

As Introduced

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Representatives Blessing, Weddington

**Cosponsors: Representatives Grossman, Adams, J., Hayes, Maag, Murray,
Gonzales, Combs, Huffman, Derickson, Yuko, Carey, Slaby, Hollington,
Mecklenborg, McGregor, Milkovich**

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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) Until July 1, 2013, the school shall establish not more 60
than two community-based facilities. On and after that date, the 61
school may establish any number of additional community-based 62
facilities. The school's first community-based facility shall be 63
located in the Columbus city school district. 64

(d) The school's governing authority may assign students in 65
the same grade level to multiple facilities. 66

(3) The school shall not be subject to division (A) of 67
section 3314.016 of the Revised Code. However, the school's 68
governing authority shall enter into a contract with a nonprofit 69
organization that has at least ten years of experience in the 70
fields of education and corrections and has been a contractor of 71
the department of rehabilitation and correction to serve persons 72
in the department's custody. The nonprofit organization shall be 73
responsible for directing the school's educational concept, 74
curriculum, and instructional practices and for any other aspects 75
of the school's daily operations designated by the school's 76
governing authority. The nonprofit organization with which the 77
governing authority contracts under this division shall be 78
considered an operator for purposes of this chapter. 79

(4)(a) The school shall enroll only persons who meet the 80
following criteria: 81

(i) The person has acquired sufficient high school credits 82
relative to the person's age that the person is reasonably 83
expected to complete the curriculum requirements for a high school 84
diploma prior to attaining twenty-two years of age. 85

(ii) If the person is in a state correctional institution, 86
the person agrees in writing to continue enrollment at the 87
school's community-based facility following the person's release 88
from the institution. 89

Nothing in division (D)(4)(a) of this section shall prohibit 90
the school from enrolling persons who were not residents of this 91
state immediately prior to being placed in the custody of an 92
institution maintained by the department of youth services or 93
incarcerated, subject to division (E)(5) of this section. 94

(b) If the number of applicants for enrollment exceeds the 95
school's capacity, students shall be admitted by lot from all 96
those submitting applications, except preference shall be given to 97
persons who, prior to being institutionalized or incarcerated, 98
were residents of school districts with a graduation rate, as 99
defined in section 3301.0711 of the Revised Code, of ninety per 100
cent or less. 101

(c) The department of youth services and the department of 102
rehabilitation and correction shall assist the school's governing 103
authority in identifying persons who meet the eligibility criteria 104
for enrollment in the school. If necessary, upon a person's 105
enrollment, the department of rehabilitation and correction shall 106
reassign the person to a state correctional institution at which 107
the school maintains a facility. 108

(5) The school's governing authority may employ a person who 109
has been convicted of or pleaded guilty to an offense described in 110

division (B)(1) of section 3319.39 of the Revised Code under the 111
following conditions: 112

(a) The person is a graduate of the school or another 113
educational program provided by the nonprofit organization 114
described in division (D)(3) of this section. 115

(b) The person has received training in using the person's 116
experiences as an instructional tool and educational intervention 117
for students. 118

(c) During any period of time in which the person will have 119
routine interaction with a student or regular responsibility for 120
the care, custody, or control of a student, the person shall be 121
supervised by an employee of the school who holds a teacher 122
license issued by the state board of education under section 123
3319.22 or 3319.222 or former section 3319.22 of the Revised Code 124
or by an employee of the state correctional institution at which 125
the school is located. 126

(6) The school's governing authority shall be permanently 127
responsible for providing student transportation to the school's 128
community-based facility in accordance with a transportation 129
policy established by the governing authority. The governing 130
authority shall comply with either division (A) or (B) of section 131
3314.091 of the Revised Code in assuming the transportation 132
responsibility, and the school shall be eligible for any payments 133
authorized under that section. The school shall not be entitled to 134
any payment for the provision of transportation from the school 135
district in which the community-based facility is located, except 136
as otherwise authorized under section 3314.091 of the Revised 137
Code. 138

(E) Notwithstanding anything in this chapter or Chapter 3306. 139
or 3317. of the Revised Code to the contrary, all of the following 140
apply in the case of each student enrolled in a community school 141

established under this section: 142

(1) For purposes of the report required under division (B)(2) 143
of section 3314.08 of the Revised Code, the community school shall 144
report the following: 145

(a) If the student was a resident of this state immediately 146
prior to being placed in the custody of an institution maintained 147
by the department of youth services or incarcerated, the name of 148
the school district in which the student was entitled to attend 149
school under section 3313.64 or 3313.65 of the Revised Code at 150
that time. The school district reported shall not be the district 151
in which the student was last known to be enrolled or the district 152
in which the offense that led to the student's 153
institutionalization or incarceration was committed, unless that 154
district is the same district in which the student was entitled to 155
attend school under section 3313.64 or 3313.65 of the Revised Code 156
immediately prior to being institutionalized or incarcerated. The 157
school district reported shall not change, regardless of whether 158
the school district in which the student resides after the 159
student's release from institutionalization or incarceration is 160
different from the school district reported. 161

(b) If the student was not a resident of this state 162
immediately prior to being institutionalized or incarcerated, the 163
fact that the student was not a resident at that time; 164

(c) If the school cannot determine the student's residency 165
status immediately prior to being institutionalized or 166
incarcerated, the fact that the student's residency status is 167
unknown. 168

(2) In the case of each student to whom division (E)(1)(a) of 169
this section applies, the department of education shall include 170
the student in the formula ADM of the school district reported 171
under that division. The student shall not be included in the 172

formula ADM of any other school district. 173

In the case of each student to whom division (E)(1)(b) or (c) 174
of this section applies, the department shall not include the 175
student in the formula ADM of any school district. 176

(3) The department of education shall deduct the applicable 177
amounts prescribed under division (C) of section 3314.08 of the 178
Revised Code from the school district in whose formula ADM the 179
student was included under division (E)(2) of this section and 180
shall not deduct any amount for the student from any other school 181
district. If the student was not included in the formula ADM of a 182
school district under division (E)(2) of this section, the 183
department shall not make any deduction for the student under this 184
division. 185

(4) The department of education shall make the payments 186
prescribed in divisions (D) and (E) of section 3314.08 of the 187
Revised Code to the community school. If the student was not 188
included in the formula ADM of a school district under division 189
(E)(2) of this section, the department shall not make any payment 190
for the student under this division. 191

(5) In the case of each student to whom division (E)(1)(b) or 192
(c) of this section applies, the community school shall be 193
responsible for the total cost of educating the student and may 194
apply for and receive funding from any public or private entity to 195
defray that cost. 196

(6) No state correctional institution shall be entitled to 197
tuition payments under section 3323.091 of the Revised Code for 198
the student. 199

(F) Except as otherwise provided in this section, a community 200
school established under this section shall comply with all 201
requirements of this chapter. 202

Section 2. This act is hereby declared to be an emergency 203

measure necessary for the immediate preservation of the public 204
peace, health, and safety. The reason for such necessity is that 205
federal grant money is available to help pay the costs of 206
establishing and operating a community school described in this 207
act that is prepared to open in 2011. Therefore, this act shall go 208
into immediate effect. 209