

As Introduced

**129th General Assembly
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H. B. No. 191

Representatives Hayes, Patmon

**Cosponsors: Representatives Ruhl, Thompson, Adams, J., Kozlowski,
Derickson, Roegner, Beck, Barnes**

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A B I L L

To amend sections 2151.011, 3306.01, 3313.48, 1
3313.533, 3313.62, 3314.03, 3317.01, 3321.05, and 2
3326.11; to enact new section 3313.481 and section 3
3313.621; and to repeal sections 3313.481 and 4
3313.482 of the Revised Code to establish a 5
minimum school year for school districts, STEM 6
schools, and chartered nonpublic schools based on 7
hours, rather than days, of instruction and to 8
prohibit public schools from being open for 9
instruction prior to Labor Day or after Memorial 10
Day except in specified circumstances. 11

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

Section 1. That sections 2151.011, 3306.01, 3313.48, 12
3313.533, 3313.62, 3314.03, 3317.01, 3321.05, and 3326.11 be 13
amended and new section 3313.481 and section 3313.621 of the 14
Revised Code be enacted to read as follows: 15

Sec. 2151.011. (A) As used in the Revised Code: 16

(1) "Juvenile court" means whichever of the following is 17
applicable that has jurisdiction under this chapter and Chapter 18

2152. of the Revised Code:	19
(a) The division of the court of common pleas specified in	20
section 2101.022 or 2301.03 of the Revised Code as having	21
jurisdiction under this chapter and Chapter 2152. of the Revised	22
Code or as being the juvenile division or the juvenile division	23
combined with one or more other divisions;	24
(b) The juvenile court of Cuyahoga county or Hamilton county	25
that is separately and independently created by section 2151.08 or	26
Chapter 2153. of the Revised Code and that has jurisdiction under	27
this chapter and Chapter 2152. of the Revised Code;	28
(c) If division (A)(1)(a) or (b) of this section does not	29
apply, the probate division of the court of common pleas.	30
(2) "Juvenile judge" means a judge of a court having	31
jurisdiction under this chapter.	32
(3) "Private child placing agency" means any association, as	33
defined in section 5103.02 of the Revised Code, that is certified	34
under section 5103.03 of the Revised Code to accept temporary,	35
permanent, or legal custody of children and place the children for	36
either foster care or adoption.	37
(4) "Private noncustodial agency" means any person,	38
organization, association, or society certified by the department	39
of job and family services that does not accept temporary or	40
permanent legal custody of children, that is privately operated in	41
this state, and that does one or more of the following:	42
(a) Receives and cares for children for two or more	43
consecutive weeks;	44
(b) Participates in the placement of children in certified	45
foster homes;	46
(c) Provides adoption services in conjunction with a public	47
children services agency or private child placing agency.	48

(B) As used in this chapter:	49
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	50 51 52 53 54 55
(2) "Adult" means an individual who is eighteen years of age or older.	56 57
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	58 59 60 61
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	62 63 64
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	65 66 67 68 69 70 71 72
(6) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.	73 74 75 76 77 78 79

(7) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Detention" means the temporary care of children pending

court adjudication or disposition, or execution of a court order, 110
in a public or private facility designed to physically restrict 111
the movement and activities of children. 112

(14) "Developmental disability" has the same meaning as in 113
section 5123.01 of the Revised Code. 114

(15) "Foster caregiver" has the same meaning as in section 115
5103.02 of the Revised Code. 116

(16) "Guardian" means a person, association, or corporation 117
that is granted authority by a probate court pursuant to Chapter 118
2111. of the Revised Code to exercise parental rights over a child 119
to the extent provided in the court's order and subject to the 120
residual parental rights of the child's parents. 121

(17) "Habitual truant" means any child of compulsory school 122
age who is absent without legitimate excuse for absence from the 123
public school the child is supposed to attend for five or more 124
consecutive school days, seven or more school days in one school 125
month, or twelve or more school days in a school year. 126

(18) "Juvenile traffic offender" has the same meaning as in 127
section 2152.02 of the Revised Code. 128

(19) "Legal custody" means a legal status that vests in the 129
custodian the right to have physical care and control of the child 130
and to determine where and with whom the child shall live, and the 131
right and duty to protect, train, and discipline the child and to 132
provide the child with food, shelter, education, and medical care, 133
all subject to any residual parental rights, privileges, and 134
responsibilities. An individual granted legal custody shall 135
exercise the rights and responsibilities personally unless 136
otherwise authorized by any section of the Revised Code or by the 137
court. 138

(20) A "legitimate excuse for absence from the public school 139
the child is supposed to attend" includes, but is not limited to, 140

any of the following:	141
(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;	142 143 144
(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;	145 146 147
(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.	148 149 150
(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.	151 152 153
(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	154 155 156 157 158
(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	159 160
(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	161 162 163 164
(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	165 166
(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of	167 168 169 170

protective services or care for children, or the placement of 171
children in certified foster homes or elsewhere. 172

(27) "Out-of-home care" means detention facilities, shelter 173
facilities, certified children's crisis care facilities, certified 174
foster homes, placement in a prospective adoptive home prior to 175
the issuance of a final decree of adoption, organizations, 176
certified organizations, child day-care centers, type A family 177
day-care homes, child care provided by type B family day-care home 178
providers and by in-home aides, group home providers, group homes, 179
institutions, state institutions, residential facilities, 180
residential care facilities, residential camps, day camps, public 181
schools, chartered nonpublic schools, educational service centers, 182
hospitals, and medical clinics that are responsible for the care, 183
physical custody, or control of children. 184

(28) "Out-of-home care child abuse" means any of the 185
following when committed by a person responsible for the care of a 186
child in out-of-home care: 187

(a) Engaging in sexual activity with a child in the person's 188
care; 189

(b) Denial to a child, as a means of punishment, of proper or 190
necessary subsistence, education, medical care, or other care 191
necessary for a child's health; 192

(c) Use of restraint procedures on a child that cause injury 193
or pain; 194

(d) Administration of prescription drugs or psychotropic 195
medication to the child without the written approval and ongoing 196
supervision of a licensed physician; 197

