



## *Synopsis of Senate Committee Amendments\**

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### **Sub. H.B. 364**

124th General Assembly  
(S. Education)

### **COMMUNITY SCHOOLS**

Removes the House bill's provision permitting the establishment of start-up community schools in any school district in the state and instead expands current law by adding "academic watch" school districts to those "challenged school districts" in which start-up community schools may be located.

Limits to 225 the total number of start-up community schools statewide until July 1, 2005 (rather than until two years after the effective date of the bill as in the House version).

Exempts school district-sponsored community schools located within their sponsoring districts from counting toward the cap.

Exempts all existing sponsors on the bill's effective date from the requirement to be approved by the Department of Education for sponsorship.

Permits an educational service center (ESC) to sponsor a community school in a county within the territory of the ESC or in a county contiguous to such county instead of anywhere in Ohio as in the House version.

Allows the boards of trustees of the 13 state universities or their designees to sponsor start-up community schools if those schools serve as practical demonstrations of teaching methods, technology, or practices that are included in their teacher preparation programs.

Alters the sponsorship requirements in the House bill stipulating that a federally tax-exempt entity have been in existence for at least five years *or* have \$500,000 in assets in order to sponsor a community school by specifying instead that such an entity must meet *both* criteria as well as be an "education-oriented" entity.

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\* This synopsis does not address amendments that may have been adopted on the Senate floor.

Specifies that until July 1, 2005, federally tax-exempt entities may only sponsor community schools formerly sponsored by the State Board of Education.

Exempts a federally tax-exempt entity that succeeds the University of Toledo Board of Trustees as the sponsor of a community school from the requirement that the entity have been in existence for five years prior to sponsorship.

Permits the Lucas County Educational Service Center and the University of Toledo Board of Trustees to continue to sponsor existing schools without meeting the new geographical restrictions or mission requirement imposed on ESCs and universities, respectively, by the bill.

Specifies that upon a finding by the State Board of Education that a sponsor is no longer complying with its duties, the Department of Education *may* revoke the entity's approval to sponsor community schools and assume sponsorship of any schools sponsored by the entity. The House bill *required* the Department to take such action.

Removes the House bill's language permitting a sponsor to extend the term of a contract with a community school during the course of that contract and returns to current law which limits initial contracts to five years. The Senate bill specifies that a sponsor may *renew* a contract upon its expiration for any length of time.

Removes language in the House bill stating that the termination of a contract by a sponsor cannot be effective until the end of the school year and reinstates current law allowing such a termination at any time during the school year.

Explicitly prohibits the establishment of a community school in two or more school districts under the same contract.

Requires all community schools established after the bill's effective date to be "public benefit corporations."

Requires a representative of a community school's sponsor to meet with the school's governing authority and review the school's financial records at least once every two months.

Prohibits "immediate relatives" of owners or employees of a for-profit firm operating or managing a community school from serving on the governing authority of the school.

Requires community school fiscal officers who are not licensed school treasurers or business managers to complete continuing education coursework in school accounting every year of their employment as fiscal officers.

Directs the Superintendent of Public Instruction to deduct the contributions owed by community schools to the School Employees Retirement System on behalf of their



employees from the state moneys otherwise due to the schools *prior* to distribution to the schools.

Specifies that the assets of a closed community school be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors (rather than in the reverse order as in the House bill) and requires any computer hardware or software that the school received from the Ohio SchoolNet Commission to be returned to the Commission.

States that it is the intent of the General Assembly that no state moneys paid to a community school be used to pay any taxes owed by the school (including income taxes, sales taxes, and property taxes), except for those payable by the school to a government entity on behalf of an employee.

Adds language requiring a community school's contract to recognize the authority of health and safety officials to inspect and close the school for code violations.

Requires community schools to comply with certain school attendance laws, including requirements regarding truant students.

Requires a community school's attendance policy to provide for the automatic withdrawal of any student who does not participate in 105 *cumulative* (rather than consecutive as in the House bill) hours of learning opportunities.

Applies the third grade reading guarantee (and the current fourth grade reading guarantee effective until July 1, 2003) to community schools.

Requires community schools to provide intervention services to students whose scores on diagnostic assessments show that they are unlikely to meet statewide academic standards.

Directs community schools to adopt a policy governing the conduct of academic prevention/intervention services for students.

Prohibits community school students from remaining in school for longer than 14 days without providing proof of immunization against certain communicable diseases.

Requires community schools to provide training in child abuse prevention to certain employees in elementary schools.

Prohibits conversion community schools from being Internet- or computer-based community schools.

Requires Internet- or computer-based community schools to establish a central base of operation at a physical location and requires the sponsor or a representative of the sponsor to be located within 50 miles of that base.



Requires Internet- or computer-based community schools to use a filtering device or software to block Internet access to materials that are obscene or harmful to juveniles on all computers provided to students for instructional use.

Requires Internet- or computer-based community schools to develop a plan for fulfilling the General Assembly's intent that teachers at such schools conduct face-to-face visits with their students during the school year.

Permits Internet- or computer-based community schools to provide less than one computer per enrolled student residing in the same household at the request of the students' parent but permits the parent to change his or her mind and request an additional computer at any time.

Specifies that generally a student is not considered enrolled in an Internet- or computer-based community school until the student has been supplied with all necessary computer hardware and software.

Exempts Internet- or computer-based community schools from both of the following provisions in current law: (1) a prohibition against community schools serving students in multiple buildings unless space limitations make it necessary or against serving the same grade in different facilities and (2) a requirement that community school facilities meet all health and safety standards for school buildings.

Allows community schools to count up to 1/4 full-time equivalent (FTE) for each student enrolled in a joint vocational school district (JVSD) under a contract with the community school.

Reinstates the current \$10 million limit on maximum program liability under the Community School Classroom Facilities Loan Guarantee Program. This limit was eliminated in the House version of the bill.

Adds language stating that the State of Ohio is not liable for debts incurred by community schools, except for the amounts of loan guarantees issued under the Classroom Facilities Loan Guarantee Program.

Removes language in the House bill creating the Community School Classroom Facilities Support Program.

Eliminates language in the House bill permitting state moneys to be used for the Community School Revolving Loan Program, resulting in only federal money being available for this purpose.

Requires academic performance data for conversion community schools to be included on the report cards issued for their sponsoring school districts.



Clarifies that certain acts are criminal offenses and that certain crimes carry enhanced penalties when committed on community school property or at community school activities.

Generally prohibits a community school or school district from offering a monetary or in-kind incentive to a student or a student's parent for enrollment.

Requires the Legislative Office of Education Oversight (LOEO) to conduct a study of the cost of educating students in Internet- or computer-based community schools and to report its findings to the General Assembly by December 31, 2003.

### **OTHER EDUCATION LAW CHANGES**

Clarifies that the superintendent of a local school district may designate the superintendent of the ESC to which the district belongs as the person authorized to issue age and schooling certificates.

Changes the calculation of Disadvantaged Pupil Impact Aid (DPIA) by using an annual count of students living in poverty and receiving public assistance rather than a five-year average as currently required.

Shortens the deadline for correction of reporting errors to the Education Management Information System (EMIS) from 90 days to 45 days.

Adds a representative from the Office of the Auditor of State to the Alternative Education Advisory Council beginning on the bill's effective date (rather than January 1, 2003, as in the House version).

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