

As Introduced

131st General Assembly

Regular Session

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H. B. No. 558

Representatives Bocchieri, Ramos

**Cosponsors: Representatives O'Brien, M., Antonio, Smith, K., Strahorn, Cera,
Rogers, Sheehy, Clyde, Lepore-Hagan, Fedor, Bishoff, Reece**

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact sections 3313.461, 3345.90, and 2
3781.181 of the Revised Code to require the use 3
of domestic steel in construction, repair, or 4
improvement projects involving certain buildings 5
used by public schools, state institutions of 6
higher education, and specified private 7
colleges. 8

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 9
amended and sections 3313.461, 3345.90, and 3781.181 of the 10
Revised Code be enacted to read as follows: 11

Sec. 3313.461. The board of education of each city, local, 12
and exempted village school district shall comply with the 13
provisions of section 3781.181 of the Revised Code. 14

Sec. 3314.03. A copy of every contract entered into under 15
this section shall be filed with the superintendent of public 16
instruction. The department of education shall make available on 17

its web site a copy of every approved, executed contract filed 18
with the superintendent under this section. 19

(A) Each contract entered into between a sponsor and the 20
governing authority of a community school shall specify the 21
following: 22

(1) That the school shall be established as either of the 23
following: 24

(a) A nonprofit corporation established under Chapter 25
1702. of the Revised Code, if established prior to April 8, 26
2003; 27

(b) A public benefit corporation established under Chapter 28
1702. of the Revised Code, if established after April 8, 2003. 29

(2) The education program of the school, including the 30
school's mission, the characteristics of the students the school 31
is expected to attract, the ages and grades of students, and the 32
focus of the curriculum; 33

(3) The academic goals to be achieved and the method of 34
measurement that will be used to determine progress toward those 35
goals, which shall include the statewide achievement 36
assessments; 37

(4) Performance standards, including but not limited to 38
all applicable report card measures set forth in section 3302.03 39
or 3314.017 of the Revised Code, by which the success of the 40
school will be evaluated by the sponsor; 41

(5) The admission standards of section 3314.06 of the 42
Revised Code and, if applicable, section 3314.061 of the Revised 43
Code; 44

(6) (a) Dismissal procedures; 45

(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.

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

(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.

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

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

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

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

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

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except

that a community school may engage noncertificated persons to 74
teach up to twelve hours per week pursuant to section 3319.301 75
of the Revised Code. 76

(11) That the school will comply with the following 77
requirements: 78

(a) The school will provide learning opportunities to a 79
minimum of twenty-five students for a minimum of nine hundred 80
twenty hours per school year. 81

(b) The governing authority will purchase liability 82
insurance, or otherwise provide for the potential liability of 83
the school. 84

(c) The school will be nonsectarian in its programs, 85
admission policies, employment practices, and all other 86
operations, and will not be operated by a sectarian school or 87
religious institution. 88

(d) The school will comply with sections 9.90, 9.91, 89
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 90
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 91
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 92
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 93
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 94
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 95
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 96
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 97
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 98
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 99
3327.10, 3781.181, 4111.17, 4113.52, and 5705.391 and Chapters 100
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 101
of the Revised Code as if it were a school district and will 102

comply with section 3301.0714 of the Revised Code in the manner 103
specified in section 3314.17 of the Revised Code. 104

(e) The school shall comply with Chapter 102. and section 105
2921.42 of the Revised Code. 106

(f) The school will comply with sections 3313.61, 107
3313.611, and 3313.614 of the Revised Code, except that for 108
students who enter ninth grade for the first time before July 1, 109
2010, the requirement in sections 3313.61 and 3313.611 of the 110
Revised Code that a person must successfully complete the 111
curriculum in any high school prior to receiving a high school 112
diploma may be met by completing the curriculum adopted by the 113
governing authority of the community school rather than the 114
curriculum specified in Title XXXVIII of the Revised Code or any 115
rules of the state board of education. Beginning with students 116
who enter ninth grade for the first time on or after July 1, 117
2010, the requirement in sections 3313.61 and 3313.611 of the 118
Revised Code that a person must successfully complete the 119
curriculum of a high school prior to receiving a high school 120
diploma shall be met by completing the requirements prescribed 121
in division (C) of section 3313.603 of the Revised Code, unless 122
the person qualifies under division (D) or (F) of that section. 123
Each school shall comply with the plan for awarding high school 124
credit based on demonstration of subject area competency, and 125
beginning with the 2016-2017 school year, with the updated plan 126
that permits students enrolled in seventh and eighth grade to 127
meet curriculum requirements based on subject area competency 128
adopted by the state board of education under divisions (J) (1) 129
and (2) of section 3313.603 of the Revised Code. 130

