

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 418

Representative Ingram

**Cosponsors: Representatives Ashford, Brenner, Kent, Lepore-Hagan, Reece,
West**

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3319.324 of the Revised Code to 2
require a public or chartered nonpublic school 3
to transmit a student's records within five 4
business days when the student transfers to 5
another school. 6

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 7
amended and section 3319.324 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3314.03. A copy of every contract entered into under 10
this section shall be filed with the superintendent of public 11
instruction. The department of education shall make available on 12
its web site a copy of every approved, executed contract filed 13
with the superintendent under this section. 14

(A) Each contract entered into between a sponsor and the 15
governing authority of a community school shall specify the 16
following: 17

| | |
|--|----------------------------|
| (1) That the school shall be established as either of the following: | 18 19 |
| (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; | 20 21 22 |
| (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. | 23 24 |
| (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; | 25 26 27 28 |
| (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; | 29 30 31 32 |
| (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; | 33 34 35 36 |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; | 37 38 39 |
| (6) (a) Dismissal procedures; | 40 |
| (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the | 41 42 43 44 45 |

student. 46

(7) The ways by which the school will achieve racial and 47
ethnic balance reflective of the community it serves; 48

(8) Requirements for financial audits by the auditor of 49
state. The contract shall require financial records of the 50
school to be maintained in the same manner as are financial 51
records of school districts, pursuant to rules of the auditor of 52
state. Audits shall be conducted in accordance with section 53
117.10 of the Revised Code. 54

(9) An addendum to the contract outlining the facilities 55
to be used that contains at least the following information: 56

(a) A detailed description of each facility used for 57
instructional purposes; 58

(b) The annual costs associated with leasing each facility 59
that are paid by or on behalf of the school; 60

(c) The annual mortgage principal and interest payments 61
that are paid by the school; 62

(d) The name of the lender or landlord, identified as 63
such, and the lender's or landlord's relationship to the 64
operator, if any. 65

(10) Qualifications of teachers, including a requirement 66
that the school's classroom teachers be licensed in accordance 67
with sections 3319.22 to 3319.31 of the Revised Code, except 68
that a community school may engage noncertificated persons to 69
teach up to twelve hours per week pursuant to section 3319.301 70
of the Revised Code. 71

(11) That the school will comply with the following 72
requirements: 73

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

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.324, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 103
3313.611, and 3313.614 of the Revised Code, except that for 104
students who enter ninth grade for the first time before July 1, 105
2010, the requirement in sections 3313.61 and 3313.611 of the 106
Revised Code that a person must successfully complete the 107
curriculum in any high school prior to receiving a high school 108
diploma may be met by completing the curriculum adopted by the 109
governing authority of the community school rather than the 110
curriculum specified in Title XXXVIII of the Revised Code or any 111
rules of the state board of education. Beginning with students 112
who enter ninth grade for the first time on or after July 1, 113
2010, the requirement in sections 3313.61 and 3313.611 of the 114
Revised Code that a person must successfully complete the 115
curriculum of a high school prior to receiving a high school 116
diploma shall be met by completing the requirements prescribed 117
in division (C) of section 3313.603 of the Revised Code, unless 118
the person qualifies under division (D) or (F) of that section. 119
Each school shall comply with the plan for awarding high school 120
credit based on demonstration of subject area competency, and 121
beginning with the 2017-2018 school year, with the updated plan 122
that permits students enrolled in seventh and eighth grade to 123
meet curriculum requirements based on subject area competency 124
adopted by the state board of education under divisions (J) (1) 125
and (2) of section 3313.603 of the Revised Code. Beginning with 126
the 2018-2019 school year, the school shall comply with the 127
framework for granting units of high school credit to students 128
who demonstrate subject area competency through work-based 129
learning experiences, internships, or cooperative education 130
developed by the department under division (J) (3) of section 131
3313.603 of the Revised Code. 132

(g) The school governing authority will submit within four 133

months after the end of each school year a report of its 134
activities and progress in meeting the goals and standards of 135
divisions (A) (3) and (4) of this section and its financial 136
status to the sponsor and the parents of all students enrolled 137
in the school. 138

(h) The school, unless it is an internet- or computer- 139
based community school, will comply with section 3313.801 of the 140
Revised Code as if it were a school district. 141

(i) If the school is the recipient of moneys from a grant 142
awarded under the federal race to the top program, Division (A), 143
Title XIV, Sections 14005 and 14006 of the "American Recovery 144
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 145
the school will pay teachers based upon performance in 146
accordance with section 3317.141 and will comply with section 147
3319.111 of the Revised Code as if it were a school district. 148

(j) If the school operates a preschool program that is 149
licensed by the department of education under sections 3301.52 150
to 3301.59 of the Revised Code, the school shall comply with 151
sections 3301.50 to 3301.59 of the Revised Code and the minimum 152
standards for preschool programs prescribed in rules adopted by 153
the state board under section 3301.53 of the Revised Code. 154

(k) The school will comply with sections 3313.6021 and 155
3313.6023 of the Revised Code as if it were a school district 156
unless it is either of the following: 157

