehaus, Fedor, Gardner, Garland, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Henne, Hottinger, Kozlowski, Luckie, Lundy, Mallory, McClain, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Peterson, Pillich, Ramos, Reece, Roegner, Ruhl, Slaby, Slesnick, Stinziano,

Weddington, Williams, Winburn, Young Speaker Batchelder

Senators Hite, Brown, Coley, Gentile, Hughes, Jones, Kearney, Obhof, Patton, Sawyer, Schiavoni, Seitz, Turner, Wagoner

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A B I L L

To amend sections 3311.05, 3311.0510, 3313.376,	1
3313.843, 3317.11, 3318.60, 3319.07, 3326.45,	2
3328.01, 3328.02, 3328.12, 3328.13, 3328.14,	3
3328.15, 3328.23, 3328.24, 3328.34, 3328.36, and	4
3328.41 and to enact sections 3318.61 and 3319.80	5
of the Revised Code to authorize educational	6
service centers to provide teacher professional	7
development on dyslexia, to make changes regarding	8
the relationship between educational service	9
centers and their client school districts, to make	10
changes to the operation of public	11
college-preparatory boarding schools and the	12
College-Preparatory Boarding School Facilities	13
Program, and to declare an emergency.	14

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

Section 1. That sections 3311.05, 3311.0510, 3313.376, 3313.843, 3317.11, 3318.60, 3319.07, 3326.45, 3328.01, 3328.02, 3328.12, 3328.13, 3328.14, 3328.15, 3328.23, 3328.24, 3328.34, 3328.36, and 3328.41 be amended and sections 3318.61 and 3319.80 of the Revised Code be enacted to read as follows:	15 16 17 18 19
 Sec. 3311.05. (A) The territory within the territorial limits of a county, or the territory included in a district formed under section 3311.053 of the Revised Code, exclusive of the territory embraced in any city school district or exempted village school district, and excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes constitutes an educational service center. <u>If the</u> <u>educational service center in which the territory of a local</u> <u>school district is located is dissolved under section 3311.0510 of</u> <u>the Revised Code, the territory of that local school district</u> <u>shall not constitute part of any educational service center.</u>	20 21 22 23 24 25 26 27 28 29 30
(B) A county school financing district created under section 3311.50 of the Revised Code is not the school district described in division (A) of this section or any other school district but is a taxing district.	31 32 33 34
 Sec. 3311.0510. (A) If all of the local client school districts that make up the territory of an educational service center have severed from the territory of that terminated their agreements with the service center under division (D) of section 3313.843 of the Revised Code , upon the <u>latest</u> effective date of the severance of the last remaining local school district to make up the territory of the service center terminations , the governing board of that service center shall be abolished and such service	35 36 37 38 39 40 41 42

center shall be dissolved by order of the superintendent of public 43
instruction. The superintendent's order shall provide for the 44
equitable division and disposition of the assets, property, debts, 45
and obligations of the service center among the ~~local~~ school 46
districts, ~~of which the territory of the service center is or~~ 47
~~previously was made up, and the city and exempted village school~~ 48
~~districts with which the service center had agreements under~~ 49
~~section 3313.843 of the Revised Code that were client school~~ 50
districts of the service center for the service center's last 51
fiscal year of operation. The superintendent's order shall provide 52
that the tax duplicate of each of those school districts shall be 53
bound for and assume the district's equitable share of the 54
outstanding indebtedness of the service center. The 55
superintendent's order is final and is not appealable. 56

Immediately upon the abolishment of the service center 57
governing board pursuant to this section, the superintendent of 58
public instruction shall appoint a qualified individual to 59
administer the dissolution of the service center and to implement 60
the terms of the superintendent's dissolution order. 61

Prior to distributing assets to any school district under 62
this section, but after paying in full other debts and obligations 63
of the service center under this section, the superintendent of 64
public instruction may assess against the remaining assets of the 65
service center the amount of the costs incurred by the department 66
of education in performing the superintendent's duties under this 67
division, including the fees, if any, owed to the individual 68
appointed to administer the superintendent's dissolution order. 69
Any excess cost incurred by the department under this division 70
shall be divided equitably among the ~~local~~ school districts, ~~of~~ 71
~~which the territory of the service center is or previously was~~ 72
~~made up, and the city and exempted village school districts with~~ 73
~~which the service center had agreements under section 3313.843 of~~ 74

