

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 177**

**Senator Turner**

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**A B I L L**

To amend sections 3314.03 and 3326.11 and to enact  
section 3302.042 of the Revised Code to require  
public high schools that receive federal school  
improvement grant moneys to establish student  
advisory committees.

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

**Section 1.** That sections 3314.03 and 3326.11 be amended and  
section 3302.042 of the Revised Code be enacted to read as  
follows:

**Sec. 3302.042.** (A) This section applies to each school  
district that is the recipient of a school improvement grant under  
the "No Child Left Behind Act of 2001," 20 U.S.C. 6303(g).

(B) The board of education of each school district to which  
this section applies shall require each high school operated by  
the district that receives any portion of the school improvement  
grant moneys awarded to the district to establish a student  
advisory committee to make recommendations about the school  
improvement process. The principal of the school and  
representatives of the teachers' labor organization who are  
employed in the school shall determine the composition of the  
committee and the process for selecting committee members, which

shall allow for all students enrolled in the school to be informed 21  
about, and involved in, member selection. 22

The committee shall make regular recommendations, but at 23  
least semiannually, regarding the following: 24

(1) Strategies to improve teaching and learning at the 25  
school; 26

(2) How to use technology in the classroom to engage students 27  
in the learning process; 28

(3) Strategies to encourage high-achieving students to work 29  
with underperforming students to improve the school's academic 30  
culture and graduation rate; 31

(4) Ways in which students may improve the behavior of other 32  
students and reduce incidents of bullying and other disruptive 33  
conduct; 34

(5) Procedures for monitoring the progress of the changes 35  
implemented with the grant moneys; 36

(6) Any other issues requested by school personnel or the 37  
board. 38

(C) The student advisory committee shall provide copies of 39  
its recommendations to the school principal, the person designated 40  
to be the representative of the teachers' labor organization for 41  
the school, and the district superintendent. 42

(D)(1) The board shall organize joint meetings of all student 43  
advisory committees in the district twice each school year for the 44  
purpose of sharing information and successful practices in 45  
teaching and learning among district schools. The board shall 46  
schedule the first meeting prior to the fifteenth day of October 47  
and the second meeting after that date but prior to the fifteenth 48  
day of February. 49

(2) The department of education shall organize joint meetings 50

of all student advisory committees statewide, including any 51  
committees from community schools established under Chapter 3314. 52  
of the Revised Code or science, technology, engineering, and 53  
mathematics schools established under Chapter 3326. of the Revised 54  
Code, twice each school year for the purpose of sharing 55  
information and successful practices in teaching and learning 56  
among schools and providing students with an opportunity to 57  
develop their leadership skills. The department shall schedule the 58  
first meeting prior to the fifteenth day of October and the second 59  
meeting after that date but prior to the fifteenth day of 60  
February. 61

**Sec. 3314.03.** A copy of every contract entered into under 62  
this section shall be filed with the superintendent of public 63  
instruction. 64

(A) Each contract entered into between a sponsor and the 65  
governing authority of a community school shall specify the 66  
following: 67

(1) That the school shall be established as either of the 68  
following: 69

(a) A nonprofit corporation established under Chapter 1702. 70  
of the Revised Code, if established prior to April 8, 2003; 71

(b) A public benefit corporation established under Chapter 72  
1702. of the Revised Code, if established after April 8, 2003. 73

(2) The education program of the school, including the 74  
school's mission, the characteristics of the students the school 75  
is expected to attract, the ages and grades of students, and the 76  
focus of the curriculum; 77

(3) The academic goals to be achieved and the method of 78  
measurement that will be used to determine progress toward those 79  
goals, which shall include the statewide achievement assessments; 80

