

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 479**

**Representative Butler**

**Cosponsors: Representatives Terhar, Blair, Henne, Romanchuk**

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**A B I L L**

To amend section 3314.06 and to enact sections 1  
3314.0110, 3314.0111, and 3314.0112 of the Revised 2  
Code and to amend Section 263.325 of Am. Sub. H.B. 3  
59 of the 130th General Assembly to authorize the 4  
establishment of enterprise academy community 5  
schools that operate on an extended-day, 6  
year-round schedule, use competency-based mastery 7  
curriculum model, use blended learning for core 8  
subjects, and offer alternative college- and 9  
career-ready pathways and to give such schools 10  
priority for grants awarded under the Straight A 11  
Program. 12

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

**Section 1.** That section 3314.06 be amended and sections 13  
3314.0110, 3314.0111, and 3314.0112 of the Revised Code be enacted 14  
to read as follows: 15

**Sec. 3314.0110.** (A)(1) Notwithstanding anything in the 16  
Revised Code to the contrary, a community school may be 17  
established under this chapter as an enterprise academy, which 18  
shall operate in accordance with this section. An enterprise 19

academy community school may be established in any school district 20  
or, by a consortium of adjacent school districts, with a 21  
population of not less than fifteen thousand persons entitled to 22  
attend school under section 3314.64 or 3314.65 of the Revised 23  
Code. Unless otherwise specified in this section, each enterprise 24  
academy community school shall comply with all provisions of this 25  
chapter. 26

(2) Each enterprise academy community school shall be 27  
administered by a governing authority as described in division (E) 28  
of section 3314.02 of the Revised Code, which shall be selected by 29  
the board of education of the school district, or by the boards of 30  
the districts of the consortium, for which the school is 31  
established. Each academy shall have a sponsor, which shall be one 32  
of the entities described in division (C)(1) of section 3314.02 of 33  
the Revised Code. The governing authority and the sponsor shall 34  
enter into a contract, as prescribed by section 3314.03 of the 35  
Revised Code, which shall describe the differentiated nature of 36  
the school's instructional program and prescribe an academic 37  
accountability plan. 38

(3) For each enterprise academy, the board of education of 39  
the school district, or the boards of the districts of the 40  
consortium, for which the school is established shall complete a 41  
site selection process in order to determine the location for the 42  
school. In making this determination, the board or boards shall 43  
ensure that the location for the school and the neighborhood 44  
surrounding the school is generally considered safe for students. 45

(B) Each enterprise academy community school shall operate on 46  
a year-round schedule under which the school shall be open for 47  
instruction with students in attendance in each month of the 48  
school year for two hundred and twenty days. Each school day shall 49  
consist of not less than nine clock hours with students in 50

attendance, except in such emergency situations as are approved by 51  
the state board of education. 52

Each enterprise academy community school shall provide 53  
instruction for students of school age, as prescribed by division 54  
(B) of section 3313.64 of the Revised Code, and to preschool age 55  
children, as provided in division (C)(3) of this section. 56

Transportation to and from the school for school age children 57  
shall be provided in accordance with section 3314.09 or 3314.091 58  
of the Revised Code. Transportation for preschool age children may 59  
be provided by the school in accordance with a plan adopted by the 60  
school's governing authority. 61

(C)(1) Each enterprise academy community school is exempted 62  
from the Ohio core curriculum prescribed by division (C) of 63  
section 3313.603 of the Revised Code. The curriculum of the school 64  
shall be developed by the governing authority. The pace of 65  
completion of the curriculum shall be individualized for each 66  
student. Each enterprise academy community school shall provide 67  
competency, mastery-based, and blended learning opportunities so 68  
that completing the high school curriculum and transitioning to 69  
earning an associate degree is as seamless as possible. As used in 70  
this section, "blended learning" has the same meaning as in 71  
section 3301.079 of the Revised Code. 72

At a minimum, the curriculum shall include all of the 73  
following: 74

(a) "Core requirement" courses, which shall provide students 75  
with the ability to score at or above the proficient level, as 76  
determined by the state board pursuant to division (A)(2)(b) of 77  
section 3301.0710 of the Revised Code, on the state achievement 78  
assessments prescribed by section 3301.0710 of the Revised Code; 79