the Revised Code that were client school districts of the service center for the service center's last fiscal year of operation.	75 76
Each district's share of that excess cost shall be bound against the tax duplicate of that district.	77 78
(B) A final audit of the former service center shall be performed in accordance with procedures established by the auditor of state.	79 80 81
(C) The public records of an educational service center that is dissolved under this section shall be transferred in accordance with this division. Public records maintained by the service center in connection with services provided by the service center to local school districts of which the territory of the service center is or previously was made up shall be transferred to each of the respective local school districts. Public records maintained by the service center in connection with services provided under an agreement with a city or exempted village school district pursuant to section 3313.843 of the Revised Code to client school districts shall be transferred to each of the respective city or exempted village client school districts. All other public records maintained by the service center at the time the service center ceases operations shall be transferred to the Ohio historical society for analysis and disposition by the society in its capacity as archives administrator for the state and its political subdivisions pursuant to division (C) of section 149.30 and section 149.31 of the Revised Code.	82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99
(D) As used in this section, "client school district" has the same meaning as in section 3317.11 of the Revised Code.	100 101
Sec. 3313.376. As used in this section, "client school district" means a city or exempted village school district that has entered into an agreement with an educational service center pursuant to has the same meaning as in section 3313.843 3317.11 of	102 103 104 105

the Revised Code.	106
For the purpose of obtaining quantity discounts in purchasing textbooks; computer equipment, including computer software; school buses; and natural gas, electricity, and other utility services, the governing boards of two or more educational service centers may enter into agreements, including installment purchase and lease-purchase contracts, to jointly purchase such commodities to be utilized by local school districts, or by client <u>school</u> districts, being served by <u>of</u> the educational service centers.	107 108 109 110 111 112 113 114
Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.	115 116 117
(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	118 119 120 121 122 123 124
(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	125 126 127 128 129 130
(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board	131 132 133 134 135 136

employs teachers pursuant to section 3319.02 of the Revised Code; 137
assistance in the provision of special accommodations and classes 138
for students with disabilities; or any other services the district 139
board and service center governing board agree can be better 140
provided by the service center and are not provided under an 141
agreement entered into under section 3313.845 of the Revised Code. 142
Services included in the agreement shall be provided to the 143
district in the manner specified in the agreement. The district 144
board of education shall reimburse the educational service center 145
governing board pursuant to section 3317.11 of the Revised Code. 146

(C) Any agreement entered into pursuant to this section shall 147
be filed with the department of education by the first day of July 148
of the school year for which the agreement is in effect. 149

(D)(1) An agreement for services from an educational service 150
center entered into under this section may be terminated by the 151
school district board of education, at its option, by notifying 152
the governing board of the service center by January March 1, 153
2012, or by the first day of January of any odd-numbered year 154
thereafter, that the district board intends to terminate the 155
agreement in that year, and that termination shall be effective on 156
the thirtieth day of June of that year. The failure of a district 157
board to notify an educational service center of its intent to 158
terminate an agreement by March 1, 2012, shall result in renewal 159
of the existing agreement for the following school year. 160
Thereafter, the failure of a district board to notify an 161
educational service center of its intent to terminate an agreement 162
by the first day of January of an odd-numbered year shall result 163
in renewal of the existing agreement for the following two school 164
years. 165

(2) If the school district that terminates an agreement for 166
services under division (D)(1) of this section is also subject to 167
the requirement of division (B)(1) of this section, the district 168

board shall enter into a new agreement with a different 169
educational service center so that the new agreement is effective 170
on the first day of July of that same year. 171

Sec. 3317.11. (A) As used in this section: 172

(1) "Client school district" means a city ~~or~~ exempted 173
~~village, or local~~ school district that has entered into an 174
agreement under section 3313.843 of the Revised Code to receive 175
any services from an educational service center. 176

(2) "Service center ADM" means the sum of the total student 177
counts of all ~~local school districts within of~~ an educational 178
service center's ~~territory and all of the service center's~~ client 179
school districts. 180

(3) "STEM school" means a science, technology, engineering, 181
and mathematics school established under Chapter 3326. of the 182
Revised Code. 183

(4) "Total student count" has the same meaning as in section 184
3301.011 of the Revised Code. 185

(B)(1) The governing board of each educational service center 186
shall provide supervisory services to each ~~local of its client~~ 187
~~school district within the service center's territory. Each city~~ 188
~~or exempted village school district that enters into an agreement~~ 189
~~under section 3313.843 of the Revised Code for a governing board~~ 190
~~to provide any services also is considered to be provided~~ 191
~~supervisory services by the governing board districts.~~ Except as 192
provided in division (B)(2) of this section, the supervisory 193
services shall not exceed one supervisory teacher for the first 194
fifty classroom teachers required to be employed in the districts, 195
as calculated in the manner prescribed under former division (B) 196
of section 3317.023 of the Revised Code, as that division existed 197
prior to ~~the effective date of this amendment June 30, 2011~~, and 198

one for each additional one hundred required classroom teachers, 199
as so calculated. 200

The supervisory services shall be financed annually through 201
supervisory units. Except as provided in division (B)(2) of this 202
section, the number of supervisory units assigned to each district 203
shall not exceed one unit for the first fifty classroom teachers 204
required to be employed in the district, as calculated in the 205
manner prescribed under former division (B) of section 3317.023 of 206
the Revised Code, as that division existed prior to ~~the effective~~ 207
~~date of this amendment June 30, 2011~~, and one for each additional 208
one hundred required classroom teachers, as so calculated. The 209
cost of each supervisory unit shall be the sum of: 210