(4) Performance standards by which the success of the school will be evaluated by the sponsor;	81 82
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	83 84
(6)(a) Dismissal procedures;	85
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	86 87 88 89 90 91
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	92 93
(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.	94 95 96 97 98 99
(9) The facilities to be used and their locations;	100
(10) Qualifications of teachers, including the following:	101
(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;	102 103 104 105 106
(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	107 108 109 110

physical education.	111
(11) That the school will comply with the following requirements:	112
(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.	113
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	114
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	115
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, <u>3302.042</u> , 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, <del>3314.817</del> <u>3313.817</u> , 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	116
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	117
(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who	118
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enter ninth grade for the first time before July 1, 2010, the 142  
requirement in sections 3313.61 and 3313.611 of the Revised Code 143  
that a person must successfully complete the curriculum in any 144  
high school prior to receiving a high school diploma may be met by 145  
completing the curriculum adopted by the governing authority of 146  
the community school rather than the curriculum specified in Title 147  
XXXVIII of the Revised Code or any rules of the state board of 148  
education. Beginning with students who enter ninth grade for the 149  
first time on or after July 1, 2010, the requirement in sections 150  
3313.61 and 3313.611 of the Revised Code that a person must 151  
successfully complete the curriculum of a high school prior to 152  
receiving a high school diploma shall be met by completing the 153  
Ohio core curriculum prescribed in division (C) of section 154  
3313.603 of the Revised Code, unless the person qualifies under 155  
division (D) or (F) of that section. Each school shall comply with 156  
the plan for awarding high school credit based on demonstration of 157  
subject area competency, adopted by the state board of education 158  
under division (J) of section 3313.603 of the Revised Code. 159

(g) The school governing authority will submit within four 160  
months after the end of each school year a report of its 161  
activities and progress in meeting the goals and standards of 162  
divisions (A)(3) and (4) of this section and its financial status 163  
to the sponsor and the parents of all students enrolled in the 164  
school. 165

(h) The school, unless it is an internet- or computer-based 166  
community school, will comply with sections 3313.674 and 3313.801 167  
of the Revised Code as if it were a school district. 168

(12) Arrangements for providing health and other benefits to 169  
employees; 170

(13) The length of the contract, which shall begin at the 171  
beginning of an academic year. No contract shall exceed five years 172  
unless such contract has been renewed pursuant to division (E) of 173

this section.	174
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	175 176
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.	177 178 179 180 181 182 183 184 185 186 187 188
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	189 190 191
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	192 193 194 195 196 197 198 199 200 201 202
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the	203 204

governing authority of the community school;	205
(19) A provision requiring the governing authority to adopt a	206
policy regarding the admission of students who reside outside the	207
district in which the school is located. That policy shall comply	208
with the admissions procedures specified in sections 3314.06 and	209
3314.061 of the Revised Code and, at the sole discretion of the	210
authority, shall do one of the following:	211
(a) Prohibit the enrollment of students who reside outside	212
the district in which the school is located;	213
(b) Permit the enrollment of students who reside in districts	214
adjacent to the district in which the school is located;	215
(c) Permit the enrollment of students who reside in any other	216
district in the state.	217
(20) A provision recognizing the authority of the department	218
of education to take over the sponsorship of the school in	219
accordance with the provisions of division (C) of section 3314.015	220
of the Revised Code;	221
(21) A provision recognizing the sponsor's authority to	222
assume the operation of a school under the conditions specified in	223
division (B) of section 3314.073 of the Revised Code;	224
(22) A provision recognizing both of the following:	225
(a) The authority of public health and safety officials to	226
inspect the facilities of the school and to order the facilities	227
closed if those officials find that the facilities are not in	228
compliance with health and safety laws and regulations;	229
(b) The authority of the department of education as the	230
community school oversight body to suspend the operation of the	231
school under section 3314.072 of the Revised Code if the	232
department has evidence of conditions or violations of law at the	233
school that pose an imminent danger to the health and safety of	234



the school's students and employees and the sponsor refuses to 235  
take such action; 236