(b) Courses on citizenship, entrepreneurship, and financial 80  
literacy. Each governing authority may use either the academic 81

content standards developed by the state board of education under 82  
section 3301.079 of the Revised Code or may develop its own 83  
standards for these courses. 84

(c) Supervised vigorous physical activity, to be provided in 85  
a manner prescribed by the governing authority. Participation in 86  
varsity athletics shall be considered as satisfying this 87  
requirement. 88

(d) Study hall and mentorship, which shall account for not 89  
less than one clock hour per school day. Each study hall shall be 90  
staffed by a qualified teacher and may include mentorship 91  
activities such as career counseling. Mentorship may be provided 92  
by private organizations, including, but not limited to, big 93  
brothers big sisters or similar organizations. 94

(e) Courses beyond the core requirement courses, depending 95  
upon the progress of each individual student. The course content 96  
and the manner in which these courses are offered shall be left to 97  
the discretion of the governing authority. 98

(f) Participation in a dual enrollment program, as defined by 99  
section 3301.6013 of the Revised Code. Participation shall be in 100  
one of the following programs: 101

(i) The post-secondary enrollment options program established 102  
under Chapter 3365. of the Revised Code. Students may enroll only 103  
in courses that will further college or career readiness as 104  
determined by the chancellor of the Ohio board of regents and the 105  
superintendent of public instruction. 106

(ii) Another dual enrollment program in an agricultural, 107  
industrial, vocational, or trade school or obtainment of an 108  
industry certification or apprenticeship in any field. 109

To the extent possible, instruction in dual enrollment 110  
programs under division (C)(1)(f) of this section shall be 111  
provided on-site at the enterprise academy community school. 112

The chancellor and the superintendent of public instruction jointly shall adopt rules prescribing standards for and administration of these programs. The rules shall require all state institutions of higher education, as defined in section 3345.011 of the Revised Code, to accept and award credit for any course offered at the enterprise academy community school under the post-secondary enrollment options program. 113  
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Each enterprise academy may enter into partnerships with applicable institutions and groups, including, but not limited to, institutions of higher education and agricultural, industrial, vocational, and trade schools. These programs shall be funded by the chancellor with funds as appropriated by the general assembly. 120  
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(2) A combination of technology-based instruction, including internet- or computer-based instruction, and classroom-based instruction shall be provided to each student. Students shall be grouped according to age, but shall not be assigned traditional grade levels. Teachers shall permit each student to advance through the curriculum at the student's own pace. 125  
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(3) All-day kindergarten, as defined in section 3321.05 of the Revised Code, and early childhood education for children who are toilet-trained and at least two and one-half years old shall be provided at each enterprise academy community school. Early childhood education shall be funded, to the extent possible, by federal funding allocated for daycare and early childhood education initiatives and by such other programs authorized by state law. For purposes of this section, a "toilet-trained" child is one who no longer requires the use of diapers, training pants, or disposable pull-up underwear. 131  
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(4) Students with disabilities shall be provided with special education and related services in accordance with Chapter 3323. of the Revised Code. 141  
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(5) Notwithstanding anything to the contrary in the Revised Code, an enterprise academy community school shall grant course credit to any student who does not complete a course of instruction but who demonstrates competency in that course's subject matter by way of attaining a score, as determined by the department of education, in any of the assessments required under division (A) or (B)(1) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code. For purposes of division (C)(5) of this section, if an assessment is not administered under those sections for a core requirement course subject or for a specific grade level, or both, the department of education shall develop or select an assessment, and score range, by which a student may demonstrate competency in that subject at that grade level for course credit.

(D) Notwithstanding anything in the Revised Code to the contrary, each full-time teacher employed by an enterprise academy community school shall be paid not less than eighty-five thousand dollars per school year.

(E) Annually, on the same dates designated by the superintendent of public instruction under division (C) of section 3301.0710 of the Revised Code for the spring administration of the state achievement assessments, each enterprise academy community school shall report the percentage of students who have earned course credit under division (C)(5) of this section by age and highest grade level of competency.