(a) The minimum salary prescribed by section 3317.13 of the 211
Revised Code for the licensed supervisory employee of the 212
governing board; 213

(b) An amount equal to fifteen per cent of that salary; 214

(c) An allowance for necessary travel expenses, limited to 215
the lesser of two hundred twenty-three dollars and sixteen cents 216
per month or two thousand six hundred seventy-eight dollars per 217
year. 218

(2) If a majority of the boards of education, or 219
superintendents acting on behalf of the boards, of the ~~local and~~ 220
client school districts receiving services from the educational 221
service center agree to receive additional supervisory services 222
and to pay the cost of a corresponding number of supervisory units 223
in excess of the services and units specified in division (B)(1) 224
of this section, the service center shall provide the additional 225
services as agreed to by the majority of districts to, and the 226
department of education shall apportion the cost of the 227
corresponding number of additional supervisory units pursuant to 228
division (B)(3) of this section among, all of the service center's 229

local and client school districts.	230
(3) The department shall apportion the total cost for all supervisory units among the service center's local and client school districts based on each district's total student count. The department shall deduct each district's apportioned share pursuant to division (B) of section 3317.023 of the Revised Code and pay the apportioned share to the service center.	231 232 233 234 235 236
(C) The department annually shall deduct from each local and client school district of each educational service center, pursuant to division (B) of section 3317.023 of the Revised Code, and pay to the service center an amount equal to six dollars and fifty cents times the school district's total student count. The board of education, or the superintendent acting on behalf of the board, of any local or client school district may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the local service center's client school districts within a service center's territory approve an amount in excess of six dollars and fifty cents per student in total student count, the department shall deduct the approved excess per student amount from all of the local service center's client school districts within the service center's territory and pay the excess amount to the service center.	237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253
(D) The department shall pay each educational service center the amounts due to it from school districts pursuant to contracts, compacts, or agreements under which the service center furnishes services to the districts or their students. In order to receive payment under this division, an educational service center shall furnish either a copy of the contract, compact, or agreement clearly indicating the amounts of the payments, or a written statement that clearly indicates the payments owed and is signed	254 255 256 257 258 259 260 261

by the superintendent or treasurer of the responsible school district. The amounts paid to service centers under this division shall be deducted from payments to school districts pursuant to division (H)(3) of section 3317.023 of the Revised Code.	262 263 264 265
(E) Each school district's deduction under this section and divisions (B) and (H)(3) of section 3317.023 of the Revised Code shall be made from the total payment computed for the district under this chapter, after making any other adjustments in that payment required by law.	266 267 268 269 270
(F)(1) Except as provided in division (F)(2) of this section, the department annually shall pay the governing board of each educational service center state funds equal to thirty-seven dollars times its service center ADM.	271 272 273 274
(2) The department annually shall pay state funds equal to forty dollars and fifty-two cents times the service center ADM to each educational service center comprising territory that was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers under section 3311.053 of the Revised Code to form the present center.	275 276 277 278 279 280 281
(G) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for each child enrolled in the district who receives special education and related services or career-technical education from the educational service center, unless these educational services are provided pursuant to a contract, compact, or agreement for which the department deducts and transfers payments under division (D) of this section and division (H)(3) of section 3317.023 of the Revised Code.	282 283 284 285 286 287 288 289 290 291
(H) The department annually shall pay the governing board of	292

each educational service center that has entered into a contract with a STEM school for the provision of services described in division (B) of section 3326.45 of the Revised Code state funds equal to the per-pupil amount specified in the contract for the provision of those services times the number of students enrolled in the STEM school.	293 294 295 296 297 298
(I) An educational service center:	299
(1) May provide special education and career-technical education to students in its local or client school districts;	300 301
(2) Is eligible for transportation funding under division (C) of section 3317.024 of the Revised Code;	302 303
(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;	304 305 306
(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.	307 308
Sec. 3318.60. (A) As used in this section <u>and section 3318.61</u> <u>of the Revised Code:</u>	309 310
(1) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities.	311 312 313
(2) "Ohio school facilities commission" and "classroom facilities" have the same meanings as in section 3318.01 of the Revised Code.	314 315 316
(B) There is hereby established the college-preparatory boarding school facilities program. Under the program, the Ohio school facilities commission shall provide assistance to the boards of trustees of college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the acquisition of classroom facilities.	317 318 319 320 321 322