(23) A description of the learning opportunities that will be 237  
offered to students including both classroom-based and 238  
non-classroom-based learning opportunities that is in compliance 239  
with criteria for student participation established by the 240  
department under division (L)(2) of section 3314.08 of the Revised 241  
Code; 242

(24) The school will comply with sections 3302.04 and 243  
3302.041 of the Revised Code, except that any action required to 244  
be taken by a school district pursuant to those sections shall be 245  
taken by the sponsor of the school. However, the sponsor shall not 246  
be required to take any action described in division (F) of 247  
section 3302.04 of the Revised Code. 248

(25) Beginning in the 2006-2007 school year, the school will 249  
open for operation not later than the thirtieth day of September 250  
each school year, unless the mission of the school as specified 251  
under division (A)(2) of this section is solely to serve dropouts. 252  
In its initial year of operation, if the school fails to open by 253  
the thirtieth day of September, or within one year after the 254  
adoption of the contract pursuant to division (D) of section 255  
3314.02 of the Revised Code if the mission of the school is solely 256  
to serve dropouts, the contract shall be void. 257

(B) The community school shall also submit to the sponsor a 258  
comprehensive plan for the school. The plan shall specify the 259  
following: 260

(1) The process by which the governing authority of the 261  
school will be selected in the future; 262

(2) The management and administration of the school; 263

(3) If the community school is a currently existing public 264  
school or educational service center building, alternative 265

arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	266
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(4) The instructional program and educational philosophy of the school;	269
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(5) Internal financial controls.	271
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	272
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	281
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	286
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	288
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(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	291
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(4) Provide technical assistance to the community school in	295

complying with laws applicable to the school and terms of the 296  
contract; 297

(5) Take steps to intervene in the school's operation to 298  
correct problems in the school's overall performance, declare the 299  
school to be on probationary status pursuant to section 3314.073 300  
of the Revised Code, suspend the operation of the school pursuant 301  
to section 3314.072 of the Revised Code, or terminate the contract 302  
of the school pursuant to section 3314.07 of the Revised Code as 303  
determined necessary by the sponsor; 304

(6) Have in place a plan of action to be undertaken in the 305  
event the community school experiences financial difficulties or 306  
closes prior to the end of a school year. 307

(E) Upon the expiration of a contract entered into under this 308  
section, the sponsor of a community school may, with the approval 309  
of the governing authority of the school, renew that contract for 310  
a period of time determined by the sponsor, but not ending earlier 311  
than the end of any school year, if the sponsor finds that the 312  
school's compliance with applicable laws and terms of the contract 313  
and the school's progress in meeting the academic goals prescribed 314  
in the contract have been satisfactory. Any contract that is 315  
renewed under this division remains subject to the provisions of 316  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 317

(F) If a community school fails to open for operation within 318  
one year after the contract entered into under this section is 319  
adopted pursuant to division (D) of section 3314.02 of the Revised 320  
Code or permanently closes prior to the expiration of the 321  
contract, the contract shall be void and the school shall not 322  
enter into a contract with any other sponsor. A school shall not 323  
be considered permanently closed because the operations of the 324  
school have been suspended pursuant to section 3314.072 of the 325  
Revised Code. Any contract that becomes void under this division 326  
shall not count toward any statewide limit on the number of such 327

contracts prescribed by section 3314.013 of the Revised Code. 328

**Sec. 3326.11.** Each science, technology, engineering, and 329  
mathematics school established under this chapter and its 330  
governing body shall comply with sections 9.90, 9.91, 109.65, 331  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 332  
3301.0714, 3301.0715, 3302.042, 3313.14, 3313.15, 3313.16, 333  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 334  
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 335  
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 336  
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 337  
3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 338  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 339  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 340  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 341  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 342  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 343  
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 344  
4167. of the Revised Code as if it were a school district. 345

**Section 2.** That existing sections 3314.03 and 3326.11 of the 346  
Revised Code are hereby repealed. 347