

As Introduced

**129th General Assembly
Regular Session
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S. B. No. 175

Senator Schiavoni

Cosponsors: Senators Tavares, Cafaro, Sawyer

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A B I L L

To amend section 3314.06 and to enact section 1
3314.062 of the Revised Code to generally prohibit 2
a community school from admitting a student from 3
the school district in which it is located if the 4
student's district school has a better performance 5
rating than the community school. 6

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

Section 1. That section 3314.06 be amended and section 7
3314.062 of the Revised Code be enacted to read as follows: 8

Sec. 3314.06. The governing authority of each community 9
school established under this chapter shall adopt admission 10
procedures that specify the following: 11

(A) That except as otherwise provided in this section and 12
section 3314.062 of the Revised Code, admission to the school 13
shall be open to any individual age five to twenty-two entitled to 14
attend school pursuant to section 3313.64 or 3313.65 of the 15
Revised Code in a school district in the state. 16

(B)(1) That admission to the school may be limited to 17
students who have attained a specific grade level or are within a 18
specific age group; to students that meet a definition of 19

"at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may establish single-gender schools for the purpose described in division (G) of this section provided comparable facilities and learning opportunities are offered for both boys and girls. Such comparable facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on

the basis of intellectual ability, measures of achievement or 51
aptitude, or athletic ability, except that a school may limit its 52
enrollment to students as described in division (B) of this 53
section. 54

(F) That the community school will admit the number of 55
students that does not exceed the capacity of the school's 56
programs, classes, grade levels, or facilities. 57

(G) That the purpose of single-gender schools that are 58
established shall be to take advantage of the academic benefits 59
some students realize from single-gender instruction and 60
facilities and to offer students and parents residing in the 61
district the option of a single-gender education. 62

(H) That, except as otherwise provided under division (B) of 63
this section or section 3314.061 of the Revised Code, if the 64
number of applicants exceeds the capacity restrictions of division 65
(F) of this section, students shall be admitted by lot from all 66
those submitting applications, except preference shall be given to 67
students attending the school the previous year and to students 68
who reside in the district in which the school is located. 69
Preference may be given to siblings of students attending the 70
school the previous year. 71

Notwithstanding divisions (A) to (H) of this section, in the 72
event the racial composition of the enrollment of the community 73
school is violative of a federal desegregation order, the 74
community school shall take any and all corrective measures to 75
comply with the desegregation order. 76

Sec. 3314.062. No community school shall admit any student 77
who is entitled to attend school under section 3313.64 or 3313.65 78
of the Revised Code in the school district in which the community 79
school is located and who is or would be assigned under section 80
3319.01 of the Revised Code, for the school year in which 81

admission is sought, to a district building whose most recent 82
rating issued under section 3302.03 of the Revised Code is better 83
than the most recent rating issued to the community school under 84
section 3314.012 of the Revised Code, unless one of the following 85
applies to the student: 86

(A) The student is a child with a disability entitled to 87
special education and related services under Chapter 3323. of the 88
Revised Code. 89

(B) The principal of the district building to which the 90
student is or would be assigned approves the student's admission 91
to the community school. 92

In accordance with division (B) of section 3314.012 of the 93
Revised Code, the ratings a community school receives for its 94
first two years of operation shall not be considered in 95
determining if the school is subject to this section. Nothing in 96
this section shall prohibit a community school from continuing to 97
enroll a student who was admitted prior to the school becoming 98
subject to this section. 99

Section 2. That existing section 3314.06 of the Revised Code 100
is hereby repealed. 101