(e) Commission of any act, other than by accidental means, 198
that results in any injury to or death of the child in out-of-home 199
care or commission of any act by accidental means that results in 200
an injury to or death of a child in out-of-home care and that is 201

at variance with the history given of the injury or death.	202
(29) "Out-of-home care child neglect" means any of the	203
following when committed by a person responsible for the care of a	204
child in out-of-home care:	205
(a) Failure to provide reasonable supervision according to	206
the standards of care appropriate to the age, mental and physical	207
condition, or other special needs of the child;	208
(b) Failure to provide reasonable supervision according to	209
the standards of care appropriate to the age, mental and physical	210
condition, or other special needs of the child, that results in	211
sexual or physical abuse of the child by any person;	212
(c) Failure to develop a process for all of the following:	213
(i) Administration of prescription drugs or psychotropic	214
drugs for the child;	215
(ii) Assuring that the instructions of the licensed physician	216
who prescribed a drug for the child are followed;	217
(iii) Reporting to the licensed physician who prescribed the	218
drug all unfavorable or dangerous side effects from the use of the	219
drug.	220
(d) Failure to provide proper or necessary subsistence,	221
education, medical care, or other individualized care necessary	222
for the health or well-being of the child;	223
(e) Confinement of the child to a locked room without	224
monitoring by staff;	225
(f) Failure to provide ongoing security for all prescription	226
and nonprescription medication;	227
(g) Isolation of a child for a period of time when there is	228
substantial risk that the isolation, if continued, will impair or	229
retard the mental health or physical well-being of the child.	230

(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(32) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(33) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(34) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	262
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(a) A substantial impairment of vision, speech, or hearing;	266
(b) A congenital orthopedic impairment;	267
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	268
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(35) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	271
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(36) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	275
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(37) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	279
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(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	281
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(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	284
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(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	288
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(39) "Sanction, service, or condition" means a sanction,	291

service, or condition created by court order following an 292
adjudication that a child is an unruly child that is described in 293
division (A)(4) of section 2152.19 of the Revised Code. 294

(40) "Protective supervision" means an order of disposition 295
pursuant to which the court permits an abused, neglected, 296
dependent, or unruly child to remain in the custody of the child's 297
parents, guardian, or custodian and stay in the child's home, 298
subject to any conditions and limitations upon the child, the 299
child's parents, guardian, or custodian, or any other person that 300
the court prescribes, including supervision as directed by the 301
court for the protection of the child. 302

(41) "Psychiatrist" has the same meaning as in section 303
5122.01 of the Revised Code. 304

(42) "Psychologist" has the same meaning as in section 305
4732.01 of the Revised Code. 306

(43) "Residential camp" means a program in which the care, 307
physical custody, or control of children is accepted overnight for 308
recreational or recreational and educational purposes. 309

(44) "Residential care facility" means an institution, 310
residence, or facility that is licensed by the department of 311
mental health under section 5119.22 of the Revised Code and that 312
provides care for a child. 313

(45) "Residential facility" means a home or facility that is 314
licensed by the department of developmental disabilities under 315
section 5123.19 of the Revised Code and in which a child with a 316
developmental disability resides. 317

(46) "Residual parental rights, privileges, and 318
responsibilities" means those rights, privileges, and 319
responsibilities remaining with the natural parent after the 320
transfer of legal custody of the child, including, but not 321
necessarily limited to, the privilege of reasonable visitation, 322

consent to adoption, the privilege to determine the child's 323
religious affiliation, and the responsibility for support. 324

(47) "School day" means the school day established by the 325
~~state~~ board of education of the applicable school district 326
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 327

(48) "School ~~month~~ and "school year" ~~have~~ has the same 328
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 329

(49) "Secure correctional facility" means a facility under 330
the direction of the department of youth services that is designed 331
to physically restrict the movement and activities of children and 332
used for the placement of children after adjudication and 333
disposition. 334

(50) "Sexual activity" has the same meaning as in section 335
2907.01 of the Revised Code. 336

(51) "Shelter" means the temporary care of children in 337
physically unrestricted facilities pending court adjudication or 338
disposition. 339

(52) "Shelter for victims of domestic violence" has the same 340
meaning as in section 3113.33 of the Revised Code. 341

(53) "Temporary custody" means legal custody of a child who 342
is removed from the child's home, which custody may be terminated 343
at any time at the discretion of the court or, if the legal 344
custody is granted in an agreement for temporary custody, by the 345
person who executed the agreement. 346

(C) For the purposes of this chapter, a child shall be 347
presumed abandoned when the parents of the child have failed to 348
visit or maintain contact with the child for more than ninety 349
days, regardless of whether the parents resume contact with the 350
child after that period of ninety days. 351

Sec. 3306.01. This chapter shall be administered by the state 352

board of education. The superintendent of public instruction shall 353
calculate the amounts payable to each school district and shall 354
certify the amounts payable to each eligible district to the 355
treasurer of the district as determined under this chapter. As 356
soon as possible after such amounts are calculated, the 357
superintendent shall certify to the treasurer of each school 358
district the district's adjusted charge-off increase, as defined 359
in section 5705.211 of the Revised Code. No moneys shall be 360
distributed pursuant to this chapter without the approval of the 361
controlling board. 362

The state board of education shall, in accordance with 363
appropriations made by the general assembly, meet the financial 364
obligations of this chapter. 365

Annually, the department of education shall calculate and 366
report to each school district the district's adequacy amount 367
utilizing the calculations in sections 3306.03 and 3306.13 of the 368
Revised Code. The department shall calculate and report separately 369
for each school district the district's total state and local 370
funds for its students with disabilities, utilizing the 371
calculations in sections 3306.05, 3306.11, and 3306.13 of the 372
Revised Code. The department shall calculate and report separately 373
for each school district the amount of funding calculated for each 374
factor of the district's adequacy amount. 375

Not later than the thirty-first day of August of each fiscal 376
year, the department of education shall provide to each school 377
district a preliminary estimate of the amount of funding that the 378
department calculates the district will receive under section 379
3306.13 of the Revised Code. Not later than the first day of 380
December of each fiscal year, the department shall update that 381
preliminary estimate. 382

Moneys distributed pursuant to this chapter shall be 383

calculated and paid on a fiscal year basis, beginning with the 384
first day of July and extending through the thirtieth day of June. 385
Unless otherwise provided, the moneys appropriated for each fiscal 386
year shall be distributed at least monthly to each school 387
district. The state board shall submit a yearly distribution plan 388
to the controlling board at its first meeting in July. The state 389
board shall submit any proposed midyear revision of the plan to 390
the controlling board in January. Any year-end revision of the 391
plan shall be submitted to the controlling board in June. If 392
moneys appropriated for each fiscal year are distributed other 393
than monthly, such distribution shall be on the same basis for 394
each school district. 395

