

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 82

Senators Williams, Lehner

Cosponsors: Senators Thomas, Yuko, Skindell, Brown, Tavares

A BILL

To amend sections 3313.205, 3314.03, 3326.11, and 1
3328.24 and to enact section 3321.141 of the 2
Revised Code to require a public school to place 3
a telephone call within one hour of the start of 4
the school day to a parent whose child is absent 5
without legitimate excuse. 6

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

Section 1. That sections 3313.205, 3314.03, 3326.11, and 7
3328.24 be amended and section 3321.141 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3313.205. ~~The~~ Subject to section 3321.141 of the 10
Revised Code, the board of education of each school district 11
shall adopt a written policy with respect to the notification of 12
a student's parents, parent who is the residential parent and 13
legal custodian, guardian, or legal custodian or any other 14
person responsible for the student within a reasonable time 15
after the determination that the student is absent from school. 16
The student's parents, parent who is the residential parent and 17
legal custodian, guardian, or legal custodian or any other 18

person responsible for the student shall provide the school that 19
the student attends a current address and a telephone number at 20
which the student's parents, parent who is the residential 21
parent and legal custodian, guardian, or legal custodian or any 22
other person that is responsible for the student can receive 23
notice that the student is absent from school. 24

Sec. 3314.03. A copy of every contract entered into under 25
this section shall be filed with the superintendent of public 26
instruction. The department of education shall make available on 27
its web site a copy of every approved, executed contract filed 28
with the superintendent under this section. 29

(A) Each contract entered into between a sponsor and the 30
governing authority of a community school shall specify the 31
following: 32

(1) That the school shall be established as either of the 33
following: 34

(a) A nonprofit corporation established under Chapter 35
1702. of the Revised Code, if established prior to April 8, 36
2003; 37

(b) A public benefit corporation established under Chapter 38
1702. of the Revised Code, if established after April 8, 2003. 39

(2) The education program of the school, including the 40
school's mission, the characteristics of the students the school 41
is expected to attract, the ages and grades of students, and the 42
focus of the curriculum; 43

(3) The academic goals to be achieved and the method of 44
measurement that will be used to determine progress toward those 45
goals, which shall include the statewide achievement 46
assessments; 47

(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;	48 49 50 51
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	52 53 54
(6) (a) Dismissal procedures;	55
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	56 57 58 59 60 61
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	62 63
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	64 65 66 67 68 69
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	70 71
(a) A detailed description of each facility used for instructional purposes;	72 73
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	74 75

(c) The annual mortgage principal and interest payments	76
that are paid by the school;	77
(d) The name of the lender or landlord, identified as	78
such, and the lender's or landlord's relationship to the	79
operator, if any.	80
(10) Qualifications of teachers, including a requirement	81
that the school's classroom teachers be licensed in accordance	82
with sections 3319.22 to 3319.31 of the Revised Code, except	83
that a community school may engage noncertificated persons to	84
teach up to twelve hours per week pursuant to section 3319.301	85
of the Revised Code.	86
(11) That the school will comply with the following	87
requirements:	88
(a) The school will provide learning opportunities to a	89
minimum of twenty-five students for a minimum of nine hundred	90
twenty hours per school year.	91
(b) The governing authority will purchase liability	92
insurance, or otherwise provide for the potential liability of	93
the school.	94
(c) The school will be nonsectarian in its programs,	95
admission policies, employment practices, and all other	96
operations, and will not be operated by a sectarian school or	97
religious institution.	98
(d) The school will comply with sections 9.90, 9.91,	99
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	100
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	101
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,	102
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643,	103
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	104

3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 105
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 106
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 107
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 108
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 109
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 110
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 111
4112., 4123., 4141., and 4167. of the Revised Code as if it were 112
a school district and will comply with section 3301.0714 of the 113
Revised Code in the manner specified in section 3314.17 of the 114
Revised Code. 115

(e) The school shall comply with Chapter 102. and section 116
2921.42 of the Revised Code. 117

