

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 401**

**Representative Brinkman**

**Cosponsors: Representatives Hambley, Becker, Vitale, Young, Sprague, Bocchieri,  
Schaffer, Zeltwanger**

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**A BILL**

To amend section 3301.16 and to enact section 1  
3301.164 of the Revised Code with regard to 2  
requirements for chartered nonpublic schools. 3

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

**Section 1.** That section 3301.16 be amended and section 4  
3301.164 of the Revised Code be enacted to read as follows: 5

**Sec. 3301.16.** Pursuant to standards prescribed by the 6  
state board of education as provided in division (D) of section 7  
3301.07 of the Revised Code, the state board shall classify and 8  
charter school districts and individual schools within each 9  
district except that no charter shall be granted to a nonpublic 10  
school unless the school complies with divisions (K) (1) (a) and 11  
(b) of section 3301.0711, as applicable, and ~~section~~sections 12  
3313.612 and 3301.164 of the Revised Code. 13

In the course of considering the charter of a new school 14  
district created under section 3311.26 or 3311.38 of the Revised 15  
Code, the state board shall require the party proposing creation 16  
of the district to submit to the board a map, certified by the 17

county auditor of the county in which the proposed new district 18  
is located, showing the boundaries of the proposed new district. 19  
In the case of a proposed new district located in more than one 20  
county, the map shall be certified by the county auditor of each 21  
county in which the proposed district is located. 22

The state board shall revoke the charter of any school 23  
district or school which fails to meet the standards for 24  
elementary and high schools as prescribed by the board. The 25  
state board shall also revoke the charter of any nonpublic 26  
school that does not comply with division (K) (1) (a) of section 27  
3301.0711, if applicable, and ~~section~~ sections 3313.612 and 28  
3301.164 of the Revised Code. 29

In the issuance and revocation of school district or 30  
school charters, the state board shall be governed by the 31  
provisions of Chapter 119. of the Revised Code. 32

No school district, or individual school operated by a 33  
school district, shall operate without a charter issued by the 34  
state board under this section. 35

In case a school district charter is revoked pursuant to 36  
this section, the state board may dissolve the school district 37  
and transfer its territory to one or more adjacent districts. An 38  
equitable division of the funds, property, and indebtedness of 39  
the school district shall be made by the state board among the 40  
receiving districts. The board of education of a receiving 41  
district shall accept such territory pursuant to the order of 42  
the state board. Prior to dissolving the school district, the 43  
state board shall notify the appropriate educational service 44  
center governing board and all adjacent school district boards 45  
of education of its intention to do so. Boards so notified may 46  
make recommendations to the state board regarding the proposed 47

dissolution and subsequent transfer of territory. Except as 48  
provided in section 3301.161 of the Revised Code, the transfer 49  
ordered by the state board shall become effective on the date 50  
specified by the state board, but the date shall be at least 51  
thirty days following the date of issuance of the order. 52

A high school is one of higher grade than an elementary 53  
school, in which instruction and training are given in 54  
accordance with sections 3301.07 and 3313.60 of the Revised Code 55  
and which also offers other subjects of study more advanced than 56  
those taught in the elementary schools and such other subjects 57  
as may be approved by the state board of education. 58

An elementary school is one in which instruction and 59  
training are given in accordance with sections 3301.07 and 60  
3313.60 of the Revised Code and which offers such other subjects 61  
as may be approved by the state board of education. In districts 62  
wherein a junior high school is maintained, the elementary 63  
schools in that district may be considered to include only the 64  
work of the first six school years inclusive, plus the 65  
kindergarten year. 66

Sec. 3301.164. (A) Each chartered nonpublic school shall 67  
do the following: 68

(1) Publish on the school's web site a summary of the 69  
school's cash flow and aggregate student enrollment data for the 70  
previous two school years; 71

(2) Post on the school's web site the school's policy 72  
regarding background checks for teaching and nonteaching 73  
employees and for volunteers who have direct contact with 74  
students; 75

(3) Make available to parents, guardians, and custodians 76

of students enrolled in the school the curricula and reading 77  
lists for each grade level of the school. 78

(B) The governing authority of each chartered nonpublic 79  
school shall make available to parents, guardians, and 80  
custodians of students enrolled in the school the bylaws, 81  
constitution, and other related governance documents of the 82  
school. 83

(C) The governing authority of each chartered nonpublic 84  
school shall maintain minutes of its meetings, including minutes 85  
of its meetings in executive session, in a manner similar to 86  
that of a school district board of education under section 87  
121.22 of the Revised Code, and shall make available to parents, 88  
guardians, and custodians of students enrolled in the school the 89  
minutes of such meetings, except for instances in which the 90  
governing authority enters into executive session. 91

**Section 2.** That existing section 3301.16 of the Revised 92  
Code is hereby repealed. 93