(C) To be eligible for assistance under this program, a board of trustees shall secure at least twenty million dollars of private money to satisfy its share of facilities acquisition. A board of trustees that receives assistance under the program shall fund the acquisition of residential facilities and any other facilities other than classroom facilities through private means.	323 324 325 326 327 328
(D) The lease payments made by the boards of trustees of college preparatory boarding schools receiving assistance under the program shall be deposited into the state treasury and credited to the common schools capital facilities bond service fund created in section 151.03 of the Revised Code.	329 330 331 332 333
(E) The acquisition of classroom facilities with assistance provided under the <u>The</u> program shall not be subject to <u>comply with</u> sections 3318.01 to 3318.20 of the Revised Code, <u>except as follows:</u>	334 335 336 337
(1) <u>The commission, in consultation with the board of trustees of a college-preparatory boarding school, shall determine the basic project cost based on all campus facilities needed for the school's programs and operations and shall take into account any unique spaces or square footages needed for such facilities when calculating the basic project cost. Regardless of the inclusion of nonclassroom facilities in the calculation of the basic project cost, state funds provided under the program shall be used only to pay for the acquisition of classroom facilities that do not exceed the construction and design standards established by the commission.</u>	338 339 340 341 342 343 344 345 346 347 348
(2) <u>To be eligible for assistance under the program, the board of trustees of a college-preparatory boarding school shall secure at least twenty million dollars of private money to satisfy its share of the basic project cost. Funds provided by the board may be used for any type of facility.</u>	349 350 351 352 353

<u>(3) A college-preparatory boarding school shall not be included in the ranking required by section 3318.011 of the Revised Code. The commission shall initiate procedures for the school's project when the contract required by section 3328.12 of the Revised Code has been executed.</u>	354 355 356 357 358
<u>(4) No requirement related to the issuance of bonds or securities or the levying of taxes by a school district shall apply to a college-preparatory boarding school or its board of trustees.</u>	359 360 361 362
<u>(5) The agreement entered into by the commission with the board of trustees of a college-preparatory boarding school under section 3318.08 of the Revised Code shall provide for termination of the contract and release of the funds encumbered at the time of the project's conditional approval, if the board fails to secure the amount specified in division (C)(2) of this section within such period after the execution of the agreement as may be fixed by the commission.</u>	363 364 365 366 367 368 369 370
<u>(F)(D) Within the ninety-day period immediately following the effective date of this section, the commission shall adopt rules necessary for the implementation and administration of the program.</u>	371 372 373 374
<u>Sec. 3318.61. (A) In lieu of participating in the college-preparatory boarding school facilities program under section 3318.60 of the Revised Code, if the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code has leased, purchased, or otherwise acquired a site for the school, the board of trustees may request approval from the Ohio school facilities commission for the board of trustees and the commission to enter into an agreement with a person or entity for the development of the site, under which agreement all of the following shall occur:</u>	375 376 377 378 379 380 381 382 383 384

<u>(1) The board of trustees will lease the site and any facilities located on that site to the person or entity for the purpose of enabling the person or entity to provide the campus facilities needed for the school's programs and operations by constructing new facilities on the site; reconstructing, repairing, or making additions to the existing facilities on the site; or both.</u>	385
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<u>(2) The person or entity will lease the site and any new or existing facilities located on that site back to the board of trustees for use by the school.</u>	392
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<u>(3) The commission will pay the board of trustees state funds for the cost of acquisition of classroom facilities on the site and the board of trustees will use those funds to make rent payments on the lease provided by the person or entity. As agreed to by the commission and the board of trustees, the commission may pay the state funds to the board of trustees in periodic installments or as one lump sum in an amount equal to the outstanding balance on the lease for classroom facilities.</u>	395
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<u>(B) The commission shall approve the request of the board of trustees under division (A) of this section only if the following conditions are satisfied:</u>	403
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<u>(1) The person or entity that would be party to the agreement submits to the board of trustees and the commission a plan for developing the site that includes the following:</u>	406
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<u>(a) Provision for installation of site utilities that meet the requirements of all applicable laws;</u>	409
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<u>(b) A description of the facilities that will be constructed, reconstructed, repaired, or added to and their total square footage;</u>	411
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<u>(c) A description of how the facilities will enable the board of trustees to provide the educational program described in</u>	414
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<u>section 3328.22 of the Revised Code;</u>	416
<u>(d) Provision for securing property and liability insurance for the facilities;</u>	417 418
<u>(e) A description of how the development of the site will be financed by the person or entity;</u>	419 420
<u>(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years, and the monthly rent that will be owed to the person or entity for that lease.</u>	421 422 423 424
<u>(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.</u>	425 426 427 428 429
<u>(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.</u>	430 431 432
<u>(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.</u>	433 434 435 436
<u>(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:</u>	437 438 439 440
<u>(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and proceed according to a schedule specified in the agreement;</u>	441 442 443
<u>(2) A stipulation that failure of the person or entity developing the site to comply with the schedule shall be grounds</u>	444 445