(f) The school will comply with sections 3313.61, 118
3313.611, and 3313.614 of the Revised Code, except that for 119
students who enter ninth grade for the first time before July 1, 120
2010, the requirement in sections 3313.61 and 3313.611 of the 121
Revised Code that a person must successfully complete the 122
curriculum in any high school prior to receiving a high school 123
diploma may be met by completing the curriculum adopted by the 124
governing authority of the community school rather than the 125
curriculum specified in Title XXXVIII of the Revised Code or any 126
rules of the state board of education. Beginning with students 127
who enter ninth grade for the first time on or after July 1, 128
2010, the requirement in sections 3313.61 and 3313.611 of the 129
Revised Code that a person must successfully complete the 130
curriculum of a high school prior to receiving a high school 131
diploma shall be met by completing the requirements prescribed 132
in division (C) of section 3313.603 of the Revised Code, unless 133
the person qualifies under division (D) or (F) of that section. 134
Each school shall comply with the plan for awarding high school 135

credit based on demonstration of subject area competency, and 136
beginning with the 2017-2018 school year, with the updated plan 137
that permits students enrolled in seventh and eighth grade to 138
meet curriculum requirements based on subject area competency 139
adopted by the state board of education under divisions (J) (1) 140
and (2) of section 3313.603 of the Revised Code. 141

(g) The school governing authority will submit within four 142
months after the end of each school year a report of its 143
activities and progress in meeting the goals and standards of 144
divisions (A) (3) and (4) of this section and its financial 145
status to the sponsor and the parents of all students enrolled 146
in the school. 147

(h) The school, unless it is an internet- or computer- 148
based community school, will comply with section 3313.801 of the 149
Revised Code as if it were a school district. 150

(i) If the school is the recipient of moneys from a grant 151
awarded under the federal race to the top program, Division (A), 152
Title XIV, Sections 14005 and 14006 of the "American Recovery 153
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 154
the school will pay teachers based upon performance in 155
accordance with section 3317.141 and will comply with section 156
3319.111 of the Revised Code as if it were a school district. 157

(j) If the school operates a preschool program that is 158
licensed by the department of education under sections 3301.52 159
to 3301.59 of the Revised Code, the school shall comply with 160
sections 3301.50 to 3301.59 of the Revised Code and the minimum 161
standards for preschool programs prescribed in rules adopted by 162
the state board under section 3301.53 of the Revised Code. 163

(k) The school will comply with sections 3313.6021 and 164

3313.6023 of the Revised Code as if it were a school district	165
unless it is either of the following:	166
(i) An internet- or computer-based community school;	167
(ii) A community school in which a majority of the	168
enrolled students are children with disabilities as described in	169
division (A) (4) (b) of section 3314.35 of the Revised Code.	170
(12) Arrangements for providing health and other benefits	171
to employees;	172
(13) The length of the contract, which shall begin at the	173
beginning of an academic year. No contract shall exceed five	174
years unless such contract has been renewed pursuant to division	175
(E) of this section.	176
(14) The governing authority of the school, which shall be	177
responsible for carrying out the provisions of the contract;	178
(15) A financial plan detailing an estimated school budget	179
for each year of the period of the contract and specifying the	180
total estimated per pupil expenditure amount for each such year.	181
(16) Requirements and procedures regarding the disposition	182
of employees of the school in the event the contract is	183
terminated or not renewed pursuant to section 3314.07 of the	184
Revised Code;	185
(17) Whether the school is to be created by converting all	186
or part of an existing public school or educational service	187
center building or is to be a new start-up school, and if it is	188
a converted public school or service center building,	189
specification of any duties or responsibilities of an employer	190
that the board of education or service center governing board	191
that operated the school or building before conversion is	192

