

As Introduced

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

S. B. No. 190

Senator Schiavoni

Cosponsors: Senators Cafaro, Gentile, Sawyer, Skindell, Tavares, Turner

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A B I L L

To amend sections 117.11, 149.351, 3313.6411, 1
3314.011, 3314.02, 3314.03, and 3314.06 and to 2
enact sections 117.102, 149.46, 3313.6412, 3
3314.019, 3314.025, 3314.031, 3314.062, 3314.075, 4
3314.085, 3314.088, 3314.103, 3314.181, 3314.352, 5
and 3314.45 of the Revised Code to revise the laws 6
regarding the operation of community schools and, 7
for each of fiscal years 2014 and 2015, to limit a 8
community school's or a STEM school's gain in 9
aggregate state funding over the previous fiscal 10
year. 11

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

Section 1. That sections 117.11, 149.351, 3313.6411, 12
3314.011, 3314.02, 3314.03, and 3314.06 be amended and sections 13
117.102, 149.46, 3313.6412, 3314.019, 3314.025, 3314.031, 14
3314.062, 3314.075, 3314.085, 3314.088, 3314.103, 3314.181, 15
3314.352, and 3314.45 of the Revised Code be enacted to read as 16
follows: 17

Sec. 117.102. (A) As used in this section: 18

(1) "Community school" means a school established under 19

Chapter 3314. of the Revised Code. 20

(2) "Operator" has the same meaning as in section 3314.02 of
the Revised Code. 21
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(B) The auditor of state annually shall audit each community
school operator and each community school sponsor described in
division (C)(1) of section 3314.02 or section 3314.021 or 3314.027
of the Revised Code. In the case of a nonpublic operator or
sponsor, the audit shall cover only those accounts, reports,
records, and files regarding the operator's or sponsor's receipt
or expenditure of public funds relating to the operation or
sponsorship of a community school. 23
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Sec. 117.11. (A) Except as otherwise provided in this 31
division and in sections 117.102, 117.112, 117.113, and 117.114 of 32
the Revised Code, the auditor of state shall audit each public 33
office at least once every two fiscal years. The auditor of state 34
shall audit a public office each fiscal year if that public office 35
is required to be audited on an annual basis pursuant to "The 36
Single Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et 37
seq., as amended. In the annual or biennial audit, inquiry shall 38
be made into the methods, accuracy, and legality of the accounts, 39
financial reports, records, files, and reports of the office, 40
whether the laws, rules, ordinances, and orders pertaining to the 41
office have been observed, and whether the requirements and rules 42
of the auditor of state have been complied with. Except as 43
otherwise provided in this division or where auditing standards or 44
procedures dictate otherwise, each audit shall cover at least one 45
fiscal year. If a public office is audited only once every two 46
fiscal years, the audit shall cover both fiscal years. 47

(B) In addition to the annual or biennial audit provided for 48
in division (A) of this section or in section 117.114 of the 49
Revised Code, the auditor of state may conduct an audit of a 50

public office at any time when so requested by the public office 51
or upon the auditor of state's own initiative if the auditor of 52
state has reasonable cause to believe that an additional audit is 53
in the public interest. 54

(C)(1) The auditor of state shall identify any public office 55
in which the auditor of state will be unable to conduct an audit 56
at least once every two fiscal years as required by division (A) 57
of this section and shall provide immediate written notice to the 58
clerk of the legislative authority or governing board of the 59
public office so identified. Within six months of the receipt of 60
such notice, the legislative authority or governing board may 61
engage an independent certified public accountant to conduct an 62
audit pursuant to section 117.12 of the Revised Code. 63

(2) When the chief fiscal officer of a public office notifies 64
the auditor of state that an audit is required at a time prior to 65
the next regularly scheduled audit by the auditor of state, the 66
auditor of state shall either cause an earlier audit to be made by 67
the auditor of state or authorize the legislative authority or 68
governing board of the public office to engage an independent 69
certified public accountant to conduct the required audit. The 70
scope of the audit shall be as authorized by the auditor of state. 71

(3) The auditor of state shall approve the scope of an audit 72
under division (C)(1) or (2) of this section as set forth in the 73
contract for the proposed audit before the contract is executed on 74
behalf of the public office that is to be audited. The independent 75
accountant conducting an audit under division (C)(1) or (2) of 76
this section shall be paid by the public office. 77

(4) The contract for attest services with an independent 78
accountant employed pursuant to this section or section 115.56 of 79
the Revised Code may include binding arbitration provisions, 80
provisions of Chapter 2711. of the Revised Code, or any other 81
alternative dispute resolution procedures to be followed in the 82

event a dispute remains between the state or public office and the 83
independent accountant concerning the terms of or services under 84
the contract, or a breach of the contract, after the 85
administrative provisions of the contract have been exhausted. 86

(D) If a uniform accounting network is established under 87
section 117.101 of the Revised Code, the auditor of state or a 88
certified public accountant employed pursuant to this section or 89
section 115.56 or 117.112 of the Revised Code shall, to the extent 90
practicable, utilize services offered by the network in order to 91
conduct efficient and economical audits of public offices. 92

(E) The auditor of state, in accordance with division (A)(3) 93
of section 9.65 of the Revised Code and this section, may audit an 94
annuity program for volunteer fire fighters established by a 95
political subdivision under section 9.65 of the Revised Code. As 96
used in this section, "volunteer fire fighters" and "political 97
subdivision" have the same meanings as in division (C) of section 98
9.65 of the Revised Code. 99