The total amounts paid each month shall constitute, as nearly 396
as possible, one-twelfth of the total amount payable for the 397
entire year. 398

Payments shall be calculated to reflect the reporting of 399
formula ADM. Annualized periodic payments for each school district 400
shall be based on the district's final student counts verified by 401
the superintendent of public instruction based on reports under 402
section 3317.03 of the Revised Code, as adjusted, if so ordered, 403
under division (K) of that section. 404

(A) Except as otherwise provided, payments under this chapter 405
shall be made only to those school districts that comply with 406
divisions (A)(1) to (3) of this section. 407

(1) Each city, exempted village, and local school district 408
shall levy for current operating expenses at least twenty mills. 409
Levies for joint vocational or cooperative education school 410
districts or county school financing districts, limited to or to 411
the extent apportioned to current expenses, shall be included in 412
this qualification requirement. School district income tax levies 413
under Chapter 5748. of the Revised Code, limited to or to the 414
extent apportioned to current operating expenses, shall be 415

included in this qualification requirement to the extent 416
determined by the tax commissioner under division (D) of section 417
3317.021 of the Revised Code. 418

(2) Each city, exempted village, local, and joint vocational 419
school district, during the school year next preceding the fiscal 420
year for which payments are calculated under this chapter, shall 421
meet both the requirement of section 3313.48 ~~or 3313.481~~ of the 422
Revised Code, with regard to the minimum number of ~~days or~~ hours 423
school must be open for instruction with pupils in attendance, for 424
individualized parent-teacher conference and reporting periods, 425
and for professional meetings of teachers, and the requirement of 426
section 3313.621 of the Revised Code, with regard to the first day 427
and the last day of the school year on which a school may be open 428
for instruction. ~~The superintendent of public instruction shall~~ 429
~~waive a number of days in accordance with section 3317.01 of the~~ 430
~~Revised Code on which it had been necessary for a school to be~~ 431
~~closed because of disease epidemic, hazardous weather conditions,~~ 432
~~inoperability of school buses or other equipment necessary to the~~ 433
~~school's operation, damage to a school building, or other~~ 434
~~temporary circumstances due to utility failure rendering the~~ 435
~~school building unfit for school use.~~ 436

A school district shall not be considered to have failed to 437
comply with this division ~~or section 3313.481 of the Revised Code~~ 438
because schools were open for instruction but either twelfth grade 439
students were excused from attendance for up to ~~three days~~ sixteen 440
and one-half hours or only a portion of the kindergarten students 441
were in attendance for up to ~~three days~~ fifteen hours, in the case 442
of students attending all-day kindergarten, and seven and one-half 443
hours, in the case of students attending half-day kindergarten, in 444
order to allow for the gradual orientation to school of such 445
students. 446

~~The superintendent of public instruction shall waive the~~ 447

~~requirements of this section with reference to the minimum number 448
of days or hours a school must be open for instruction with pupils 449
in attendance for the school year succeeding the school year in 450
which a board of education initiates a plan of operation pursuant 451
to section 3313.481 of the Revised Code. The minimum requirements 452
of this section shall again be applicable to the district 453
beginning with the school year commencing the second July 454
succeeding the initiation of the plan, and for each school year 455
thereafter. 456~~

~~A school district shall not be considered to have failed to 457
comply with this division or section 3313.48 or 3313.481 of the 458
Revised Code because schools were open for instruction but the 459
length of the regularly scheduled learning day, for any number of 460
days during the school year, was reduced by not more than two 461
hours due to hazardous weather conditions. 462~~

(3) Each city, exempted village, local, and joint vocational 463
school district shall have on file, and shall pay in accordance 464
with, a teachers' salary schedule which complies with section 465
3317.13 of the Revised Code. 466

(B) A school district board of education or educational 467
service center governing board that has not conformed with other 468
law, and the rules pursuant thereto, shall not participate in the 469
distribution of funds authorized by this chapter, except for good 470
and sufficient reason established to the satisfaction of the state 471
board of education and the state controlling board. 472

(C) All funds allocated to school districts under this 473
chapter, except those specifically allocated for other purposes, 474
shall be used only to pay current operating expenses or for either 475
of the following purposes: 476

(1) The modification or purchase of classroom space to 477
provide all-day kindergarten as required by section 3321.05 of the 478

Revised Code, provided the district certifies its shortage of 479
space for providing all-day kindergarten to the department of 480
education, in a manner specified by the department; 481

(2) The modification or purchase of classroom space to reduce 482
class sizes in grades kindergarten through three to attain the 483
goal of fifteen students per core teacher, provided the district 484
certifies its need for additional classroom space to the 485
department, in a manner specified by the department. 486

(D) On or before the last day of each month, the department 487
of education shall certify to the director of budget and 488
management for payment, for each county: 489

(1)(a) That portion of the allocation of money under section 490
3306.13 of the Revised Code that is required to be paid in that 491
month to each school district located wholly within the county 492
subsequent to the deductions described in division (D)(1)(b) of 493
this section; 494

(b) The amounts deducted from such allocation under sections 495
3307.31 and 3309.51 of the Revised Code for payment directly to 496
the school employees and state teachers retirement systems under 497
such sections. 498

(2) If the district is located in more than one county, an 499
apportionment of the amounts that would otherwise be certified 500
under division (D)(1) of this section. The amounts apportioned to 501
the county shall equal the amounts certified under division (D)(1) 502
of this section times the percentage of the district's resident 503
pupils who reside both in the district and in the county, based on 504
the average daily membership reported under division (A) of 505
section 3317.03 of the Revised Code in October of the prior fiscal 506
year. 507