<u>for termination of the agreement;</u>	446
<u>(3) A provision specifying which party to the agreement owns the facilities located on the site if the school closes prior to the expiration of the agreement and a provision indicating the period of time after the school's closure, if any, during which rent payments will continue to be paid to the person or entity developing the site.</u>	447 448 449 450 451 452
Sec. 3319.07. (A) The board of education of each city, exempted village, local, and joint vocational school district shall employ the teachers of the public schools of their respective districts.	453 454 455 456
The governing board of each educational service center may employ special instruction teachers, special education teachers, and teachers of academic courses in which there are too few students in each of the constituent local school districts or in city or exempted village school districts entering into agreements pursuant to section 3313.843 of the Revised Code to warrant each district's employing teachers for those courses.	457 458 459 460 461 462 463
When any board makes appointments of teachers, the teachers in the employ of the board shall be considered before new teachers are chosen in their stead. In all school districts and in service centers no teacher shall be employed unless such person is nominated by the superintendent of such district or center. Such board, by a three-fourths vote of its full membership, may re-employ any teacher whom the superintendent refuses to appoint.	464 465 466 467 468 469 470
(B) The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for teacher positions.	471 472 473 474
Sec. 3319.80. (A) The governing board of any educational	475

service center may engage the services of a dyslexia specialist to provide training for teachers of grades kindergarten to four on the indicators of dyslexia and the types of instruction that children with dyslexia need to learn, read, write, and spell. If a service center provides this training, it shall make the training available to local school districts within the service center's territory and to other school districts, community schools, and STEM schools that have contracted for the training from the service center under section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code. 476
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If a governing board of any educational service center does not provide the training, a group of local school districts within the service center's territory may engage the services of a dyslexia specialist to provide training for teachers independently. 486
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A school district or school may require the training authorized under this section for its teachers as part of the district's or school's regular in-service training programs. 491
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(B) As used in this section: 494

(1) "Dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language. 495
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(2) "Dyslexia specialist" means a person who is trained and certified in a multisensory structured language program that meets the level II specialist criteria set by the international dyslexia association's knowledge and practice standards or standards from any other nationally recognized organization that specializes in 502
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<u>issues surrounding dyslexia, or any subsequently adopted standards.</u>	507
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 Sec. 3326.45. (A) The governing body of a science, technology, engineering, and mathematics school may contract with the governing board of an educational service center or the board of education of a joint vocational school district for the provision of services to the STEM school or to any student enrolled in the school. Services provided under the contract and the amount to be paid for those services shall be mutually agreed to by the parties to the contract, and shall be specified in the contract.	509
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(B) A contract entered into under this section may require an educational service center to provide any one or a combination of the following services to a STEM school:	518
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(1) Supervisory teachers;	521
(2) In-service and continuing education programs for personnel of the STEM school;	522
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(3) Curriculum services as provided to the local <u>client</u> school districts under the supervision of the service center;	524
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(4) Research and development programs;	526
(5) Academic instruction for which the service center governing board employs teachers;	527
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(6) Assistance in the provision of special accommodations and classes for students with disabilities.	529
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Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to local <u>client</u> school districts under of the service center's <u>supervision center</u> , unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the	531
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provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per-pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.	537 538 539 540
(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per-pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.	541 542 543 544 545 546 547 548 549 550
(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.	551 552 553
<u>(E) As used in this section, "client school district" has the same meaning as in section 3317.11 of the Revised Code.</u>	554 555
Sec. 3328.01. As used in this chapter:	556
(A) <u>"Board of trustees"</u> means the board of trustees established for a college-preparatory boarding school in accordance with section 3328.15 of the Revised Code.	557 558 559
(B) "Child with a disability," "IEP," and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.	560 561 562
(B)+(C) "Eligible student" means a student who is entitled to attend school in a participating school district; is at risk of academic failure; is from a family whose income is below two hundred per cent of the federal poverty guidelines, as defined in	563 564 565 566

section 5101.46 of the Revised Code; meets any additional criteria prescribed by agreement between the state board of education and the operator of the college-preparatory boarding school in which the student seeks enrollment; and meets at least two of the following additional conditions:	567 568 569 570 571
(1) The student has a record of in-school disciplinary actions, suspensions, expulsions, or truancy.	572 573
(2) The student has not attained at least a proficient score on the state achievement assessments in English language arts, reading, or mathematics prescribed under section 3301.0710 of the Revised Code, after those assessments have been administered to the student at least once, or the student has not attained at least a score designated by the board of trustees of the college-preparatory boarding school in which the student seeks enrollment under this chapter on an end-of-course examination in English language arts or mathematics prescribed under section 3301.0712 of the Revised Code.	574 575 576 577 578 579 580 581 582 583
(3) The student is a child with a disability.	584
(4) The student has been referred for academic intervention services.	585 586
(5) The student's head of household is a single parent. As used in this division and in division (B)(C) (6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student.	587 588 589 590
(6) The student's head of household is not the student's custodial parent.	591 592
(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.	593 594
(E)(D) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of	595 596