(i) An internet- or computer-based community school; 158

(ii) A community school in which a majority of the 159
enrolled students are children with disabilities as described in 160
division (A) (4) (b) of section 3314.35 of the Revised Code. 161

(12) Arrangements for providing health and other benefits 162

| | |
|--|---|
| to employees; | 163 |
| (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. | 164 165 166 167 |
| (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; | 168 169 |
| (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. | 170 171 172 |
| (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; | 173 174 175 176 |
| (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; | 177 178 179 180 181 182 183 184 185 186 187 |
| (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; | 188 189 190 |
| (19) A provision requiring the governing authority to | 191 |

adopt a policy regarding the admission of students who reside 192
outside the district in which the school is located. That policy 193
shall comply with the admissions procedures specified in 194
sections 3314.06 and 3314.061 of the Revised Code and, at the 195
sole discretion of the authority, shall do one of the following: 196

(a) Prohibit the enrollment of students who reside outside 197
the district in which the school is located; 198

(b) Permit the enrollment of students who reside in 199
districts adjacent to the district in which the school is 200
located; 201

(c) Permit the enrollment of students who reside in any 202
other district in the state. 203

(20) A provision recognizing the authority of the 204
department of education to take over the sponsorship of the 205
school in accordance with the provisions of division (C) of 206
section 3314.015 of the Revised Code; 207

(21) A provision recognizing the sponsor's authority to 208
assume the operation of a school under the conditions specified 209
in division (B) of section 3314.073 of the Revised Code; 210

(22) A provision recognizing both of the following: 211

(a) The authority of public health and safety officials to 212
inspect the facilities of the school and to order the facilities 213
closed if those officials find that the facilities are not in 214
compliance with health and safety laws and regulations; 215

(b) The authority of the department of education as the 216
community school oversight body to suspend the operation of the 217
school under section 3314.072 of the Revised Code if the 218
department has evidence of conditions or violations of law at 219

the school that pose an imminent danger to the health and safety 220
of the school's students and employees and the sponsor refuses 221
to take such action. 222

(23) A description of the learning opportunities that will 223
be offered to students including both classroom-based and non- 224
classroom-based learning opportunities that is in compliance 225
with criteria for student participation established by the 226
department under division (H) (2) of section 3314.08 of the 227
Revised Code; 228

(24) The school will comply with sections 3302.04 and 229
3302.041 of the Revised Code, except that any action required to 230
be taken by a school district pursuant to those sections shall 231
be taken by the sponsor of the school. However, the sponsor 232
shall not be required to take any action described in division 233
(F) of section 3302.04 of the Revised Code. 234

(25) Beginning in the 2006-2007 school year, the school 235
will open for operation not later than the thirtieth day of 236
September each school year, unless the mission of the school as 237
specified under division (A) (2) of this section is solely to 238
serve dropouts. In its initial year of operation, if the school 239
fails to open by the thirtieth day of September, or within one 240
year after the adoption of the contract pursuant to division (D) 241
of section 3314.02 of the Revised Code if the mission of the 242
school is solely to serve dropouts, the contract shall be void. 243

(26) Whether the school's governing authority is planning 244
to seek designation for the school as a STEM school equivalent 245
under section 3326.032 of the Revised Code; 246

(27) That the school's attendance and participation 247
policies will be available for public inspection; 248

(28) That the school's attendance and participation 249
records shall be made available to the department of education, 250
auditor of state, and school's sponsor to the extent permitted 251
under and in accordance with the "Family Educational Rights and 252
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 253
and any regulations promulgated under that act, and section 254
3319.321 of the Revised Code; 255

(29) If a school operates using the blended learning 256
model, as defined in section 3301.079 of the Revised Code, all 257
of the following information: 258

(a) An indication of what blended learning model or models 259
will be used; 260

(b) A description of how student instructional needs will 261
be determined and documented; 262

(c) The method to be used for determining competency, 263
granting credit, and promoting students to a higher grade level; 264

(d) The school's attendance requirements, including how 265
the school will document participation in learning 266
opportunities; 267

(e) A statement describing how student progress will be 268
monitored; 269

(f) A statement describing how private student data will 270
be protected; 271

(g) A description of the professional development 272
activities that will be offered to teachers. 273

(30) A provision requiring that all moneys the school's 274
operator loans to the school, including facilities loans or cash 275
flow assistance, must be accounted for, documented, and bear 276