Sec. 3313.48. (A) The board of education of each city, 508

exempted village, local, and joint vocational school district 509
shall provide for the free education of the youth of school age 510
within the district under its jurisdiction, at such places as will 511
be most convenient for the attendance of the largest number 512
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 513
~~Code, each~~ Each school so provided and each chartered nonpublic 514
school shall be open for instruction with pupils in attendance, 515
including scheduled classes, supervised activities, and approved 516
education options but excluding lunch and breakfast periods and 517
extracurricular activities, for not less than ~~one hundred~~ 518
~~eighty two days~~ four hundred eighty hours in the case of pupils in 519
kindergarten unless such pupils are provided all-day kindergarten, 520
as defined in section 3321.05 of the Revised Code, in which case 521
the pupils shall be in attendance for nine hundred sixty hours; 522
nine hundred sixty hours in the case of pupils in grades one 523
through six; and one thousand fifty hours in the case of pupils in 524
grades seven through twelve in each school year, which may include 525
all of the following: 526

~~(A)(1)~~ Up to four school days ten hours per year in which 527
classes are dismissed one half day early or the equivalent amount 528
of time during a different number of days in grades kindergarten 529
through six and up to eleven hours per year in grades seven 530
through twelve during which pupils would otherwise be in 531
attendance but are not required to attend for the purpose of 532
individualized parent-teacher conferences and reporting periods; 533

~~(B)(2)~~ Up to two days ten hours per year during which pupils 534
would otherwise be in attendance but are not required to attend 535
for professional meetings of teachers ~~when such days occur during~~ 536
~~a regular school week and schools are not in session of grades~~ 537
kindergarten through six, and up to eleven hours per year for such 538
meetings of teachers of grades seven through twelve; 539

~~(C)~~ The number of days the school is closed as a result of 540

~~public calamity, as provided in section 3317.01 of the Revised Code (3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~

~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~

~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~

~~(B) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section.~~

~~(C) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also~~

enrolled. The board shall consider the impact of the proposed 573
change on student access to the instructional programs offered by 574
the joint vocational school district, incentives for students to 575
participate in vocational education, transportation, and the 576
timing of graduation. The board shall provide the joint vocational 577
school district board with advance notice of the proposed change 578
and the two boards shall enter into a written agreement 579
prescribing reasonable accommodations to meet the scheduling needs 580
of the joint vocational school district prior to implementation of 581
the change. 582

(D) Prior to making any change in the hours or days in which 583
the schools under its jurisdiction are open for instruction, the 584
board of education of each city, exempted village, and local 585
school district shall consult with the chartered nonpublic schools 586
and community schools, established under Chapter 3314. of the 587
Revised Code, to which the district is required to transport 588
students under section 3314.09 or 3327.01 of the Revised Code and 589
shall consider the effect of the proposed change on the schedule 590
for transportation of those students to their nonpublic or 591
community schools. 592

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 593
the term "school day" is used, unless otherwise specified, that 594
term shall be construed to mean the time during a calendar day 595
that a school is open for instruction pursuant to the schedule 596
adopted by the board of education of the school district or the 597
governing authority of the chartered nonpublic school in 598
accordance with section 3313.48 of the Revised Code. 599

Sec. 3313.533. (A) The board of education of a city, exempted 600
village, or local school district may adopt a resolution to 601
establish and maintain an alternative school in accordance with 602
this section. The resolution shall specify, but not necessarily be 603

limited to, all of the following: 604

(1) The purpose of the school, which purpose shall be to 605
serve students who are on suspension, who are having truancy 606
problems, who are experiencing academic failure, who have a 607
history of class disruption, who are exhibiting other academic or 608
behavioral problems specified in the resolution, or who have been 609
discharged or released from the custody of the department of youth 610
services under section 5139.51 of the Revised Code; 611

(2) The grades served by the school, which may include any of 612
grades kindergarten through twelve; 613

(3) A requirement that the school be operated in accordance 614
with this section. The board of education adopting the resolution 615
under division (A) of this section shall be the governing board of 616
the alternative school. The board shall develop and implement a 617
plan for the school in accordance with the resolution establishing 618
the school and in accordance with this section. Each plan shall 619
include, but not necessarily be limited to, all of the following: 620

(a) Specification of the reasons for which students will be 621
accepted for assignment to the school and any criteria for 622
admission that are to be used by the board to approve or 623
disapprove the assignment of students to the school; 624

(b) Specification of the criteria and procedures that will be 625
used for returning students who have been assigned to the school 626
back to the regular education program of the district; 627

(c) An evaluation plan for assessing the effectiveness of the 628
school and its educational program and reporting the results of 629
the evaluation to the public. 630

(B) Notwithstanding any provision of Title XXXIII of the 631
Revised Code to the contrary, the alternative school plan may 632
include any of the following: 633

(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the ~~state~~ board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;

(2) Restrictions on student participation in extracurricular or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by the district board of education.

(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division.

(F) Any individual employed as a teacher at an alternative

school operated by a nonprofit or for profit entity under this 665
section shall be licensed and shall be subject to background 666
checks, as described in section 3319.39 of the Revised Code, in 667
the same manner as an individual employed by a school district. 668

(G) Division (G) of this section applies only to any 669
alternative school that is operated by a nonprofit or for profit 670
entity under contract with the school district. 671

(1) In addition to the specifications authorized under 672
division (B) of this section, any plan adopted under that division 673
for an alternative school to which division (G) of this section 674
also applies shall include the following: 675

(a) A description of the educational program provided at the 676
alternative school, which shall include: 677

(i) Provisions for the school to be configured in clusters or 678
small learning communities; 679

(ii) Provisions for the incorporation of education technology 680
into the curriculum; 681

(iii) Provisions for accelerated learning programs in reading 682
and mathematics. 683

(b) A method to determine the reading and mathematics level 684
of each student assigned to the alternative school and a method to 685
continuously monitor each student's progress in those areas. The 686
methods employed under this division shall be aligned with the 687
curriculum adopted by the school district board of education under 688
section 3313.60 of the Revised Code. 689

(c) A plan for social services to be provided at the 690
alternative school, such as, but not limited to, counseling 691
services, psychological support services, and enrichment programs; 692

(d) A plan for a student's transition from the alternative 693
school back to a school operated by the school district; 694

(e) A requirement that the alternative school maintain 695
financial records in a manner that is compatible with the form 696
prescribed for school districts by the auditor of state to enable 697
the district to comply with any rules adopted by the auditor of 698
state. 699

(2) Notwithstanding division (A)(2) of this section, any 700
alternative school to which division (G) of this section applies 701
shall include only grades six through twelve. 702

(3) Notwithstanding anything in division (A)(3)(a) of this 703
section to the contrary, the characteristics of students who may 704
be assigned to an alternative school to which division (G) of this 705
section applies shall include only disruptive and low-performing 706
students. 707

(H) When any district board of education determines to 708
contract with a nonprofit or for profit entity to operate an 709
alternative school under this section, the board shall use the 710
procedure set forth in this division. 711

(1) The board shall publish notice of a request for proposals 712
in a newspaper of general circulation in the district once each 713
week for a period of at least two consecutive weeks prior to the 714
date specified by the board for receiving proposals. Notices of 715
requests for proposals shall contain a general description of the 716
subject of the proposed contract and the location where the 717
request for proposals may be obtained. The request for proposals 718
shall include all of the following information: 719

(a) Instructions and information to respondents concerning 720
the submission of proposals, including the name and address of the 721
office where proposals are to be submitted; 722

(b) Instructions regarding communications, including at least 723
the names, titles, and telephone numbers of persons to whom 724
questions concerning a proposal may be directed; 725

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties.

