

As Introduced

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

S. B. No. 158

Senator Tavares

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A BILL

To amend section 3314.35 of the Revised Code to
exempt from closure certain community schools that
enroll students receiving behavioral health
services. 1 2 3 4

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

Section 1. That section 3314.35 of the Revised Code be
amended to read as follows: 5 6

Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of
this section, this section applies to any community school that
meets one of the following criteria after July 1, 2009, but before
July 1, 2011: 7 8 9 10

(a) The school does not offer a grade level higher than three
and has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for three of the four most
recent school years. 11 12 13 14

(b) The school satisfies all of the following conditions: 15

(i) The school offers any of grade levels four to eight but
does not offer a grade level higher than nine. 16 17

(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for 18 19

two of the three most recent school years. 20

(iii) In at least two of the three most recent school years, 21
the school showed less than one standard year of academic growth 22
in either reading or mathematics, as determined by the department 23
of education in accordance with rules adopted under division (A) 24
of section 3302.021 of the Revised Code. 25

(c) The school offers any of grade levels ten to twelve and 26
has been declared to be in a state of academic emergency under 27
section 3302.03 of the Revised Code for three of the four most 28
recent school years. 29

(2) Except as provided in division (A)(4) of this section, 30
this section applies to any community school that meets one of the 31
following criteria after July 1, 2011, but before July 1, 2013: 32

(a) The school does not offer a grade level higher than three 33
and has been declared to be in a state of academic emergency under 34
section 3302.03 of the Revised Code for two of the three most 35
recent school years. 36

(b) The school satisfies all of the following conditions: 37

(i) The school offers any of grade levels four to eight but 38
does not offer a grade level higher than nine. 39

(ii) The school has been declared to be in a state of 40
academic emergency under section 3302.03 of the Revised Code for 41
two of the three most recent school years. 42

(iii) In at least two of the three most recent school years, 43
the school showed less than one standard year of academic growth 44
in either reading or mathematics, as determined by the department 45
in accordance with rules adopted under division (A) of section 46
3302.021 of the Revised Code. 47

(c) The school offers any of grade levels ten to twelve and 48
has been declared to be in a state of academic emergency under 49

section 3302.03 of the Revised Code for two of the three most 50
recent school years. 51

(3) Except as provided in division (A)(4) of this section, 52
this section applies to any community school that meets one of the 53
following criteria on or after July 1, 2013: 54

(a) The school does not offer a grade level higher than three 55
and, for two of the three most recent school years, satisfies any 56
of the following criteria: 57

(i) The school has been declared to be in a state of academic 58
emergency under section 3302.03 of the Revised Code, as it existed 59
prior to ~~the effective date of this amendment~~ March 22, 2013; 60

(ii) The school has received a grade of "F" in improving 61
literacy in grades kindergarten through three under division 62
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 63

(iii) The school has received an overall grade of "F" under 64
division (C) of section 3302.03 of the Revised Code. 65

(b) The school offers any of grade levels four to eight but 66
does not offer a grade level higher than nine and, for two of the 67
three most recent school years, satisfies any of the following 68
criteria: 69

(i) The school has been declared to be in a state of academic 70
emergency under section 3302.03 of the Revised Code, as it existed 71
prior to ~~the effective date of this amendment~~ March 22, 2013; 72

(ii) The school has received a grade of "F" for the 73
performance index score under division (A)(1)(b), (B)(1)(b), or 74
(C)(1)(b) and a grade of "F" for the value-added progress 75
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 76
section 3302.03 of the Revised Code; 77

(iii) The school has received an overall grade of "F" under 78
division (C) and a grade of "F" for the value-added progress 79

dimension under division (C)(1)(e) of section 3302.03 of the Revised Code. 80
81

(c) The school offers any of grade levels ten to twelve and, 82
for two of the three most recent school years, satisfies any of 83
the following criteria: 84

(i) The school has been declared to be in a state of academic 85
emergency under section 3302.03 of the Revised Code, as it existed 86
prior to ~~the effective date of this amendment~~ March 22, 2013; 87

(ii) The school has received a grade of "F" for the 88
performance index score under division (A)(1)(b), (B)(1)(b), or 89
(C)(1)(b) and has not met annual measurable objectives under 90
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 91
the Revised Code; 92

(iii) The school has received an overall grade of "F" under 93
division (C) and a grade of "F" for the value-added progress 94
dimension under division (C)(1)(e) of section 3302.03 of the 95
Revised Code. 96

For purposes of division (A)(3) of this section only, the 97
value-added progress dimension for a community school shall be 98
calculated using assessment scores for only those students to whom 99
the school has administered the achievement assessments prescribed 100
by section 3301.0710 of the Revised Code for at least the two most 101
recent school years. 102

(4) This section does not apply to either of the following: 103

(a) Any community school in which a majority of the students 104
are enrolled in a dropout prevention and recovery program that is 105
operated by the school. Rather, such schools shall be subject to 106
closure only as provided in section 3314.351 of the Revised Code. 107
However, prior to July 1, 2014, a community school in which a 108
majority of the students are enrolled in a dropout prevention and 109
recovery program shall be exempt from this section only if it has 110

been granted a waiver under section 3314.36 of the Revised Code. 111

(b) Any community school in which a majority of the enrolled 112
students ~~are~~ either: 113

(i) Are children with disabilities receiving special 114
education and related services in accordance with Chapter 3323. of 115
the Revised Code; 116

(ii) Have been diagnosed with a behavioral health problem and 117
are receiving behavioral health services from an agency licensed 118
or certified by the department of mental health, department of job 119
and family services, or department of alcohol and drug addiction 120
services. 121

(B) Any community school to which this section applies shall 122
permanently close at the conclusion of the school year in which 123
the school first becomes subject to this section. The sponsor and 124
governing authority of the school shall comply with all procedures 125
for closing a community school adopted by the department under 126
division (E) of section 3314.015 of the Revised Code. The 127
governing authority of the school shall not enter into a contract 128
with any other sponsor under section 3314.03 of the Revised Code 129
after the school closes. 130

(C) In accordance with division (B) of section 3314.012 of 131
the Revised Code, the department shall not consider the 132
performance ratings assigned to a community school for its first 133
two years of operation when determining whether the school meets 134
the criteria prescribed by division (A)(1) or (2) of this section. 135

Section 2. That existing section 3314.35 of the Revised Code 136
is hereby repealed. 137