delegating to the governing authority of the community school	193
with respect to all or any specified group of employees provided	194
the delegation is not prohibited by a collective bargaining	195
agreement applicable to such employees;	196
(18) Provisions establishing procedures for resolving	197
disputes or differences of opinion between the sponsor and the	198
governing authority of the community school;	199
(19) A provision requiring the governing authority to	200
adopt a policy regarding the admission of students who reside	201
outside the district in which the school is located. That policy	202
shall comply with the admissions procedures specified in	203
sections 3314.06 and 3314.061 of the Revised Code and, at the	204
sole discretion of the authority, shall do one of the following:	205
(a) Prohibit the enrollment of students who reside outside	206
the district in which the school is located;	207
(b) Permit the enrollment of students who reside in	208
districts adjacent to the district in which the school is	209
located;	210
(c) Permit the enrollment of students who reside in any	211
other district in the state.	212
(20) A provision recognizing the authority of the	213
department of education to take over the sponsorship of the	214
school in accordance with the provisions of division (C) of	215
section 3314.015 of the Revised Code;	216
(21) A provision recognizing the sponsor's authority to	217
assume the operation of a school under the conditions specified	218
in division (B) of section 3314.073 of the Revised Code;	219
(22) A provision recognizing both of the following:	220

(a) The authority of public health and safety officials to 221
inspect the facilities of the school and to order the facilities 222
closed if those officials find that the facilities are not in 223
compliance with health and safety laws and regulations; 224

(b) The authority of the department of education as the 225
community school oversight body to suspend the operation of the 226
school under section 3314.072 of the Revised Code if the 227
department has evidence of conditions or violations of law at 228
the school that pose an imminent danger to the health and safety 229
of the school's students and employees and the sponsor refuses 230
to take such action. 231

(23) A description of the learning opportunities that will 232
be offered to students including both classroom-based and non- 233
classroom-based learning opportunities that is in compliance 234
with criteria for student participation established by the 235
department under division (H) (2) of section 3314.08 of the 236
Revised Code; 237

(24) The school will comply with sections 3302.04 and 238
3302.041 of the Revised Code, except that any action required to 239
be taken by a school district pursuant to those sections shall 240
be taken by the sponsor of the school. However, the sponsor 241
shall not be required to take any action described in division 242
(F) of section 3302.04 of the Revised Code. 243

(25) Beginning in the 2006-2007 school year, the school 244
will open for operation not later than the thirtieth day of 245
September each school year, unless the mission of the school as 246
specified under division (A) (2) of this section is solely to 247
serve dropouts. In its initial year of operation, if the school 248
fails to open by the thirtieth day of September, or within one 249
year after the adoption of the contract pursuant to division (D) 250

of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

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

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

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

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

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

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

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

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

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

(f) A statement describing how private student data will be protected;	279 280
(g) A description of the professional development activities that will be offered to teachers.	281 282
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	283 284 285 286
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	287 288 289 290 291
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	292 293 294
(1) The process by which the governing authority of the school will be selected in the future;	295 296
(2) The management and administration of the school;	297
(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;	298 299 300 301 302
(4) The instructional program and educational philosophy of the school;	303 304
(5) Internal financial controls.	305

When submitting the plan under this division, the school 306
shall also submit copies of all policies and procedures 307
regarding internal financial controls adopted by the governing 308
authority of the school. 309

(C) A contract entered into under section 3314.02 of the 310
Revised Code between a sponsor and the governing authority of a 311
community school may provide for the community school governing 312
authority to make payments to the sponsor, which is hereby 313
authorized to receive such payments as set forth in the contract 314
between the governing authority and the sponsor. The total 315
amount of such payments for monitoring, oversight, and technical 316
assistance of the school shall not exceed three per cent of the 317
total amount of payments for operating expenses that the school 318
receives from the state. 319

(D) The contract shall specify the duties of the sponsor 320
which shall be in accordance with the written agreement entered 321
into with the department of education under division (B) of 322
section 3314.015 of the Revised Code and shall include the 323
following: 324

(1) Monitor the community school's compliance with all 325
laws applicable to the school and with the terms of the 326
contract; 327

(2) Monitor and evaluate the academic and fiscal 328
performance and the organization and operation of the community 329
school on at least an annual basis; 330