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility. 756

(3) The board shall select for further review at least three 757
proposals from respondents the board considers qualified to 758
operate the alternative school in the best interests of the 759
students and the district. If fewer than three proposals are 760
submitted, the board shall select each proposal submitted. The 761
board may cancel a request for proposals or reject all proposals 762
at any time prior to the execution of a contract. 763

The board may hold discussions with any of the three selected 764
respondents to clarify or revise the provisions of a proposal or 765
the proposed contract to ensure complete understanding between the 766
board and the respondent of the terms under which a contract will 767
be entered. Respondents shall be accorded fair and equal treatment 768
with respect to any opportunity for discussion regarding 769
clarifications or revisions. The board may terminate or 770
discontinue any further discussion with a respondent upon written 771
notice. 772

(4) Upon further review of the three proposals selected by 773
the board, the board shall award a contract to the respondent the 774
board considers to have the most merit, taking into consideration 775
the scope, complexity, and nature of the services to be performed 776
by the respondent under the contract. 777

(5) Except as provided in division (H)(6) of this section, 778
the request for proposals, submitted proposals, and related 779
documents shall become public records under section 149.43 of the 780
Revised Code after the award of the contract. 781

(6) Any respondent may request in writing that the board not 782
disclose confidential or proprietary information or trade secrets 783
contained in the proposal submitted by the respondent to the 784
board. Any such request shall be accompanied by an offer of 785
indemnification from the respondent to the board. The board shall 786

determine whether to agree to the request and shall inform the 787
respondent in writing of its decision. If the board agrees to 788
nondisclosure of specified information in a proposal, such 789
information shall not become a public record under section 149.43 790
of the Revised Code. If the respondent withdraws its proposal at 791
any time prior to the execution of a contract, the proposal shall 792
not be a public record under section 149.43 of the Revised Code. 793

(I) Upon a recommendation from the department and in 794
accordance with section 3301.16 of the Revised Code, the state 795
board of education may revoke the charter of any alternative 796
school operated by a school district that violates this section. 797

Sec. 3313.62. The school year shall begin on the first day of 798
July of each calendar year and close on the thirtieth day of June 799
of the succeeding calendar year. A school week shall consist of 800
five days, ~~and a school month of four school weeks.~~ 801

Sec. 3313.621. (A) Except as provided in division (B) of this 802
section, no board of education of a city, exempted village, local, 803
or joint vocational school district shall permit the schools under 804
its control to open for instruction with students in attendance 805
prior to Labor day or after Memorial day in any school year. 806
Workshops, orientation, or other activities in preparation for the 807
opening of school may be held prior to Labor day for teachers or 808
administrators. 809

(B) With the approval of the superintendent of public 810
instruction, a board of education may permit a school under its 811
control to be open prior to Labor day or after Memorial day in any 812
school year, if the district board has certified to the state 813
superintendent that any of the following conditions are satisfied: 814

(1) The scheduling needs of the school will be affected by a 815
construction or renovation project that will be underway at the 816

school or another facility operated by the board. 817

(2) The school is open for instruction to make up hours 818
missed due to an earlier school closure for any of the reasons 819
specified in division (A)(2) of section 3306.01 and division (B) 820
of section 3317.01 of the Revised Code. 821

(3) The school meets the requirement of section 3313.48 of 822
the Revised Code regarding the yearly minimum number of hours it 823
must be open for instruction by requiring students to be in 824
attendance throughout the entire school year, including summer but 825
excluding authorized breaks. 826

(C) Nothing in this section shall be construed to prohibit a 827
school district from operating a summer school program. 828

(D) No school district board shall agree to or permit a 829
school under its control to participate in any extracurricular 830
events on Friday through Monday of the Labor day weekend. This 831
prohibition shall not apply to any district or school that has an 832
agreement with another district or school or with an athletic 833
association or conference, entered into prior to the effective 834
date of this section, that requires participation in 835
extracurricular events on that weekend. However, the district 836
board shall not enter into a new agreement or renew an expiring 837
agreement on or after the effective date of this section that 838
requires participation in extracurricular events on that weekend. 839

(E) Any board of education of a school district that, prior 840
to the effective date of this section, entered into a collective 841
bargaining agreement under Chapter 4117. of the Revised Code that 842
establishes a date prior to Labor day or after Memorial day on 843
which the schools of the district will open for instruction with 844
students in attendance shall not be required to comply with this 845
section until the expiration of that agreement. Each collective 846
bargaining agreement entered into or renewed on or after the 847

effective date of this section shall comply with this section. 848

Sec. 3314.03. A copy of every contract entered into under 849
this section shall be filed with the superintendent of public 850
instruction. 851

(A) Each contract entered into between a sponsor and the 852
governing authority of a community school shall specify the 853
following: 854

(1) That the school shall be established as either of the 855
following: 856

(a) A nonprofit corporation established under Chapter 1702. 857
of the Revised Code, if established prior to April 8, 2003; 858

(b) A public benefit corporation established under Chapter 859
1702. of the Revised Code, if established after April 8, 2003. 860

(2) The education program of the school, including the 861
school's mission, the characteristics of the students the school 862
is expected to attract, the ages and grades of students, and the 863
focus of the curriculum; 864

(3) The academic goals to be achieved and the method of 865
measurement that will be used to determine progress toward those 866
goals, which shall include the statewide achievement assessments; 867

(4) Performance standards by which the success of the school 868
will be evaluated by the sponsor; 869