Sec. 149.351. (A) All records are the property of the public 100
office concerned and shall not be removed, destroyed, mutilated, 101
transferred, or otherwise damaged or disposed of, in whole or in 102
part, except as provided by law or under the rules adopted by the 103
records commissions provided for under sections 149.38 to 149.42 104
and section 149.46 of the Revised Code or under the records 105
programs established by the boards of trustees of state-supported 106
institutions of higher education under section 149.33 of the 107
Revised Code. Those records shall be delivered by outgoing 108
officials and employees to their successors and shall not be 109
otherwise removed, destroyed, mutilated, or transferred 110
unlawfully. 111

(B) Any person who is aggrieved by the removal, destruction, 112
mutilation, or transfer of, or by other damage to or disposition 113

of a record in violation of division (A) of this section, or by 114
threat of such removal, destruction, mutilation, transfer, or 115
other damage to or disposition of such a record, may commence 116
either or both of the following in the court of common pleas of 117
the county in which division (A) of this section allegedly was 118
violated or is threatened to be violated: 119

(1) A civil action for injunctive relief to compel compliance 120
with division (A) of this section, and to obtain an award of the 121
reasonable attorney's fees incurred by the person in the civil 122
action; 123

(2) A civil action to recover a forfeiture in the amount of 124
one thousand dollars for each violation, but not to exceed a 125
cumulative total of ten thousand dollars, regardless of the number 126
of violations, and to obtain an award of the reasonable attorney's 127
fees incurred by the person in the civil action not to exceed the 128
forfeiture amount recovered. 129

(C)(1) A person is not aggrieved by a violation of division 130
(A) of this section if clear and convincing evidence shows that 131
the request for a record was contrived as a pretext to create 132
potential liability under this section. The commencement of a 133
civil action under division (B) of this section waives any right 134
under this chapter to decline to divulge the purpose for 135
requesting the record, but only to the extent needed to evaluate 136
whether the request was contrived as a pretext to create potential 137
liability under this section. 138

(2) In a civil action under division (B) of this section, if 139
clear and convincing evidence shows that the request for a record 140
was a pretext to create potential liability under this section, 141
the court may award reasonable attorney's fees to any defendant or 142
defendants in the action. 143

(D) Once a person recovers a forfeiture in a civil action 144

commenced under division (B)(2) of this section, no other person 145
may recover a forfeiture under that division for a violation of 146
division (A) of this section involving the same record, regardless 147
of the number of persons aggrieved by a violation of division (A) 148
of this section or the number of civil actions commenced under 149
this section. 150

(E) A civil action for injunctive relief under division 151
(B)(1) of this section or a civil action to recover a forfeiture 152
under division (B)(2) of this section shall be commenced within 153
five years after the day in which division (A) of this section was 154
allegedly violated or was threatened to be violated. 155

Sec. 149.46. Each community school, established under Chapter 156
3314. of the Revised Code, shall have a school records commission. 157
The commission shall meet at least once every twelve months. The 158
function of the commission shall be to review applications for 159
one-time disposal of obsolete records and schedules of records 160
retention and disposition submitted by any employee of the school. 161
The commission may dispose of records pursuant to the procedure 162
outlined in section 149.381 of the Revised Code. The commission, 163
at any time, may review any schedule it has previously approved 164
and, for good cause shown, may revise that schedule under the 165
procedure outlined in that section. 166

Sec. 3313.6411. (A) As used in this section and section 167
3313.6412 of the Revised Code, "parent" has the same meaning as in 168
section 3313.98 of the Revised Code. 169

(B) When a student enrolls in a school operated by a city, 170
exempted village, or local school district, a school official with 171
responsibility for admissions shall provide the student's parent, 172
during the admissions process, with a copy of the most recent 173
report card issued under section 3302.03 of the Revised Code. 174

Sec. 3313.6412. When the parent of a student enrolled in a 175
school operated by a city, exempted village, or local school 176
district notifies the school of the parent's intent to withdraw 177
the student from the school, a school official with responsibility 178
for admissions shall do the following: 179

(A) Determine if the parent intends to enroll the student in 180
a community school established under Chapter 3314. of the Revised 181
Code and, if so, the name of that school; 182

(B) If the parent intends to enroll the student in a 183
community school, provide the parent with a copy of the most 184
recent report card issued under section 3302.03 of the Revised 185
Code for the school in which the student is currently enrolled and 186
for the community school in which the parent intends to enroll the 187
student to enable the parent to compare the academic performance 188
of the two schools. 189

Sec. 3314.011. Every community school established under this 190
chapter shall have a designated fiscal officer. The auditor of 191
state may require by rule that the fiscal officer of any community 192
school, before entering upon duties as fiscal officer of the 193
school, execute a bond in an amount and with surety to be approved 194
by the governing authority of the school, payable to the state, 195
conditioned for the faithful performance of all the official 196
duties required of the fiscal officer. Any such bond shall be 197
deposited with the governing authority of the school, and a copy 198
thereof, certified by the governing authority, shall be filed with 199
the county auditor. 200

Prior to assuming the duties of fiscal officer, the fiscal 201
officer designated under this section shall be licensed under 202
section 3301.074 of the Revised Code. Any person serving as a 203
fiscal officer of a community school on ~~the effective date of this~~ 204

~~amendment~~ March 22, 2013, who is not licensed as a treasurer shall 205
be permitted to serve as a fiscal officer ~~for not more than one~~ 206
~~year following the effective date of this amendment~~ until March 207
22, 2014. ~~Beginning on that date and thereafter~~ On and after March 208
22, 2014, no community school shall permit any individual to serve 209
as a fiscal officer without a license as required by this section. 210