the Revised Code.	597
<u>(D)(E)</u> "Formula ADM ₁ " and "category one through six special education ADM ₁ " and " <u>state education aid</u> " have the same meanings as in section <u>3306.02</u> <u>3317.02</u> of the Revised Code.	598 599 600
<u>(E)(F)</u> "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.	601 602 603
<u>(F)(G)</u> "Participating school district" means either of the following:	604 605
(1) The school district in which a college-preparatory boarding school established under this chapter is located;	606 607
(2) A school district other than one described in division <u>(F)(G)(1)</u> of this section that, pursuant to procedures adopted by the state board of education under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter.	608 609 610 611 612 613 614
<u>(G)</u> " <u>State education aid</u> " has the same meaning as in section <u>3317.02</u> of the Revised Code.	615 616
Sec. 3328.02. <u>(A)</u> Each college-preparatory boarding school established under this chapter is a public school and is part of the state's program of education, <u>subject to a charter granted by the state board of education under section 3301.16 of the Revised Code.</u>	617 618 619 620 621
<u>(B)</u> <u>Acting through its board of trustees, the school may sue and be sued, acquire facilities as needed, contract for any services necessary for the operation of the school, and enter into contracts with the department of education pursuant to this chapter.</u> The board of trustees may carry out any act and ensure	622 623 624 625 626

the performance of any function that is in compliance with the 627
Ohio Constitution, this chapter, other statutes applicable to 628
college-preparatory boarding schools, and the contract entered 629
into under this chapter establishing the school. 630

Sec. 3328.12. The state board of education shall enter into a 631
contract with the operator of each college-preparatory boarding 632
school established under this chapter. The contract shall 633
stipulate the following: 634

(A) ~~The school may operate only if and to the extent the~~ 635
~~school holds a valid charter granted by the state board under~~ 636
~~section 3301.16 of the Revised Code.~~ 637

(B) The operator school's board of trustees shall oversee the 638
acquisition of a facility for the school. 639

(C) The operator shall operate the school in accordance 640
with the terms of the proposal accepted by the state board under 641
section 3328.11 of the Revised Code, including the plan for 642
increasing the grade levels offered by the school. 643

(D) The school shall comply with the provisions of this 644
chapter. 645

(E) The school shall comply with any other provisions of 646
law specified in the contract, ~~the charter granted by the state~~ 647
~~board,~~ and the rules adopted by the state board under section 648
3328.50 of the Revised Code. 649

(F) The school shall comply with the bylaws adopted by the 650
operator board of trustees under section 3328.13 of the Revised 651
Code. 652

(G) The school shall meet the academic goals and other 653
performance standards specified in the contract. 654

(H) The school shall have a fiscal officer who meets 655
standards established for the purposes of this division by the 656

<u>state board.</u>	657
<u>(H) In accordance with procedures specified in the contract, the department of education shall monitor the operation, programs, and facilities of the school, including conducting on-site visits of the school.</u>	658 659 660 661
<u>(I) The department may take actions, as specified in the contract, to resolve issues of noncompliance by the school of the provisions of this chapter, the contract, the bylaws adopted by the board of trustees, or rules adopted by the state board. Such specified actions shall include procedures for notice of noncompliance and appeal to the state board of the decisions of the department.</u>	662 663 664 665 666 667 668
<u>(J) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which shall include at least a requirement that the party seeking termination give prior notice of the intent to terminate the contract and a requirement that the party receiving such notice be granted an opportunity to redress any grievances cited in the notice prior to the termination.</u>	669 670 671 672 673 674 675
<u>(I)(K) If the school closes for any reason, the school's board of trustees shall execute the closing in the manner specified in the contract.</u>	676 677 678
<u>Sec. 3328.13. Each operator The board of trustees of a <u>each</u> college-preparatory boarding school established under this chapter shall adopt bylaws for the oversight and operation of the school that are consistent with the provisions of this chapter, the rules adopted under section 3328.50 of the Revised Code, <u>and</u> the contract between the operator and the state board of education, and the charter granted to the school by the state board. The bylaws shall include procedures for the appointment of <u>future</u> members of the school's board of trustees <u>upon expiration of the</u></u>	679 680 681 682 683 684 685 686 687