(F) Notwithstanding anything to the contrary in section 3314.05 of the Revised Code, an enterprise academy community school may offer classes and operate in separate buildings under the same contract.

**Sec. 3314.0111.** (A) Annually the department of education shall report for each enterprise academy community school

established under section 3314.0110 of the Revised Code both of 175  
the following components: 176

(1) For the college-ready component, the percentage of 177  
students who attend a college or university within one year after 178  
graduation and who complete a bachelor's degree within three years 179  
of graduation from the academy; 180

(2) For the career-ready component, the percentage of 181  
students who earn not less than two hundred per cent of the 182  
minimum wage, as defined in Chapter 4111. of the Revised Code, 183  
within one year after graduation from the academy and the 184  
percentage of students who earn not less than two hundred fifty 185  
per cent of the minimum wage within three years after graduation 186  
from the academy. 187

(B) The department of education shall annually report a 188  
letter grade for both the college- and the career-ready component 189  
defined in division (A) of this section for each enterprise 190  
academy. The state board of education shall prescribe benchmarks 191  
based upon the criteria in division (A) of this section for the 192  
assignment of these letter grades. 193

(C) No enterprise academy community school shall receive a 194  
building or district grade as prescribed by sections 3302.03 and 195  
3314.012 or section 3314.017 of the Revised Code. 196

**Sec. 3314.0112.** The state board of education, through the 197  
department of education, shall appoint the director of enterprise 198  
academy community schools, who shall serve at the pleasure of the 199  
state board and shall oversee the operations of enterprise 200  
academies established under section 3314.0110 of the Revised Code. 201

**Sec. 3314.06.** The governing authority of each community 202  
school established under this chapter shall adopt admission 203

procedures that specify the following: 204

(A) That, except as otherwise provided in this section, 205  
admission to the school shall be open to any individual age five 206  
to twenty-two entitled to attend school pursuant to section 207  
3313.64 or 3313.65 of the Revised Code in a school district in the 208  
state. 209

Additionally, except as otherwise provided in this section, 210  
admission to the school may be open on a tuition basis to any 211  
individual age five to twenty-two who is not a resident of this 212  
state. The school shall not receive state funds under section 213  
3314.08 of the Revised Code for any student who is not a resident 214  
of this state. 215

An individual younger than five years of age may be admitted 216  
to the school in accordance with division (A)(2) of section 217  
3321.01 of the Revised Code. The school shall receive funds for an 218  
individual admitted under that division in the manner provided 219  
under section 3314.08 of the Revised Code. 220

An individual younger than five years of age, but at least 221  
two and one-half years of age, may be admitted to an enterprise 222  
academy community school established under section 3314.0110 of 223  
the Revised Code, in accordance with division (C)(3) of that 224  
section. 225

(B)(1) That admission to the school may be limited to 226  
students who have attained a specific grade level or are within a 227  
specific age group; to students that meet a definition of 228  
"at-risk," as defined in the contract; to residents of a specific 229  
geographic area within the district, as defined in the contract; 230  
or to separate groups of autistic students and nondisabled 231  
students, as authorized in section 3314.061 of the Revised Code 232  
and as defined in the contract. 233

(2) For purposes of division (B)(1) of this section, 234



"at-risk" students may include those students identified as gifted 235  
students under section 3324.03 of the Revised Code. 236

(C) Whether enrollment is limited to students who reside in 237  
the district in which the school is located or is open to 238  
residents of other districts, as provided in the policy adopted 239  
pursuant to the contract. 240

(D)(1) That there will be no discrimination in the admission 241  
of students to the school on the basis of race, creed, color, 242  
disability, or sex except that: 243

(a) The governing authority may do either of the following 244  
for the purpose described in division (G) of this section: 245

(i) Establish a single-gender school for either sex; 246

(ii) Establish single-gender schools for each sex under the 247  
same contract, provided substantially equal facilities and 248  
learning opportunities are offered for both boys and girls. Such 249  
facilities and opportunities may be offered for each sex at 250  
separate locations. 251