| | |
|--|-----|
| interest at a fair market rate; | 277 |
| (31) A provision requiring that, if the governing | 278 |
| authority contracts with an attorney, accountant, or entity | 279 |
| specializing in audits, the attorney, accountant, or entity | 280 |
| shall be independent from the operator with which the school has | 281 |
| contracted. | 282 |
| (B) The community school shall also submit to the sponsor | 283 |
| a comprehensive plan for the school. The plan shall specify the | 284 |
| following: | 285 |
| (1) The process by which the governing authority of the | 286 |
| school will be selected in the future; | 287 |
| (2) The management and administration of the school; | 288 |
| (3) If the community school is a currently existing public | 289 |
| school or educational service center building, alternative | 290 |
| arrangements for current public school students who choose not | 291 |
| to attend the converted school and for teachers who choose not | 292 |
| to teach in the school or building after conversion; | 293 |
| (4) The instructional program and educational philosophy | 294 |
| of the school; | 295 |
| (5) Internal financial controls. | 296 |
| When submitting the plan under this division, the school | 297 |
| shall also submit copies of all policies and procedures | 298 |
| regarding internal financial controls adopted by the governing | 299 |
| authority of the school. | 300 |
| (C) A contract entered into under section 3314.02 of the | 301 |
| Revised Code between a sponsor and the governing authority of a | 302 |
| community school may provide for the community school governing | 303 |
| authority to make payments to the sponsor, which is hereby | 304 |

authorized to receive such payments as set forth in the contract 305
between the governing authority and the sponsor. The total 306
amount of such payments for monitoring, oversight, and technical 307
assistance of the school shall not exceed three per cent of the 308
total amount of payments for operating expenses that the school 309
receives from the state. 310

(D) The contract shall specify the duties of the sponsor 311
which shall be in accordance with the written agreement entered 312
into with the department of education under division (B) of 313
section 3314.015 of the Revised Code and shall include the 314
following: 315

(1) Monitor the community school's compliance with all 316
laws applicable to the school and with the terms of the 317
contract; 318

(2) Monitor and evaluate the academic and fiscal 319
performance and the organization and operation of the community 320
school on at least an annual basis; 321

(3) Report on an annual basis the results of the 322
evaluation conducted under division (D) (2) of this section to 323
the department of education and to the parents of students 324
enrolled in the community school; 325

(4) Provide technical assistance to the community school 326
in complying with laws applicable to the school and terms of the 327
contract; 328

(5) Take steps to intervene in the school's operation to 329
correct problems in the school's overall performance, declare 330
the school to be on probationary status pursuant to section 331
3314.073 of the Revised Code, suspend the operation of the 332
school pursuant to section 3314.072 of the Revised Code, or 333

terminate the contract of the school pursuant to section 3314.07 334
of the Revised Code as determined necessary by the sponsor; 335

(6) Have in place a plan of action to be undertaken in the 336
event the community school experiences financial difficulties or 337
closes prior to the end of a school year. 338

(E) Upon the expiration of a contract entered into under 339
this section, the sponsor of a community school may, with the 340
approval of the governing authority of the school, renew that 341
contract for a period of time determined by the sponsor, but not 342
ending earlier than the end of any school year, if the sponsor 343
finds that the school's compliance with applicable laws and 344
terms of the contract and the school's progress in meeting the 345
academic goals prescribed in the contract have been 346
satisfactory. Any contract that is renewed under this division 347
remains subject to the provisions of sections 3314.07, 3314.072, 348
and 3314.073 of the Revised Code. 349

(F) If a community school fails to open for operation 350
within one year after the contract entered into under this 351
section is adopted pursuant to division (D) of section 3314.02 352
of the Revised Code or permanently closes prior to the 353
expiration of the contract, the contract shall be void and the 354
school shall not enter into a contract with any other sponsor. A 355
school shall not be considered permanently closed because the 356
operations of the school have been suspended pursuant to section 357
3314.072 of the Revised Code. 358

Sec. 3319.324. When any school district or chartered 359
nonpublic school receives a request from another district or 360
school to which a student has transferred for that student's 361
school records, the district or school receiving the request 362
shall respond, within five business days after receiving the 363

request, by transmitting to the requesting district or school 364
either the student's school records as authorized under section 365
3319.321 of the Revised Code or, if the district or school has 366
no record of the student's attendance, a statement of that fact. 367

The provisions of this section are in addition to, and do 368
not affect the obligations of a school district or school to 369
comply with, the requirements of division (D) of section 370
3313.642 and section 3313.672 of the Revised Code. 371

Sec. 3326.11. Each science, technology, engineering, and 372
mathematics school established under this chapter and its 373
governing body shall comply with sections 9.90, 9.91, 109.65, 374
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 375
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 376
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 377
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 378
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 379
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 380
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 381
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 382
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 383
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 384
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 385
3319.324, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 386
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 387
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 388
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 389
4112., 4123., 4141., and 4167. of the Revised Code as if it were 390
a school district. 391

Sec. 3328.24. A college-preparatory boarding school 392
established under this chapter and its board of trustees shall 393

comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 394
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 395
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.324, 3319.39, 396
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 397
if the school were a school district and the school's board of 398
trustees were a district board of education. 399

Section 2. That existing sections 3314.03, 3326.11, and 400
3328.24 of the Revised Code are hereby repealed. 401

Section 3. Section 3328.24 of the Revised Code is 402
presented in this act as a composite of the section as amended 403
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 404
Assembly. The General Assembly, applying the principle stated in 405
division (B) of section 1.52 of the Revised Code that amendments 406
are to be harmonized if reasonably capable of simultaneous 407
operation, finds that the composite is the resulting version of 408
the section in effect prior to the effective date of the section 409
as presented in this act. 410