No moneys of a community school shall be paid out except on a 211
check signed by the fiscal officer. If the fiscal officer is 212
incapacitated in such a manner that the fiscal officer is unable 213
to sign checks, the governing authority may appoint an officer of 214
the school to sign checks in the capacity of the fiscal officer. 215
Payroll disbursements constitute an exception to this requirement 216
if otherwise provided by law. 217

Sec. 3314.019. Beginning with the report cards, issued under 218
sections 3302.03 and 3314.012 of the Revised Code, for the 219
2014-2015 school year, a community school that receives an overall 220
letter grade of "D" or "F" on its annual report card shall not 221
merge or combine with another community school until the community 222
school receives an overall grade of "C" or better on a subsequent 223
report card. 224

Sec. 3314.02. (A) As used in this chapter: 225

(1) "Sponsor" means the board of education of a school 226
district or the governing board of an educational service center 227
that agrees to the conversion of all or part of a school or 228
building under division (B) of this section, or an entity listed 229
in division (C)(1) of this section, which either has been approved 230
by the department of education to sponsor community schools or is 231
exempted by section 3314.021 or 3314.027 of the Revised Code from 232
obtaining approval, and with which the governing authority of a 233
community school enters into a contract under section 3314.03 of 234

the Revised Code.	235
(2) "Pilot project area" means the school districts included	236
in the territory of the former community school pilot project	237
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	238
the 122nd general assembly.	239
(3) "Challenged school district" means any of the following:	240
(a) A school district that is part of the pilot project area;	241
(b) A school district that meets one of the following	242
conditions:	243
(i) On March 22, 2013, the district was in a state of	244
academic emergency or in a state of academic watch under section	245
3302.03 of the Revised Code, as that section existed prior to	246
March 22, 2013;	247
(ii) For two of the 2012-2013, 2013-2014, and 2014-2015	248
school years, the district received a grade of "D" or "F" for the	249
performance index score and a grade of "F" for the value-added	250
progress dimension under section 3302.03 of the Revised Code;	251
(iii) For the 2015-2016 school year and for any school year	252
thereafter, the district has received an overall grade of "D" or	253
"F" under division (C)(3) of section 3302.03 of the Revised Code,	254
or, for at least two of the three most recent school years, the	255
district received a grade of "F" for the value-added progress	256
dimension under division (C)(1)(e) of that section.	257
(c) A big eight school district;	258
(d) A school district ranked in the lowest five per cent of	259
school districts according to performance index score under	260
section 3302.21 of the Revised Code.	261
(4) "Big eight school district" means a school district that	262
for fiscal year 1997 had both of the following:	263
(a) A percentage of children residing in the district and	264

participating in the predecessor of Ohio works first greater than 265
thirty per cent, as reported pursuant to section 3317.10 of the 266
Revised Code; 267

(b) An average daily membership greater than twelve thousand, 268
as reported pursuant to former division (A) of section 3317.03 of 269
the Revised Code. 270

(5) "New start-up school" means a community school other than 271
one created by converting all or part of an existing public school 272
or educational service center building, as designated in the 273
school's contract pursuant to division (A)(17) of section 3314.03 274
of the Revised Code. 275

(6) "Urban school district" means one of the state's 276
twenty-one urban school districts as defined in division (O) of 277
section 3317.02 of the Revised Code as that section existed prior 278
to July 1, 1998. 279

(7) "Internet- or computer-based community school" means a 280
community school established under this chapter in which the 281
enrolled students work primarily from their residences on 282
assignments in nonclassroom-based learning opportunities provided 283
via an internet- or other computer-based instructional method that 284
does not rely on regular classroom instruction or via 285
comprehensive instructional methods that include internet-based, 286
other computer-based, and noncomputer-based learning 287
opportunities. 288

(8) "Operator" means either of the following: 289

(a) An individual or organization that manages the daily 290
operations of a community school pursuant to a contract between 291
the operator and the school's governing authority; 292

(b) A nonprofit organization that provides programmatic 293
oversight and support to a community school under a contract with 294
the school's governing authority and that retains the right to 295

terminate its affiliation with the school if the school fails to 296
meet the organization's quality standards. 297

(B) Any person or group of individuals may initially propose 298
under this division the conversion of all or a portion of a public 299
school or a building operated by an educational service center to 300
a community school. The proposal shall be made to the board of 301
education of the city, local, exempted village, or joint 302
vocational school district in which the public school is proposed 303
to be converted or, in the case of the conversion of a building 304
operated by an educational service center, to the governing board 305
of the service center. Upon receipt of a proposal, a board may 306
enter into a preliminary agreement with the person or group 307
proposing the conversion of the public school or service center 308
building, indicating the intention of the board to support the 309
conversion to a community school. A proposing person or group that 310
has a preliminary agreement under this division may proceed to 311
finalize plans for the school, establish a governing authority for 312
the school, and negotiate a contract with the board. Provided the 313
proposing person or group adheres to the preliminary agreement and 314
all provisions of this chapter, the board shall negotiate in good 315
faith to enter into a contract in accordance with section 3314.03 316
of the Revised Code and division (C) of this section. 317

(C)(1) Any person or group of individuals may propose under 318
this division the establishment of a new start-up school to be 319
located in a challenged school district. The proposal may be made 320
to any of the following entities: 321

(a) The board of education of the district in which the 322
school is proposed to be located; 323

(b) The board of education of any joint vocational school 324
district with territory in the county in which is located the 325
majority of the territory of the district in which the school is 326
proposed to be located; 327

(c) The board of education of any other city, local, or 328
exempted village school district having territory in the same 329
county where the district in which the school is proposed to be 330
located has the major portion of its territory; 331