(b) The governing authority may establish a school that 252  
simultaneously serves a group of students identified as autistic 253  
and a group of students who are not disabled, as authorized in 254  
section 3314.061 of the Revised Code. However, unless the total 255  
capacity established for the school has been filled, no student 256  
with any disability shall be denied admission on the basis of that 257  
disability. 258

(2) That upon admission of any student with a disability, the 259  
community school will comply with all federal and state laws 260  
regarding the education of students with disabilities. 261

(E) That the school may not limit admission to students on 262  
the basis of intellectual ability, measures of achievement or 263  
aptitude, or athletic ability, except that a school may limit its 264

enrollment to students as described in division (B) of this section. 265  
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 267  
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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 270  
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. 275  
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order. 284  
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**Section 2.** That existing section 3314.06 of the Revised Code is hereby repealed. 289  
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**Section 3.** That Section 263.325 of Am. Sub. H.B. 59 of the 130th General Assembly be amended to read as follows: 291  
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**Sec. 263.325.** (A) The Straight A Program is hereby created 293

for fiscal years 2014 and 2015 to provide grants to city, local, 294  
exempted village, and joint vocational school districts, 295  
educational service centers, community schools established under 296  
Chapter 3314., STEM schools established under Chapter 3326., 297  
college-preparatory boarding schools established under Chapter 298  
3328. of the Revised Code, individual school buildings, education 299  
consortia (which may represent a partnership among school 300  
districts, school buildings, community schools, or STEM schools), 301  
institutions of higher education, and private entities partnering 302  
with one or more of the educational entities identified in this 303  
division for projects that aim to achieve significant advancement 304  
in one or more of the following goals: 305

(1) Student achievement; 306

(2) Spending reduction in the five-year fiscal forecast 307  
required under section 5705.391 of the Revised Code; 308

(3) Utilization of a greater share of resources in the 309  
classroom. 310

(B)(1) Grants shall be awarded by a nine-member governing 311  
board consisting of the Superintendent of Public Instruction, or 312  
the Superintendent's designee, four members appointed by the 313  
Governor, two members appointed by the Speaker of the House of 314  
Representatives, and two members appointed by the President of the 315  
Senate. The Department of Education shall provide administrative 316  
support to the board. No member shall be compensated for the 317  
member's service on the board. 318

(2) The board shall select grant advisors with fiscal 319  
expertise and education expertise. These advisors shall evaluate 320  
proposals from grant applicants and advise the staff administering 321  
the program. No advisor shall be compensated for this service. 322

(3) The board shall issue an annual report to the Governor, 323  
the Speaker of the House of Representatives, the President of the 324

Senate, and the chairpersons of the House and Senate committees 325  
that primarily deal with education regarding the types of grants 326  
awarded, the grant recipients, and the effectiveness of the grant 327  
program. 328

(4) The board shall create a grant application and publish on 329  
the Department's web site the application and timeline for the 330  
submission, review, notification, and awarding of grant proposals. 331

(5) With the approval of the board, the Department shall 332  
establish a system for evaluating and scoring the grant 333  
applications received under this section. 334

(C) Each grant applicant shall submit a proposal that 335  
includes all of the following: 336

(1) A description of the project for which the applicant is 337  
seeking a grant, including a description of how the project will 338  
have substantial value and lasting impact; 339

(2) An explanation of how the project will be 340  
self-sustaining. If the project will result in increased ongoing 341  
spending, the applicant shall show how the spending will be offset 342  
by verifiable, credible, permanent spending reductions. 343

(3) A description of quantifiable results of the project that 344  
can be benchmarked. 345

If an education consortia described in division (A) of this 346  
section applies for a grant, the lead applicant shall be the 347  
school district, school building, community school, or STEM school 348  
that is a member of the consortia and shall so indicate on the 349  
grant application. 350