(3) Report on an annual basis the results of the 331
evaluation conducted under division (D) (2) of this section to 332
the department of education and to the parents of students 333
enrolled in the community school; 334

(4) Provide technical assistance to the community school 335
in complying with laws applicable to the school and terms of the 336
contract; 337

(5) Take steps to intervene in the school's operation to 338
correct problems in the school's overall performance, declare 339
the school to be on probationary status pursuant to section 340
3314.073 of the Revised Code, suspend the operation of the 341
school pursuant to section 3314.072 of the Revised Code, or 342
terminate the contract of the school pursuant to section 3314.07 343
of the Revised Code as determined necessary by the sponsor; 344

(6) Have in place a plan of action to be undertaken in the 345
event the community school experiences financial difficulties or 346
closes prior to the end of a school year. 347

(E) Upon the expiration of a contract entered into under 348
this section, the sponsor of a community school may, with the 349
approval of the governing authority of the school, renew that 350
contract for a period of time determined by the sponsor, but not 351
ending earlier than the end of any school year, if the sponsor 352
finds that the school's compliance with applicable laws and 353
terms of the contract and the school's progress in meeting the 354
academic goals prescribed in the contract have been 355
satisfactory. Any contract that is renewed under this division 356
remains subject to the provisions of sections 3314.07, 3314.072, 357
and 3314.073 of the Revised Code. 358

(F) If a community school fails to open for operation 359
within one year after the contract entered into under this 360
section is adopted pursuant to division (D) of section 3314.02 361
of the Revised Code or permanently closes prior to the 362
expiration of the contract, the contract shall be void and the 363
school shall not enter into a contract with any other sponsor. A 364

school shall not be considered permanently closed because the 365
operations of the school have been suspended pursuant to section 366
3314.072 of the Revised Code. 367

Sec. 3321.141. Within sixty minutes after the beginning of 368
each school day, the attendance officer, attendance officer's 369
assistant for each individual school building, or other person 370
the attendance officer designates to take attendance for each 371
school building shall make at least one attempt to contact via 372
telephone the parent, guardian, or other person having care of 373
any student who was absent without legitimate excuse from the 374
school the student is required to attend as of the beginning of 375
that school day. If the parent, guardian, or other person having 376
care of a student initiates a telephone call or other 377
communication notifying the school or building administration of 378
the student's excused or unexcused absence within sixty minutes 379
after the beginning of the school day, the school is under no 380
further obligation with respect to the requirement of this 381
section. 382

Sec. 3326.11. Each science, technology, engineering, and 383
mathematics school established under this chapter and its 384
governing body shall comply with sections 9.90, 9.91, 109.65, 385
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 386
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 387
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 388
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 389
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 390
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 391
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 392
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 393
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 394
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 395

3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 396
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 397
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 398
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 399
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 400
4123., 4141., and 4167. of the Revised Code as if it were a 401
school district. 402

Sec. 3328.24. A college-preparatory boarding school 403
established under this chapter and its board of trustees shall 404
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 405
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 406
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, ~~and~~ 407
3319.46, and 3321.141 and Chapter 3365. of the Revised Code as 408
if the school were a school district and the school's board of 409
trustees were a district board of education. 410

Section 2. That existing sections 3313.205, 3314.03, 411
3326.11, and 3328.24 of the Revised Code are hereby repealed. 412

Section 3. The General Assembly, applying the principle 413
stated in division (B) of section 1.52 of the Revised Code that 414
amendments are to be harmonized if reasonably capable of 415
simultaneous operation, finds that the following sections, 416
presented in this act as composites of the sections as amended 417
by the acts indicated, are the resulting versions of the 418
sections in effect prior to the effective date of the sections 419
as presented in this act: 420

Section 3314.03 of the Revised Code as amended by Am. Sub. 421
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st 422
General Assembly. 423

Section 3326.11 of the Revised Code as amended by Am. Sub. 424

H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.	425 426
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	427 428