(g) The school governing authority will submit within four 131
months after the end of each school year a report of its 132

activities and progress in meeting the goals and standards of 133
divisions (A) (3) and (4) of this section and its financial 134
status to the sponsor and the parents of all students enrolled 135
in the school. 136

(h) The school, unless it is an internet- or computer- 137
based community school, will comply with section 3313.801 of the 138
Revised Code as if it were a school district. 139

(i) If the school is the recipient of moneys from a grant 140
awarded under the federal race to the top program, Division (A), 141
Title XIV, Sections 14005 and 14006 of the "American Recovery 142
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 143
the school will pay teachers based upon performance in 144
accordance with section 3317.141 and will comply with section 145
3319.111 of the Revised Code as if it were a school district. 146

(j) If the school operates a preschool program that is 147
licensed by the department of education under sections 3301.52 148
to 3301.59 of the Revised Code, the school shall comply with 149
sections 3301.50 to 3301.59 of the Revised Code and the minimum 150
standards for preschool programs prescribed in rules adopted by 151
the state board under section 3301.53 of the Revised Code. 152

(12) Arrangements for providing health and other benefits 153
to employees; 154

(13) The length of the contract, which shall begin at the 155
beginning of an academic year. No contract shall exceed five 156
years unless such contract has been renewed pursuant to division 157
(E) of this section. 158

(14) The governing authority of the school, which shall be 159
responsible for carrying out the provisions of the contract; 160

(15) A financial plan detailing an estimated school budget 161

for each year of the period of the contract and specifying the 162
total estimated per pupil expenditure amount for each such year. 163

(16) Requirements and procedures regarding the disposition 164
of employees of the school in the event the contract is 165
terminated or not renewed pursuant to section 3314.07 of the 166
Revised Code; 167

(17) Whether the school is to be created by converting all 168
or part of an existing public school or educational service 169
center building or is to be a new start-up school, and if it is 170
a converted public school or service center building, 171
specification of any duties or responsibilities of an employer 172
that the board of education or service center governing board 173
that operated the school or building before conversion is 174
delegating to the governing authority of the community school 175
with respect to all or any specified group of employees provided 176
the delegation is not prohibited by a collective bargaining 177
agreement applicable to such employees; 178

(18) Provisions establishing procedures for resolving 179
disputes or differences of opinion between the sponsor and the 180
governing authority of the community school; 181

(19) A provision requiring the governing authority to 182
adopt a policy regarding the admission of students who reside 183
outside the district in which the school is located. That policy 184
shall comply with the admissions procedures specified in 185
sections 3314.06 and 3314.061 of the Revised Code and, at the 186
sole discretion of the authority, shall do one of the following: 187

(a) Prohibit the enrollment of students who reside outside 188
the district in which the school is located; 189

(b) Permit the enrollment of students who reside in 190

districts adjacent to the district in which the school is	191
located;	192
(c) Permit the enrollment of students who reside in any	193
other district in the state.	194
(20) A provision recognizing the authority of the	195
department of education to take over the sponsorship of the	196
school in accordance with the provisions of division (C) of	197
section 3314.015 of the Revised Code;	198
(21) A provision recognizing the sponsor's authority to	199
assume the operation of a school under the conditions specified	200
in division (B) of section 3314.073 of the Revised Code;	201
(22) A provision recognizing both of the following:	202
(a) The authority of public health and safety officials to	203
inspect the facilities of the school and to order the facilities	204
closed if those officials find that the facilities are not in	205
compliance with health and safety laws and regulations;	206
(b) The authority of the department of education as the	207
community school oversight body to suspend the operation of the	208
school under section 3314.072 of the Revised Code if the	209
department has evidence of conditions or violations of law at	210
the school that pose an imminent danger to the health and safety	211
of the school's students and employees and the sponsor refuses	212
to take such action.	213
(23) A description of the learning opportunities that will	214
be offered to students including both classroom-based and non-	215
classroom-based learning opportunities that is in compliance	216
with criteria for student participation established by the	217
department under division (H) (2) of section 3314.08 of the	218
Revised Code;	219

(24) The school will comply with sections 3302.04 and 220
3302.041 of the Revised Code, except that any action required to 221
be taken by a school district pursuant to those sections shall 222
be taken by the sponsor of the school. However, the sponsor 223
shall not be required to take any action described in division 224
(F) of section 3302.04 of the Revised Code. 225