(5) The admission standards of section 3314.06 of the Revised 870
Code and, if applicable, section 3314.061 of the Revised Code; 871

(6)(a) Dismissal procedures; 872

(b) A requirement that the governing authority adopt an 873
attendance policy that includes a procedure for automatically 874
withdrawing a student from the school if the student without a 875
legitimate excuse fails to participate in one hundred five 876

consecutive hours of the learning opportunities offered to the student.	877 878
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	879 880
(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.	881 882 883 884 885 886
(9) The facilities to be used and their locations;	887
(10) Qualifications of teachers, including the following:	888
(a) 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;	889 890 891 892 893
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	894 895 896 897 898
(11) That the school will comply with the following requirements:	899 900
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	901 902 903
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	904 905 906

(c) The school will be nonsectarian in its programs, 907
admission policies, employment practices, and all other 908
operations, and will not be operated by a sectarian school or 909
religious institution. 910

(d) The school will comply with sections 9.90, 9.91, 109.65, 911
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 912
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 913
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.621, 3313.643, 914
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 915
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 916
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, ~~3314.817~~ 917
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 918
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 919
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 920
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 921
and 4167. of the Revised Code as if it were a school district and 922
will comply with section 3301.0714 of the Revised Code in the 923
manner specified in section 3314.17 of the Revised Code. 924

(e) The school shall comply with Chapter 102. and section 925
2921.42 of the Revised Code. 926

(f) The school will comply with sections 3313.61, 3313.611, 927
and 3313.614 of the Revised Code, except that for students who 928
enter ninth grade for the first time before July 1, 2010, the 929
requirement in sections 3313.61 and 3313.611 of the Revised Code 930
that a person must successfully complete the curriculum in any 931
high school prior to receiving a high school diploma may be met by 932
completing the curriculum adopted by the governing authority of 933
the community school rather than the curriculum specified in Title 934
XXXIII of the Revised Code or any rules of the state board of 935
education. Beginning with students who enter ninth grade for the 936
first time on or after July 1, 2010, the requirement in sections 937
3313.61 and 3313.611 of the Revised Code that a person must 938

successfully complete the curriculum of a high school prior to 939
receiving a high school diploma shall be met by completing the 940
Ohio core curriculum prescribed in division (C) of section 941
3313.603 of the Revised Code, unless the person qualifies under 942
division (D) or (F) of that section. Each school shall comply with 943
the plan for awarding high school credit based on demonstration of 944
subject area competency, adopted by the state board of education 945
under division (J) of section 3313.603 of the Revised Code. 946

(g) The school governing authority will submit within four 947
months after the end of each school year a report of its 948
activities and progress in meeting the goals and standards of 949
divisions (A)(3) and (4) of this section and its financial status 950
to the sponsor and the parents of all students enrolled in the 951
school. 952

(h) The school, unless it is an internet- or computer-based 953
community school, will comply with sections 3313.674 and 3313.801 954
of the Revised Code as if it were a school district. 955

(12) Arrangements for providing health and other benefits to 956
employees; 957

(13) The length of the contract, which shall begin at the 958
beginning of an academic year. No contract shall exceed five years 959
unless such contract has been renewed pursuant to division (E) of 960
this section. 961

(14) The governing authority of the school, which shall be 962
responsible for carrying out the provisions of the contract; 963

(15) A financial plan detailing an estimated school budget 964
for each year of the period of the contract and specifying the 965
total estimated per pupil expenditure amount for each such year. 966
The plan shall specify for each year the base formula amount that 967
will be used for purposes of funding calculations under section 968
3314.08 of the Revised Code. This base formula amount for any year 969

shall not exceed the formula amount defined under section 3317.02 970
of the Revised Code. The plan may also specify for any year a 971
percentage figure to be used for reducing the per pupil amount of 972
the subsidy calculated pursuant to section 3317.029 of the Revised 973
Code the school is to receive that year under section 3314.08 of 974
the Revised Code. 975

(16) Requirements and procedures regarding the disposition of 976
employees of the school in the event the contract is terminated or 977
not renewed pursuant to section 3314.07 of the Revised Code; 978

(17) Whether the school is to be created by converting all or 979
part of an existing public school or educational service center 980
building or is to be a new start-up school, and if it is a 981
converted public school or service center building, specification 982
of any duties or responsibilities of an employer that the board of 983
education or service center governing board that operated the 984
school or building before conversion is delegating to the 985
governing authority of the community school with respect to all or 986
any specified group of employees provided the delegation is not 987
prohibited by a collective bargaining agreement applicable to such 988
employees; 989

(18) Provisions establishing procedures for resolving 990
disputes or differences of opinion between the sponsor and the 991
governing authority of the community school; 992

(19) A provision requiring the governing authority to adopt a 993
policy regarding the admission of students who reside outside the 994
district in which the school is located. That policy shall comply 995
with the admissions procedures specified in sections 3314.06 and 996
3314.061 of the Revised Code and, at the sole discretion of the 997
authority, shall do one of the following: 998

(a) Prohibit the enrollment of students who reside outside 999
the district in which the school is located; 1000

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	1001 1002
(c) Permit the enrollment of students who reside in any other district in the state.	1003 1004
(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;	1005 1006 1007 1008
(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;	1009 1010 1011
(22) A provision recognizing both of the following:	1012
(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;	1013 1014 1015 1016
(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;	1017 1018 1019 1020 1021 1022 1023
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;	1024 1025 1026 1027 1028 1029
(24) The school will comply with sections 3302.04 and	1030

3302.041 of the Revised Code, except that any action required to 1031
be taken by a school district pursuant to those sections shall be 1032
taken by the sponsor of the school. However, the sponsor shall not 1033
be required to take any action described in division (F) of 1034
section 3302.04 of the Revised Code. 1035

(25) Beginning in the 2006-2007 school year, the school will 1036
open for operation not later than the thirtieth day of September 1037
each school year, unless the mission of the school as specified 1038
under division (A)(2) of this section is solely to serve dropouts. 1039
In its initial year of operation, if the school fails to open by 1040
the thirtieth day of September, or within one year after the 1041
adoption of the contract pursuant to division (D) of section 1042
3314.02 of the Revised Code if the mission of the school is solely 1043
to serve dropouts, the contract shall be void. 1044

(B) The community school shall also submit to the sponsor a 1045
comprehensive plan for the school. The plan shall specify the 1046
following: 1047