(d) The governing board of any educational service center, as 332
long as the proposed school will be located in a county within the 333
territory of the service center or in a county contiguous to such 334
county. However, the governing board of an educational service 335
center may sponsor a new start-up school in any challenged school 336
district in the state if all of the following are satisfied: 337

(i) If applicable, it satisfies the requirements of division 338
(E) of section 3311.86 of the Revised Code; 339

(ii) It is approved to do so by the department; 340

(iii) It enters into an agreement with the department under 341
section 3314.015 of the Revised Code. 342

(e) A sponsoring authority designated by the board of 343
trustees of any of the thirteen state universities listed in 344
section 3345.011 of the Revised Code or the board of trustees 345
itself as long as a mission of the proposed school to be specified 346
in the contract under division (A)(2) of section 3314.03 of the 347
Revised Code and as approved by the department under division 348
(B)(2) of section 3314.015 of the Revised Code will be the 349
practical demonstration of teaching methods, educational 350
technology, or other teaching practices that are included in the 351
curriculum of the university's teacher preparation program 352
approved by the state board of education; 353

(f) Any qualified tax-exempt entity under section 501(c)(3) 354
of the Internal Revenue Code as long as all of the following 355
conditions are satisfied: 356

(i) The entity has been in operation for at least five years 357
prior to applying to be a community school sponsor. 358

(ii) The entity has assets of at least five hundred thousand 359
dollars and a demonstrated record of financial responsibility. 360

(iii) The department has determined that the entity is an 361
education-oriented entity under division (B)(3) of section 362
3314.015 of the Revised Code and the entity has a demonstrated 363
record of successful implementation of educational programs. 364

(iv) The entity is not a community school. 365

(g) The mayor of a city in which the majority of the 366
territory of a school district to which section 3311.60 of the 367
Revised Code applies is located, regardless of whether that 368
district has created the position of independent auditor as 369
prescribed by that section. The mayor's sponsorship authority 370
under this division is limited to community schools that are 371
located in that school district. Such mayor may sponsor community 372
schools only with the approval of the city council of that city, 373
after establishing standards with which community schools 374
sponsored by the mayor must comply, and after entering into a 375
sponsor agreement with the department as prescribed under section 376
3314.015 of the Revised Code. The mayor shall establish the 377
standards for community schools sponsored by the mayor not later 378
than ~~one hundred eighty days after the effective date of this~~ 379
~~amendment~~ January 11, 2014, and shall submit them to the 380
department upon their establishment. The department shall approve 381
the mayor to sponsor community schools in the district, upon 382
receipt of an application by the mayor to do so. Not later than 383
ninety days after the department's approval of the mayor as a 384
community school sponsor, the department shall enter into the 385
sponsor agreement with the mayor. 386

Any entity described in division (C)(1) of this section may 387
enter into a preliminary agreement pursuant to division (C)(2) of 388
this section with the proposing person or group. 389

(2) A preliminary agreement indicates the intention of an 390
entity described in division (C)(1) of this section to sponsor the 391
community school. A proposing person or group that has such a 392
preliminary agreement may proceed to finalize plans for the 393
school, establish a governing authority as described in division 394
(E) of this section for the school, and negotiate a contract with 395
the entity. Provided the proposing person or group adheres to the 396
preliminary agreement and all provisions of this chapter, the 397
entity shall negotiate in good faith to enter into a contract in 398
accordance with section 3314.03 of the Revised Code. 399

(3) A new start-up school that is established in a school 400
district described in either division (A)(3)(b) or (d) of this 401
section may continue in existence once the school district no 402
longer meets the conditions described in either division, provided 403
there is a valid contract between the school and a sponsor. 404

(4) A copy of every preliminary agreement entered into under 405
this division shall be filed with the superintendent of public 406
instruction. 407

(D) A majority vote of the board of a sponsoring entity and a 408
majority vote of the members of the governing authority of a 409
community school shall be required to adopt a contract and convert 410
the public school or educational service center building to a 411
community school or establish the new start-up school. Beginning 412
September 29, 2005, adoption of the contract shall occur not later 413
than the fifteenth day of March, and signing of the contract shall 414
occur not later than the fifteenth day of May, prior to the school 415
year in which the school will open. The governing authority shall 416
notify the department of education when the contract has been 417
signed. Subject to sections 3314.013 and 3314.016 of the Revised 418
Code, an unlimited number of community schools may be established 419
in any school district provided that a contract is entered into 420
for each community school pursuant to this chapter. 421

(E)(1) As used in this division, "immediate relatives" are 422
limited to spouses, children, parents, grandparents, siblings, and 423
in-laws. 424

Each new start-up community school established under this 425
chapter shall be under the direction of a governing authority 426
which shall consist of a board of not less than five individuals. 427

No person shall serve on the governing authority or operate 428
the community school under contract with the governing authority 429
so long as the person owes the state any money or is in a dispute 430
over whether the person owes the state any money concerning the 431
operation of a community school that has closed. 432

(2) No person shall serve on the governing authorities of 433
more than five start-up community schools at the same time. 434

(3) No present or former member, or immediate relative of a 435
present or former member, of the governing authority of any 436
community school established under this chapter shall be an owner, 437
employee, or consultant of any sponsor or operator of a community 438
school, unless at least one year has elapsed since the conclusion 439
of the person's membership. 440

(4) The governing authority of a start-up community school 441
may provide by resolution for the compensation of its members. 442
However, no individual who serves on the governing authority of a 443
start-up community school shall be compensated more than four 444
hundred twenty-five dollars per meeting of that governing 445
authority and no such individual shall be compensated more than a 446
total amount of five thousand dollars per year for all governing 447
authorities upon which the individual serves. 448