<u>terms of the initial members, whose terms of office shall be as prescribed in which procedures shall comply with section 3328.15 of the Revised Code. The bylaws also shall include standards for the admission of students to the school and their dismissal from the school. The bylaws shall be subject to the approval of the state board.</u>	688 689 690 691 692 693
Sec. 3328.14. Each operator <u>The board of trustees</u> of a college-preparatory boarding school established under this chapter shall adopt a program of outreach to inform every city, local, and exempted village school district about the school and the procedures for admission to the school and for becoming a participating school district.	694 695 696 697 698 699
Sec. 3328.15. (A) Each college-preparatory boarding school established under this chapter shall be governed by a board of trustees consisting of up to twenty-five members. Five of those members shall be appointed by the governor, with the advice and consent of the senate. The governor's appointments may be based on nonbinding recommendations made by the superintendent of public instruction. <u>The Of the remaining members, initial members shall be appointed by the school's operator and future members shall be appointed pursuant to the bylaws adopted under section 3328.13 of the Revised Code.</u>	700 701 702 703 704 705 706 707 708 709
(B) The terms of office of the initial members shall be as follows:	710 711
(1) Two members appointed by the governor shall serve for an initial term of three years.	712 713
(2) Two members appointed by the governor shall serve for an initial term of two years.	714 715
(3) One member appointed by the governor shall serve for an	716

initial term of one year.	717
(4) One-third of the members appointed pursuant to by the bylaws <u>operator</u> , rounded down to the nearest whole number, shall	718
serve for an initial term of three years.	719
(5) One-third of the members appointed pursuant to by the bylaws <u>operator</u> , rounded down to the nearest whole number, shall	720
serve for an initial term of two years.	721
(6) One-third of the members appointed pursuant to by the bylaws <u>operator</u> , rounded down to the nearest whole number, shall	722
serve for an initial term of one year.	723
(7) Any remaining members appointed pursuant to by the bylaws <u>operator</u> shall serve for an initial term of one year.	724
Thereafter the terms of office of all members shall be for	725
three years.	726
The beginning date and ending date of terms of office shall	727
be as prescribed <u>by the school's operator, unless modified</u> in the	728
bylaws adopted under section 3328.13 of the Revised Code.	729
(C) Vacancies on the board shall be filled in the same manner	730
as the initial appointments. A member appointed to an unexpired	731
term shall serve for the remainder of that term and may be	732
reappointed subject to division (D) of this section.	733
(D) No member may serve for more than three consecutive	734
three-year terms.	735
(E) The officers of the board shall be selected by and from	736
among the members of the board.	737
(F) Compensation for the members of the board, if any, shall	738
be as prescribed in the bylaws adopted under section 3328.13 of	739
the Revised Code.	740
Sec. 3328.23. (A) A college-preparatory boarding school	741
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established under this chapter ~~and the school's operator~~ shall 746
comply with Chapter 3323. of the Revised Code as if the school 747
were a school district. For each child with a disability enrolled 748
in the school for whom an IEP has been developed, the school ~~and~~ 749
~~its operator~~ shall verify in the manner prescribed by the 750
department of education that the school is providing the services 751
required under the child's IEP. 752

(B) The school district in which a child with a disability 753
enrolled in the college-preparatory boarding school is entitled to 754
attend school and the child's school district of residence, if 755
different, are not obligated to provide the student with a free 756
appropriate public education under Chapter 3323. of the Revised 757
Code for as long as the child is enrolled in the 758
college-preparatory boarding school. 759

Sec. 3328.24. A college-preparatory boarding school 760
established under this chapter, its operator, and its board of 761
trustees shall comply with sections 3301.0710, 3301.0711, 762
3301.0712, 3301.0714, 3319.39, and 3319.391 of the Revised Code as 763
if the school ~~and the operator~~ were a school district and the 764
school's board of trustees were a district board of education. 765

Sec. 3328.34. (A) For each child enrolled in a 766
college-preparatory boarding school, as reported under section 767
3328.31 of the Revised Code, the department of education shall pay 768
to the school the sum of the amount deducted from a participating 769
school district's account for that child under section 3328.33 of 770
the Revised Code plus the per-pupil boarding amount specified in 771
division (B) of this section. 772

(B) For the first fiscal year in which a college-preparatory 773
boarding school may be established under this chapter, the 774
"per-pupil boarding amount" is twenty-five thousand dollars. For 775

each fiscal year thereafter, that amount shall be adjusted by the
rate of inflation, as measured by the consumer price index (all
urban consumers, all items) prepared by the bureau of labor
statistics of the United States department of labor, for the
previous twelve-month period.

(C) The state board of education may accept funds from
federal and state noneducation support services programs for the
purpose of funding the per pupil boarding amount prescribed in
division (B) of this section. Notwithstanding any other provision
of the Revised Code, the state board shall coordinate and
streamline any noneducation program requirements in order to
eliminate redundant or conflicting requirements, licensing
provisions, and oversight by government programs or agencies. The
applicable regulatory entities shall, to the maximum extent
possible, use ~~independent~~ reports and financial audits provided by
the ~~operator~~ auditor of state and coordinated by the department of
education to eliminate or reduce contract and administrative
reviews. Regulatory entities other than the state board may
suggest reasonable additional items to be included in such
~~independent~~ reports and financial audits to meet any requirements
of federal law. Reporting paperwork prepared for the state board
shall be shared with and accepted by other state and local
entities to the maximum extent feasible.