(1) The process by which the governing authority of the 1048
school will be selected in the future; 1049

(2) The management and administration of the school; 1050

(3) If the community school is a currently existing public 1051
school or educational service center building, alternative 1052
arrangements for current public school students who choose not to 1053
attend the converted school and for teachers who choose not to 1054
teach in the school or building after conversion; 1055

(4) The instructional program and educational philosophy of 1056
the school; 1057

(5) Internal financial controls. 1058

(C) A contract entered into under section 3314.02 of the 1059
Revised Code between a sponsor and the governing authority of a 1060

community school may provide for the community school governing 1061
authority to make payments to the sponsor, which is hereby 1062
authorized to receive such payments as set forth in the contract 1063
between the governing authority and the sponsor. The total amount 1064
of such payments for oversight and monitoring of the school shall 1065
not exceed three per cent of the total amount of payments for 1066
operating expenses that the school receives from the state. 1067

(D) The contract shall specify the duties of the sponsor 1068
which shall be in accordance with the written agreement entered 1069
into with the department of education under division (B) of 1070
section 3314.015 of the Revised Code and shall include the 1071
following: 1072

(1) Monitor the community school's compliance with all laws 1073
applicable to the school and with the terms of the contract; 1074

(2) Monitor and evaluate the academic and fiscal performance 1075
and the organization and operation of the community school on at 1076
least an annual basis; 1077

(3) Report on an annual basis the results of the evaluation 1078
conducted under division (D)(2) of this section to the department 1079
of education and to the parents of students enrolled in the 1080
community school; 1081

(4) Provide technical assistance to the community school in 1082
complying with laws applicable to the school and terms of the 1083
contract; 1084

(5) Take steps to intervene in the school's operation to 1085
correct problems in the school's overall performance, declare the 1086
school to be on probationary status pursuant to section 3314.073 1087
of the Revised Code, suspend the operation of the school pursuant 1088
to section 3314.072 of the Revised Code, or terminate the contract 1089
of the school pursuant to section 3314.07 of the Revised Code as 1090
determined necessary by the sponsor; 1091

(6) Have in place a plan of action to be undertaken in the 1092
event the community school experiences financial difficulties or 1093
closes prior to the end of a school year. 1094

(E) Upon the expiration of a contract entered into under this 1095
section, the sponsor of a community school may, with the approval 1096
of the governing authority of the school, renew that contract for 1097
a period of time determined by the sponsor, but not ending earlier 1098
than the end of any school year, if the sponsor finds that the 1099
school's compliance with applicable laws and terms of the contract 1100
and the school's progress in meeting the academic goals prescribed 1101
in the contract have been satisfactory. Any contract that is 1102
renewed under this division remains subject to the provisions of 1103
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1104

(F) If a community school fails to open for operation within 1105
one year after the contract entered into under this section is 1106
adopted pursuant to division (D) of section 3314.02 of the Revised 1107
Code or permanently closes prior to the expiration of the 1108
contract, the contract shall be void and the school shall not 1109
enter into a contract with any other sponsor. A school shall not 1110
be considered permanently closed because the operations of the 1111
school have been suspended pursuant to section 3314.072 of the 1112
Revised Code. Any contract that becomes void under this division 1113
shall not count toward any statewide limit on the number of such 1114
contracts prescribed by section 3314.013 of the Revised Code. 1115

Sec. 3317.01. As used in this section and section 3317.011 of 1116
the Revised Code, "school district," unless otherwise specified, 1117
means any city, local, exempted village, joint vocational, or 1118
cooperative education school district and any educational service 1119
center. 1120

This chapter shall be administered by the state board of 1121
education. The superintendent of public instruction shall 1122

calculate the amounts payable to each school district and shall 1123
certify the amounts payable to each eligible district to the 1124
treasurer of the district as provided by this chapter. As soon as 1125
possible after such amounts are calculated, the superintendent 1126
shall certify to the treasurer of each school district the 1127
district's adjusted charge-off increase, as defined in section 1128
5705.211 of the Revised Code. No moneys shall be distributed 1129
pursuant to this chapter without the approval of the controlling 1130
board. 1131

The state board of education shall, in accordance with 1132
appropriations made by the general assembly, meet the financial 1133
obligations of this chapter. 1134

Moneys distributed pursuant to this chapter shall be 1135
calculated and paid on a fiscal year basis, beginning with the 1136
first day of July and extending through the thirtieth day of June. 1137
The moneys appropriated for each fiscal year shall be distributed 1138
periodically to each school district unless otherwise provided 1139
for. The state board shall submit a yearly distribution plan to 1140
the controlling board at its first meeting in July. The state 1141
board shall submit any proposed midyear revision of the plan to 1142
the controlling board in January. Any year-end revision of the 1143
plan shall be submitted to the controlling board in June. If 1144
moneys appropriated for each fiscal year are distributed other 1145
than monthly, such distribution shall be on the same basis for 1146
each school district. 1147

Except as otherwise provided, payments under this chapter 1148
shall be made only to those school districts in which: 1149

(A) The school district, except for any educational service 1150
center and any joint vocational or cooperative education school 1151
district, levies for current operating expenses at least twenty 1152
mills. Levies for joint vocational or cooperative education school 1153
districts or county school financing districts, limited to or to 1154

the extent apportioned to current expenses, shall be included in 1155
this qualification requirement. School district income tax levies 1156
under Chapter 5748. of the Revised Code, limited to or to the 1157
extent apportioned to current operating expenses, shall be 1158
included in this qualification requirement to the extent 1159
determined by the tax commissioner under division (D) of section 1160
3317.021 of the Revised Code. 1161