(5) No person shall be eligible to the appointment of school 449
physician, school dentist, or school nurse of a community school 450
during the period for which that person serves on the governing 451
authority of that community school. 452

(F)(1) A new start-up school that is established prior to 453
August 15, 2003, in an urban school district that is not also a 454
big-eight school district may continue to operate after that date 455
and the contract between the school's governing authority and the 456
school's sponsor may be renewed, as provided under this chapter, 457
after that date, but no additional new start-up schools may be 458
established in such a district unless the district is a challenged 459
school district as defined in this section as it exists on and 460
after that date. 461

(2) A community school that was established prior to June 29, 462
1999, and is located in a county contiguous to the pilot project 463
area and in a school district that is not a challenged school 464
district may continue to operate after that date, provided the 465
school complies with all provisions of this chapter. The contract 466
between the school's governing authority and the school's sponsor 467
may be renewed, but no additional start-up community school may be 468
established in that district unless the district is a challenged 469
school district. 470

(3) Any educational service center that, on June 30, 2007, 471
sponsors a community school that is not located in a county within 472
the territory of the service center or in a county contiguous to 473
such county may continue to sponsor that community school on and 474
after June 30, 2007, and may renew its contract with the school. 475
However, the educational service center shall not enter into a 476
contract with any additional community school, unless the school 477
is located in a county within the territory of the service center 478
or in a county contiguous to such county, or unless the governing 479
board of the service center has entered into an agreement with the 480
department authorizing the service center to sponsor a community 481
school in any challenged school district in the state. 482

Sec. 3314.025. The governing authority of each community 483

school shall appoint a business advisory council. The council 484
shall advise and provide recommendations to the governing 485
authority on matters specified by the governing authority, 486
including, but not necessarily limited to, the delineation of 487
employment skills and the development of curriculum to instill 488
these skills; changes in the economy and in the job market and the 489
types of employment in which future jobs are most likely to be 490
available; and suggestions for developing a working relationship 491
among local businesses, labor organizations, and educational 492
personnel. Each governing authority shall determine the membership 493
and organization of its council. 494

Sec. 3314.03. A copy of every contract entered into under 495
this section shall be filed with the superintendent of public 496
instruction. The department of education shall make available on 497
its web site a copy of every approved, executed contract filed 498
with the superintendent under this section. 499

(A) Each contract entered into between a sponsor and the 500
governing authority of a community school shall specify the 501
following: 502

(1) That the school shall be established as either of the 503
following: 504

(a) A nonprofit corporation established under Chapter 1702. 505
of the Revised Code, if established prior to April 8, 2003; 506

(b) A public benefit corporation established under Chapter 507
1702. of the Revised Code, if established after April 8, 2003. 508

(2) The education program of the school, including the 509
school's mission, the characteristics of the students the school 510
is expected to attract, the ages and grades of students, and the 511
focus of the curriculum; 512

(3) The academic goals to be achieved and the method of 513

measurement that will be used to determine progress toward those 514
goals, which shall include the statewide achievement assessments; 515

(4) Performance standards by which the success of the school 516
will be evaluated by the sponsor; 517

(5) The admission standards of section 3314.06 of the Revised 518
Code and, if applicable, section 3314.061 of the Revised Code; 519

(6)(a) Dismissal procedures; 520

(b) A requirement that the governing authority adopt an 521
attendance policy that includes a procedure for automatically 522
withdrawing a student from the school if the student without a 523
legitimate excuse fails to participate in one hundred five 524
consecutive hours of the learning opportunities offered to the 525
student. 526

(7) The ways by which the school will achieve racial and 527
ethnic balance reflective of the community it serves; 528

(8) Requirements for financial audits by the auditor of 529
state. The contract shall require financial records of the school 530
to be maintained in the same manner as are financial records of 531
school districts, pursuant to rules of the auditor of state. 532
Audits shall be conducted in accordance with section 117.10 of the 533
Revised Code. 534

(9) The facilities to be used and their locations; 535

(10) Qualifications of teachers, ~~including a requirement that~~ 536
~~the school's classroom teachers be licensed in accordance with~~ 537
~~sections 3319.22 to 3319.31 in compliance with section 3314.103~~ of 538
the Revised Code, except that a community school may engage 539
noncertificated persons to teach up to twelve hours per week 540
pursuant to section 3319.301 of the Revised Code. 541

(11) That the school will comply with the following 542
requirements: 543

(a) The school will provide learning opportunities to a 544
minimum of twenty-five students for a minimum of nine hundred 545
twenty hours per school year. 546

(b) The governing authority will purchase liability 547
insurance, or otherwise provide for the potential liability of the 548
school. 549

(c) The school will be nonsectarian in its programs, 550
admission policies, employment practices, and all other 551
operations, and will not be operated by a sectarian school or 552
religious institution. 553

(d) The school will comply with sections 9.90, 9.91, 109.65, 554
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 555
3301.0712, 3301.0715, 3313.211, 3313.472, 3313.50, 3313.536, 556
3313.539, 3313.60, 3313.608, 3313.609, 3313.6012, 3313.6013, 557
3313.6014, 3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 558
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 559
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 560
3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 561
3315.08, 3317.061, 3319.072, 3319.073, 3319.10, 3319.171, 3319.32, 562
3319.321, 3319.322, 3319.33, 3319.35, 3319.39, 3319.391, 3319.41, 563
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 564
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 565
Chapters 117., 1347., 2744., 3324., 3365., 3742., 4112., 4123., 566
4141., and 4167. of the Revised Code as if it were a school 567
district and will comply with section 3301.0714 of the Revised 568
Code in the manner specified in section 3314.17 of the Revised 569
Code. 570