(D)(1) Notwithstanding division (A) of this section, if, in
any fiscal year, ~~the operator of~~ a college-preparatory boarding
school receives federal funds for the purpose of supporting the
school's operations, the amount of those federal funds shall be
deducted from the total per-pupil boarding amount for all enrolled
students paid by the department to the school for that fiscal
year, unless the ~~operator~~ school's board of trustees and the
department determine otherwise in a written agreement. Any portion
of the total per-pupil boarding amount for all enrolled students

remaining after the deduction of the federal funds shall be paid by the department to the school from state funds appropriated to the department.	808 809 810
(2) Notwithstanding division (A) of this section, if, in any fiscal year, the department receives federal funds for the purpose of supporting the operations of a college-preparatory boarding school, the department shall use those federal funds <u>first, not</u> <u>including any portion of those funds designated for</u> <u>administration,</u> to pay the school the total per-pupil boarding amount for all enrolled students for that fiscal year. Any portion of the total per-pupil boarding amount for all enrolled students remaining after the use of the federal funds shall be paid by the department to the school from state funds appropriated to the department.	811 812 813 814 815 816 817 818 819 820 821
(3) If any federal funds are used for the purpose prescribed in division (D)(1) or (2) of this section, the department shall comply with all requirements upon which the acceptance of the federal funds is conditioned, including any requirements set forth in the funding application submitted by the <u>operator school</u> or the department and, to the extent sufficient funds are appropriated by the general assembly, any requirements regarding maintenance of effort in expenditures.	822 823 824 825 826 827 828 829
Sec. 3328.36. A college-preparatory boarding school established under this chapter shall be considered a school district and its board of trustees, <u>on behalf of the school's</u> <u>operator,</u> shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district or public school may receive under federal or state law or any appropriations act of the general assembly. The college-preparatory boarding school <u>and its operator</u> may apply to any private entity to receive and accept funds.	830 831 832 833 834 835 836 837 838

Sec. 3328.41. (A) Each participating school district shall be responsible for providing transportation on a weekly basis for each student enrolled in a college-preparatory boarding school established under this chapter who is entitled to attend school in the district to and from that college-preparatory boarding school.	839 840 841 842 843
<u>The district may provide the transportation itself, contract with another entity to provide the transportation, or enter into an agreement with the board of trustees of the college-preparatory boarding school under which the board will provide the transportation and the district will pay the board an amount specified in the agreement for that provision.</u>	844 845 846 847 848 849
<u>(B) Transportation provided under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles.</u>	850 851 852 853 854 855 856 857
Section 2. That existing sections 3311.05, 3311.0510, 3313.376, 3313.843, 3317.11, 3318.60, 3319.07, 3326.45, 3328.01, 3328.02, 3328.12, 3328.13, 3328.14, 3328.15, 3328.23, 3328.24, 3328.34, 3328.36, and 3328.41 of the Revised Code are hereby repealed.	858 859 860 861 862
Section 3. (A) The board of education of each local school district that is required to enter into an agreement with the governing board of an educational service center under division (B)(1) of section 3313.843 of the Revised Code shall enter into such an agreement in accordance with that section by June 30, 2012, regardless of whether the district has previously received	863 864 865 866 867 868

services from that service center without an agreement. The board 869
of education of each local school district that elects to enter 870
into an agreement with the governing board of an educational 871
service center under division (B)(2) of section 3313.843 of the 872
Revised Code shall enter into such an agreement in accordance with 873
that section by June 30, 2012, regardless of whether the district 874
has previously received services from that service center without 875
an agreement. 876

(B) If the board of education of a local school district 877
intends to change the educational service center to which payments 878
are made under divisions (B) and (C) of section 3317.11 of the 879
Revised Code for the 2012-2013 school year, the district board, by 880
March 1, 2012, shall notify the governing board of the service 881
center to which payments are currently made that the district will 882
stop receiving services from that service center effective June 883
30, 2012. This requirement applies regardless of whether the 884
district board had entered into an agreement with the service 885
center governing board under section 3313.843 of the Revised Code 886
for the services it received in the 2011-2012 school year. 887

Section 4. Notwithstanding the amendments to section 3317.11 888
of the Revised Code by this act, the Department of Education, 889
through June 30, 2012, shall make payments to educational service 890
centers in accordance with that section as it existed prior to the 891
effective date of this section. 892

Section 5. This act is hereby declared to be an emergency 893
measure necessary for the immediate preservation of the public 894
peace, health, and safety. The reason for such necessity is that 895
finalization of service agreements between educational service 896
centers and school districts will enable the service centers to 897
plan their resource levels and avoid interruptions in funding. 898
Therefore, this act shall go into immediate effect. 899