(B) The school year next preceding the fiscal year for which 1162
such payments are authorized meets both the requirement of section 1163
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 1164
minimum number of ~~days or~~ hours school must be open for 1165
instruction with pupils in attendance, for individualized 1166
parent-teacher conference and reporting periods, and for 1167
professional meetings of teachers, and the requirement of section 1168
3313.621 of the Revised Code, with regard to the first day and the 1169
last day of the school year on which a school may be open for 1170
instruction. This requirement shall be waived by the 1171
~~superintendent of public instruction if it had been necessary for~~ 1172
~~a school to be closed because of disease epidemic, hazardous~~ 1173
~~weather conditions, inoperability of school buses or other~~ 1174
~~equipment necessary to the school's operation, damage to a school~~ 1175
~~building, or other temporary circumstances due to utility failure~~ 1176
~~rendering the school building unfit for school use, provided that~~ 1177
~~for those school districts operating pursuant to section 3313.48~~ 1178
~~of the Revised Code the number of days the school was actually~~ 1179
~~open for instruction with pupils in attendance and for~~ 1180
~~individualized parent teacher conference and reporting periods is~~ 1181
~~not less than one hundred seventy five, or for those school~~ 1182
~~districts operating on a trimester plan the number of days the~~ 1183
~~school was actually open for instruction with pupils in attendance~~ 1184
~~not less than seventy nine days in any trimester, for those school~~ 1185
~~districts operating on a quarterly plan the number of days the~~ 1186
~~school was actually open for instruction with pupils in attendance~~ 1187

~~not less than fifty nine days in any quarter, or for those school 1188
districts operating on a pentamester plan the number of days the 1189
school was actually open for instruction with pupils in attendance 1190
not less than forty four days in any pentamester. However, for 1191
fiscal year 2012, the superintendent shall waive two fewer such 1192
days for the 2010-2011 school year. 1193~~

A school district shall not be considered to have failed to 1194
comply with this division ~~or section 3313.481~~ of the Revised Code 1195
because schools were open for instruction but either twelfth grade 1196
students were excused from attendance for up to ~~three days~~ sixteen 1197
and one-half hours or only a portion of the kindergarten students 1198
were in attendance for up to ~~three days~~ fifteen hours, in the case 1199
of students attending all-day kindergarten, and seven and one-half 1200
hours, in the case of students attending half-day kindergarten, in 1201
order to allow for the gradual orientation to school of such 1202
students. 1203

~~The superintendent of public instruction shall waive the 1204
requirements of this section with reference to the minimum number 1205
of days or hours school must be in session with pupils in 1206
attendance for the school year succeeding the school year in which 1207
a board of education initiates a plan of operation pursuant to 1208
section 3313.481 of the Revised Code. The minimum requirements of 1209
this section shall again be applicable to such a district 1210
beginning with the school year commencing the second July 1211
succeeding the initiation of one such plan, and for each school 1212
year thereafter. 1213~~

~~A school district shall not be considered to have failed to 1214
comply with this division or section 3313.48 or 3313.481 of the 1215
Revised Code because schools were open for instruction but the 1216
length of the regularly scheduled school day, for any number of 1217
days during the school year, was reduced by not more than two 1218
hours due to hazardous weather conditions. 1219~~

(C) The school district has on file, and is paying in 1220
accordance with, a teachers' salary schedule which complies with 1221
section 3317.13 of the Revised Code. 1222

A board of education or governing board of an educational 1223
service center which has not conformed with other law and the 1224
rules pursuant thereto, shall not participate in the distribution 1225
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 1226
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 1227
and sufficient reason established to the satisfaction of the state 1228
board of education and the state controlling board. 1229

All funds allocated to school districts under this chapter, 1230
except those specifically allocated for other purposes, shall be 1231
used to pay current operating expenses only. 1232

Sec. 3321.05. (A) As used in this section, "all-day 1233
kindergarten" means a kindergarten class that is in session ~~five~~ 1234
~~days per week~~ for not less than the same number of clock hours 1235
each ~~day~~ week as for students in grades one through six. 1236

(B) Any school district may operate all-day kindergarten or 1237
extended kindergarten, but beginning in fiscal year 2011, each 1238
city, local, and exempted village school district shall provide 1239
all-day kindergarten to each student enrolled in kindergarten, 1240
except as specified in divisions (C) and (D) of this section. 1241

(C) The board of education of a school district may apply to 1242
the superintendent of public instruction for a waiver of the 1243
requirement to provide all-day kindergarten for all kindergarten 1244
students. In making the determination to grant or deny the waiver, 1245
the state superintendent may consider space concerns or 1246
alternative delivery approaches used by the school district. 1247

(D) No district shall require any student to attend 1248
kindergarten for more than one-half of the number of clock hours 1249

required each day for grades one through six by the minimum 1250
standards adopted under division (D) of section 3301.07 of the 1251
Revised Code. Each school district shall accommodate kindergarten 1252
students whose parents or guardians elect to enroll them for 1253
one-half of the minimum number of hours required each day for 1254
grades one through six. 1255

(E) A school district may use space in child day-care centers 1256
licensed under Chapter 5104. of the Revised Code to provide 1257
all-day kindergarten under this section. 1258

Sec. 3326.11. Each science, technology, engineering, and 1259
mathematics school established under this chapter and its 1260
governing body shall comply with sections 9.90, 9.91, 109.65, 1261
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 1262
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 1263
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, ~~3313.482~~, 3313.50, 1264
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1265
3313.61, 3313.611, 3313.614, 3313.615, 3313.621, 3313.643, 1266
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1267
3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 1268
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 1269
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 1270
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 1271
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1272
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1273
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 1274
4167. of the Revised Code as if it were a school district. 1275

Section 2. That existing sections 2151.011, 3306.01, 3313.48, 1276
3313.533, 3313.62, 3314.03, 3317.01, 3321.05, and 3326.11 and 1277
sections 3313.481 and 3313.482 of the Revised Code are hereby 1278
repealed. 1279

Section 3. Sections 1 and 2 of this act shall take effect 1280
July 1, 2012. However, to determine whether a school district 1281
satisfied the minimum school year in the 2011-2012 school year in 1282
order to qualify for state funding under Chapters 3306. and 3317. 1283
of the Revised Code for fiscal year 2013, the Department of 1284
Education shall apply the criteria prescribed in the versions of 1285
division (A)(2) of section 3306.01 and division (B) of section 1286
3317.01 of the Revised Code in effect prior to July 1, 2012. 1287

Section 4. The amendments to sections 3306.01, 3313.48, 1288
3313.533, 3313.62, 3317.01, and 3321.05; the repeal and 1289
reenactment of section 3313.481; and the repeal of section 1290
3313.482 of the Revised Code made by this act do not apply to any 1291
collective bargaining agreement executed under Chapter 4117. of 1292
the Revised Code prior to the effective date of this section. Any 1293
collective bargaining agreement or renewal executed after that 1294
date shall comply with the changes provided for in this act. 1295