(e) The school shall comply with Chapter 102. and section 571
2921.42 of the Revised Code. 572

(f) The school will comply with sections 3313.61, 3313.611, 573
and 3313.614 of the Revised Code, except that for students who 574

enter ninth grade for the first time before July 1, 2010, the 575
requirement in sections 3313.61 and 3313.611 of the Revised Code 576
that a person must successfully complete the curriculum in any 577
high school prior to receiving a high school diploma may be met by 578
completing the curriculum adopted by the governing authority of 579
the community school rather than the curriculum specified in Title 580
XXXVIII of the Revised Code or any rules of the state board of 581
education. Beginning with students who enter ninth grade for the 582
first time on or after July 1, 2010, the requirement in sections 583
3313.61 and 3313.611 of the Revised Code that a person must 584
successfully complete the curriculum of a high school prior to 585
receiving a high school diploma shall be met by completing the 586
Ohio core curriculum prescribed in division (C) of section 587
3313.603 of the Revised Code, unless the person qualifies under 588
division (D) or (F) of that section. Each school shall comply with 589
the plan for awarding high school credit based on demonstration of 590
subject area competency, adopted by the state board of education 591
under division (J) of section 3313.603 of the Revised Code. 592

(g) The school governing authority will submit within four 593
months after the end of each school year a report of its 594
activities and progress in meeting the goals and standards of 595
divisions (A)(3) and (4) of this section and its financial status 596
to the sponsor and the parents of all students enrolled in the 597
school. 598

(h) The school, unless it is an internet- or computer-based 599
community school, will comply with section 3313.801 of the Revised 600
Code as if it were a school district. 601

(i) If the school is the recipient of moneys from a grant 602
awarded under the federal race to the top program, Division (A), 603
Title XIV, Sections 14005 and 14006 of the "American Recovery and 604
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 605
school will pay teachers based upon performance in accordance with 606

section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) The school annually shall evaluate its teachers in compliance with sections 3319.11, 3319.111, and 3319.112 of the Revised Code as if it were a school district.

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

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

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

(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.

(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;

(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;

(18) Provisions establishing procedures for resolving 637
disputes or differences of opinion between the sponsor and the 638
governing authority of the community school; 639

(19) A provision requiring the governing authority to adopt a 640
policy regarding the admission of students who reside outside the 641
district in which the school is located. That policy shall comply 642
with the admissions procedures specified in sections 3314.06 and 643
3314.061 of the Revised Code and, at the sole discretion of the 644
authority, shall do one of the following: 645

(a) Prohibit the enrollment of students who reside outside 646
the district in which the school is located; 647

(b) Permit the enrollment of students who reside in districts 648
adjacent to the district in which the school is located; 649

(c) Permit the enrollment of students who reside in any other 650
district in the state. 651

(20) A provision recognizing the authority of the department 652
of education to take over the sponsorship of the school in 653
accordance with the provisions of division (C) of section 3314.015 654
of the Revised Code; 655

(21) A provision recognizing the sponsor's authority to 656
assume the operation of a school under the conditions specified in 657
division (B) of section 3314.073 of the Revised Code; 658

(22) A provision recognizing both of the following: 659

(a) The authority of public health and safety officials to 660
inspect the facilities of the school and to order the facilities 661
closed if those officials find that the facilities are not in 662
compliance with health and safety laws and regulations; 663

(b) The authority of the department of education as the 664
community school oversight body to suspend the operation of the 665
school under section 3314.072 of the Revised Code if the 666

department has evidence of conditions or violations of law at the 667
school that pose an imminent danger to the health and safety of 668
the school's students and employees and the sponsor refuses to 669
take such action. 670

(23) A description of the learning opportunities that will be 671
offered to students including both classroom-based and 672
non-classroom-based learning opportunities that is in compliance 673
with criteria for student participation established by the 674
department under division (H)(2) of section 3314.08 of the Revised 675
Code; 676

(24) The school will comply with sections 3302.04 and 677
3302.041 of the Revised Code, except that any action required to 678
be taken by a school district pursuant to those sections shall be 679
taken by the sponsor of the school. However, the sponsor shall not 680
be required to take any action described in division (F) of 681
section 3302.04 of the Revised Code. 682

(25) Beginning in the 2006-2007 school year, the school will 683
open for operation not later than the thirtieth day of September 684
each school year, unless the mission of the school as specified 685
under division (A)(2) of this section is solely to serve dropouts. 686
In its initial year of operation, if the school fails to open by 687
the thirtieth day of September, or within one year after the 688
adoption of the contract pursuant to division (D) of section 689
3314.02 of the Revised Code if the mission of the school is solely 690
to serve dropouts, the contract shall be void. 691

(B) The community school shall also submit to the sponsor a 692
comprehensive plan for the school. The plan shall specify the 693
following: 694

(1) The process by which the governing authority of the 695
school will be selected in the future; 696

(2) The management and administration of the school; 697

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

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

(5) Internal financial controls.

(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.