(D)(1) Within seventy-five days after receiving a grant 351  
application, the board shall issue a decision on the application 352  
of "yes," "no," "hold," or "edit." In making its decision, the 353  
board shall consider whether the project has the capability of 354

being replicated in other school districts and schools or creates 355  
something that can be used in other districts and schools. A grant 356  
awarded under this section to a school district, educational 357  
service center, community school, STEM school, college-preparatory 358  
boarding school, individual school building, institution of higher 359  
education, or private entity partnering with one or more of the 360  
educational entities identified in division (A) of this section 361  
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 362  
to an education consortia shall not exceed \$15,000,000 in each 363  
fiscal year. The Superintendent of Public Instruction may make 364  
recommendations to the Controlling Board that these maximum 365  
amounts be exceeded. Upon Controlling Board approval, grants may 366  
be awarded in excess of these amounts. 367

(2) If the board issues a "hold" or "edit" decision for an 368  
application, it shall, upon returning the application to the 369  
applicant, specify the process for reconsideration of the 370  
application. An applicant may work with the grant advisors and 371  
staff to modify or improve a grant application. 372

(E) Upon deciding to award a grant to an applicant, the board 373  
shall enter into a grant agreement with the applicant that 374  
includes all of the following: 375

(1) The content of the applicant's proposal as outlined under 376  
division (C) of this section; 377

(2) The project's deliverables and a timetable for their 378  
completion; 379

(3) Conditions for receiving grant funding; 380

(4) Conditions for receiving funding in future years if the 381  
contract is a multi-year contract; 382

(5) A provision specifying that funding will be returned to 383  
the board if the applicant fails to implement the agreement, as 384  
determined by the Auditor of State. 385

(6) A provision specifying that the agreement may be amended 386  
by mutual agreement between the board and the applicant. 387

(F) An advisory committee for the Straight A Program is 388  
hereby established. The committee shall consist of not more than 389  
eleven members appointed by the Governor that represent all areas 390  
of the state and different interests. The committee shall annually 391  
review the Straight A Program and provide strategic advice to the 392  
governing board and the Director of the Governor's Office of 21st 393  
Century Education. 394

(G) Each grant awarded under this section shall be subject to 395  
approval by the Controlling Board prior to execution of the grant 396  
agreement. 397

(H) Notwithstanding anything to the contrary, a grant 398  
application submitted under this section within the applicable 399  
timeline by an enterprise academy community school, established 400  
under section 3314.0110 of the Revised Code, shall be considered 401  
by the board to automatically meet the goals of the program 402  
described in division (A) of this section. In reviewing the grant 403  
applications, the board shall first consider all grants submitted 404  
by enterprise academy community schools and shall issue a decision 405  
for each application pursuant to division (D)(1) of this section. 406  
Notwithstanding division (D)(1) of this section, grants awarded to 407  
enterprise academy community schools shall not exceed \$3,000,000. 408

**Section 4.** That existing Section 263.325 of Am. Sub. H.B. 59 409  
of the 130th General Assembly is hereby repealed. 410

**Section 5.** In order to achieve the primary goals of the State 411  
of Ohio's education system, enterprise academy community schools 412  
shall be established to ensure that students are provided with an 413  
alternative pathway to be adequately prepared for success in 414  
college or in the career of their choice. In order to obtain this 415

success, the purpose of such schools is to do all of the 416  
following: 417

(A) Produce the best informed, strongest citizens in Ohio and 418  
in the nation; 419

(B) Generate the most competitive graduates in the nation and 420  
attract businesses to locate their operations in Ohio; 421

(C) Help students graduate with both a high school diploma 422  
and an associate's degree at the time of graduation from the 423  
enterprise academy in order to minimize debt incurred for higher 424  
education; 425

(D) Ensure that all graduates find well-paying and stable 426  
jobs that are capable of supporting a family. 427

**Section 6.** If a new start-up community school is established 428  
as an enterprise academy, in accordance with section 3314.0110 of 429  
the Revised Code, and initially opens for operation in the 430  
2014-2015 school year, the school's governing authority and the 431  
governing board of the school's sponsor shall not be subject to 432  
the deadlines prescribed by division (D) of section 3314.02 of the 433  
Revised Code for adoption and signing of the contract entered into 434  
under section 3314.03 of the Revised Code, but those parties shall 435  
adopt and sign the contract, and file a copy of it with the 436  
Superintendent of Public Instruction, prior to the school's 437  
opening. 438