(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:

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

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

(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;

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

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

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

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

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.031. Each nonpublic operator of a community school 761
and each nonpublic entity that sponsors a community school shall 762
comply with section 149.43 of the Revised Code as if it were a 763
public office with respect to all records pertaining to the 764
management or sponsorship of the school. 765

Sec. 3314.06. The governing authority of each community 766
school established under this chapter shall adopt admission 767
procedures that specify the following: 768

(A) That, except as otherwise provided in this section and 769
section 3314.062 of the Revised Code, admission to the school 770
shall be open to any individual age five to twenty-two entitled to 771
attend school pursuant to section 3313.64 or 3313.65 of the 772
Revised Code in a school district in the state. 773

An individual younger than five years of age may be admitted 774
to the school in accordance with division (A)(2) of section 775
3321.01 of the Revised Code. 776

(B)(1) That admission to the school may be limited to 777
students who have attained a specific grade level or are within a 778
specific age group; to students that meet a definition of 779
"at-risk," as defined in the contract; to residents of a specific 780
geographic area within the district, as defined in the contract; 781
or to separate groups of autistic students and nondisabled 782
students, as authorized in section 3314.061 of the Revised Code 783
and as defined in the contract. 784

(2) For purposes of division (B)(1) of this section, 785
"at-risk" students may include those students identified as gifted 786
students under section 3324.03 of the Revised Code. 787

(C) Whether enrollment is limited to students who reside in 788
the district in which the school is located or is open to 789
residents of other districts, as provided in the policy adopted 790

pursuant to the contract. 791

(D)(1) That there will be no discrimination in the admission 792
of students to the school on the basis of race, creed, color, 793
disability, or sex except that: 794

(a) The governing authority may do either of the following 795
for the purpose described in division (G) of this section: 796

(i) Establish a single-gender school for either sex; 797

(ii) Establish single-gender schools for each sex under the 798
same contract, provided substantially equal facilities and 799
learning opportunities are offered for both boys and girls. Such 800
facilities and opportunities may be offered for each sex at 801
separate locations. 802

(b) The governing authority may establish a school that 803
simultaneously serves a group of students identified as autistic 804
and a group of students who are not disabled, as authorized in 805
section 3314.061 of the Revised Code. However, unless the total 806
capacity established for the school has been filled, no student 807
with any disability shall be denied admission on the basis of that 808
disability. 809

(2) That upon admission of any student with a disability, the 810
community school will comply with all federal and state laws 811
regarding the education of students with disabilities. 812

(E) That the school may not limit admission to students on 813
the basis of intellectual ability, measures of achievement or 814
aptitude, or athletic ability, except that a school may limit its 815
enrollment to students as described in division (B) of this 816
section. 817

(F) That the community school will admit the number of 818
students that does not exceed the capacity of the school's 819
programs, classes, grade levels, or facilities. 820

(G) That the purpose of single-gender schools that are 821
established shall be to take advantage of the academic benefits 822
some students realize from single-gender instruction and 823
facilities and to offer students and parents residing in the 824
district the option of a single-gender education. 825

(H) That, except as otherwise provided under division (B) of 826
this section or section 3314.061 of the Revised Code, if the 827
number of applicants exceeds the capacity restrictions of division 828
(F) of this section, students shall be admitted by lot from all 829
those submitting applications, except preference shall be given to 830
students attending the school the previous year and to students 831
who reside in the district in which the school is located. 832
Preference may be given to siblings of students attending the 833
school the previous year. 834

Notwithstanding divisions (A) to (H) of this section, in the 835
event the racial composition of the enrollment of the community 836
school is violative of a federal desegregation order, the 837
community school shall take any and all corrective measures to 838
comply with the desegregation order. 839

Sec. 3314.062. No community school shall admit any student 840
who is entitled to attend school under section 3313.64 or 3313.65 841
of the Revised Code in the school district in which the community 842
school is located and who is or would be assigned under section 843
3319.01 of the Revised Code, for the school year in which 844
admission is sought, to a district building whose most recent 845
rating issued under section 3302.03 of the Revised Code is better 846
than the most recent rating issued to the community school under 847
section 3314.012 of the Revised Code, unless one of the following 848
applies to the student: 849

(A) The student is a child with a disability entitled to 850
special education and related services under Chapter 3323. of the 851

Revised Code. 852

(B) The principal of the district building to which the student is or would be assigned approves the student's admission to the community school. 853
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In accordance with division (B) of section 3314.012 of the Revised Code, the ratings a community school receives for its first two years of operation shall not be considered in determining if the school is subject to this section. Nothing in this section shall prohibit a community school from continuing to enroll a student who was admitted prior to the school becoming subject to this section. 856
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Sec. 3314.075. (A) Unless the state board of education grants approval pursuant to rules adopted under division (B) of this section, the governing authority of a community school shall not terminate its contract with the school's current sponsor or enter into a contract with a new sponsor under section 3314.03 of the Revised Code, if both of the following conditions exist: 863
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(1) In the previous school year, the school's sponsor has taken any of the steps listed in division (D)(5) of section 3314.03 of the Revised Code. 869
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(2) The community school does not currently meet automatic closure criteria, as prescribed by section 3314.35 or 3314.351 of the Revised Code. 872
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(B) The state board of education shall adopt rules, in accordance with Chapter 119. of the Revised Code, prescribing the criteria that the state board shall consider when determining whether to approve or deny a request from the governing authority of a community school seeking to terminate its contract with the school's sponsor or to enter into a contract with a new sponsor, if the conditions listed in divisions (A)(1) and (2) of this 875
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section exist. The state board shall apply these rules when 882
carrying out its duties pursuant to division (A) of this section. 883

Sec. 3314.085. No community school governing authority, 884
sponsor, or operator shall use state moneys paid to the community 885
school under section 3314.08 of the Revised Code to pay for any 886
advertising, recruiting, or promotional materials for that 887
community school. 888

Sec. 3314.088. Any community school that receives funds under 889
this chapter shall annually adopt a salary schedule for 890
nonteaching school employees based upon training, experience, and 891
qualifications. Each community school shall prepare and may amend 892
from time to time, specifications descriptive of duties, 893
responsibilities, requirements, and desirable qualifications of 894
the classifications of employees required to perform the duties 895
specified in the salary schedule. All nonteaching school employees 896
are to be notified of the position classification to which they 897
are assigned and the salary for the classification. The 898
compensation of all employees working for the community school 899
shall be uniform for like positions except as compensation would 900
be affected by salary increments based upon length of service. 901

Sec. 3314.103. Teachers employed by a community school shall 902
be highly qualified teachers, as defined in section 3319.074 of 903
the Revised Code, and shall be licensed under sections 3319.22 to 904
3319.31 of the Revised Code and rules of the state board of 905
education implementing those sections. 906

Sec. 3314.181. No community school shall charge a fee to a 907
student who is eligible for a free lunch under the "National 908
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 909
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 910

U.S.C. 1771, as amended, for any materials needed to enable the 911
pupil to participate fully in a course of instruction. This 912
prohibition does not apply to any fee charged for any of the 913
following: 914

(A) Any materials needed to enable a student to participate 915
fully in extracurricular activities or in any student enrichment 916
program that is not a course of instruction; 917

(B) Any tools, equipment, and materials that are necessary 918
for workforce-readiness training within a career-technical 919
education program that, to the extent the tools, equipment, and 920
materials are not consumed, may be retained by the student upon 921
course completion. 922

Sec. 3314.352. No operator of a community school that was 923
permanently closed pursuant to section 3314.35 or 3314.351 of the 924
Revised Code shall operate another community school in the same 925
location as the permanently closed community school. 926

Sec. 3314.45. Upon the neglect or failure of a fiscal officer 927
or chief administrative officer of any community school to make 928
required reports, the governing authority of that community school 929
shall appoint some suitable person to make such reports, who shall 930
receive a reasonable compensation to be paid from the community 931
school's funds. 932

Section 2. That existing sections 117.11, 149.351, 3313.6411, 933
3314.011, 3314.02, 3314.03, and 3314.06 of the Revised Code are 934
hereby repealed. 935

Section 3. (A) Notwithstanding section 3314.08 of the Revised 936
Code, in fiscal year 2014, no community school shall receive 937
payments under divisions (C)(1) and (2) of section 3314.08 of the 938
Revised Code, and division (D) of section 3314.091 of the Revised 939

Code, in an aggregate amount that is greater than the multiple 940
specified in division (B)(1) of Section 263.240 of Am. Sub. H.B. 941
59 of the 130th General Assembly times the sum of the community 942
school's payments for fiscal year 2013 under divisions (D)(1), 943
(2), and (4) to (10) of section 3314.08 of the Revised Code, as 944
that section existed prior to September 29, 2013, division (D) of 945
section 3314.091 of the Revised Code, as that section existed 946
prior to September 29, 2013, and Section 267.30.56 of Am. Sub. 947
H.B. 153 of the 129th General Assembly. 948

(B) Notwithstanding section 3314.08 of the Revised Code, in 949
fiscal year 2015, no community school shall receive payments under 950
divisions (C)(1) and (2) of section 3314.08 of the Revised Code, 951
and division (D) of section 3314.091 of the Revised Code, in an 952
aggregate amount that is greater than the multiple specified in 953
division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 954
130th General Assembly times the aggregate amount of the community 955
school's payments for fiscal year 2014 under divisions (C)(1) and 956
(2) of section 3314.08 of the Revised Code, and division (D) of 957
section 3314.091 of the Revised Code, after any reductions are 958
made for fiscal year 2014 under division (A) of this section. 959

(C) The Department of Education shall reduce a community 960
school's payments under divisions (C)(1)(a), (b), (d), (e), and 961
(f) of section 3314.08 of the Revised Code, and division (D) of 962
section 3314.091 of the Revised Code, proportionately as necessary 963
in order to comply with this section. If those amounts are 964
insufficient, the Department shall proportionately reduce a 965
community school's payments under divisions (C)(1)(c) and (g) of 966
section 3314.08 of the Revised Code. 967

Section 4. (A) Notwithstanding section 3326.33 of the Revised 968
Code, in fiscal year 2014, no STEM school shall receive payments 969
under section 3326.33 of the Revised Code, in an aggregate amount 970

that is greater than the multiple specified in division (B)(1) of 971
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly 972
times the aggregate amount of the STEM school's payments for 973
fiscal year 2013 under section 3326.33 of the Revised Code, as 974
that section existed prior to September 29, 2013. 975

(B) Notwithstanding section 3326.33 of the Revised Code, in 976
fiscal year 2015, no STEM school shall receive payments under 977
section 3326.33 of the Revised Code, in an aggregate amount that 978
is greater than the multiple specified in division (B)(2) of 979
Section 263.240 of of Am. Sub. H.B. 59 of the 130th General 980
Assembly times the aggregate amount of the STEM school's payments 981
for fiscal year 2014 under section 3326.33 of the Revised Code, 982
after any reductions are made for fiscal year 2014 under division 983
(A) of this section. 984

(C) The Department of Education shall reduce a STEM school's 985
payments under divisions (A), (B), (D), (E), and (F) of section 986
3326.33 of the Revised Code, proportionately as necessary in order 987
to comply with this section. If those amounts are insufficient, 988
the Department shall proportionately reduce a STEM school's 989
payments under divisions (C) and (G) of section 3326.33 of the 990
Revised Code. 991