(25) Beginning in the 2006-2007 school year, the school 226
will open for operation not later than the thirtieth day of 227
September each school year, unless the mission of the school as 228
specified under division (A)(2) of this section is solely to 229
serve dropouts. In its initial year of operation, if the school 230
fails to open by the thirtieth day of September, or within one 231
year after the adoption of the contract pursuant to division (D) 232
of section 3314.02 of the Revised Code if the mission of the 233
school is solely to serve dropouts, the contract shall be void. 234

(26) Whether the school's governing authority is planning 235
to seek designation for the school as a STEM school equivalent 236
under section 3326.032 of the Revised Code; 237

(27) That the school's attendance and participation 238
policies will be available for public inspection; 239

(28) That the school's attendance and participation 240
records shall be made available to the department of education, 241
auditor of state, and school's sponsor to the extent permitted 242
under and in accordance with the "Family Educational Rights and 243
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 244
and any regulations promulgated under that act, and section 245
3319.321 of the Revised Code; 246

(29) If a school operates using the blended learning 247
model, as defined in section 3301.079 of the Revised Code, all 248

of the following information:	249
(a) An indication of what blended learning model or models will be used;	250 251
(b) A description of how student instructional needs will be determined and documented;	252 253
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	254 255
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	256 257 258
(e) A statement describing how student progress will be monitored;	259 260
(f) A statement describing how private student data will be protected;	261 262
(g) A description of the professional development activities that will be offered to teachers.	263 264
(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;	265 266 267 268
(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.	269 270 271 272 273
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	274 275

following:	276
(1) The process by which the governing authority of the school will be selected in the future;	277 278
(2) The management and administration of the school;	279
(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;	280 281 282 283 284
(4) The instructional program and educational philosophy of the school;	285 286
(5) Internal financial controls.	287
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	288 289 290 291
(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 monitoring, oversight, and technical assistance 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.	292 293 294 295 296 297 298 299 300 301
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	302 303

into with the department of education under division (B) of 304
section 3314.015 of the Revised Code and shall include the 305
following: 306

(1) Monitor the community school's compliance with all 307
laws applicable to the school and with the terms of the 308
contract; 309

(2) Monitor and evaluate the academic and fiscal 310
performance and the organization and operation of the community 311
school on at least an annual basis; 312

(3) Report on an annual basis the results of the 313
evaluation conducted under division (D) (2) of this section to 314
the department of education and to the parents of students 315
enrolled in the community school; 316

(4) Provide technical assistance to the community school 317
in complying with laws applicable to the school and terms of the 318
contract; 319

(5) Take steps to intervene in the school's operation to 320
correct problems in the school's overall performance, declare 321
the school to be on probationary status pursuant to section 322
3314.073 of the Revised Code, suspend the operation of the 323
school pursuant to section 3314.072 of the Revised Code, or 324
terminate the contract of the school pursuant to section 3314.07 325
of the Revised Code as determined necessary by the sponsor; 326

(6) Have in place a plan of action to be undertaken in the 327
event the community school experiences financial difficulties or 328
closes prior to the end of a school year. 329

(E) Upon the expiration of a contract entered into under 330
this section, the sponsor of a community school may, with the 331
approval of the governing authority of the school, renew that 332

contract for a period of time determined by the sponsor, but not 333
ending earlier than the end of any school year, if the sponsor 334
finds that the school's compliance with applicable laws and 335
terms of the contract and the school's progress in meeting the 336
academic goals prescribed in the contract have been 337
satisfactory. Any contract that is renewed under this division 338
remains subject to the provisions of sections 3314.07, 3314.072, 339
and 3314.073 of the Revised Code. 340

(F) If a community school fails to open for operation 341
within one year after the contract entered into under this 342
section is adopted pursuant to division (D) of section 3314.02 343
of the Revised Code or permanently closes prior to the 344
expiration of the contract, the contract shall be void and the 345
school shall not enter into a contract with any other sponsor. A 346
school shall not be considered permanently closed because the 347
operations of the school have been suspended pursuant to section 348
3314.072 of the Revised Code. 349

Sec. 3326.11. Each science, technology, engineering, and 350
mathematics school established under this chapter and its 351
governing body shall comply with sections 9.90, 9.91, 109.65, 352
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 353
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 354
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 355
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 356
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 357
3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 358
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 359
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 360
3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 361
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 362
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 363

3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 364
3321.18, 3321.19, 3321.191, 3327.10, 3781.181, 4111.17, 4113.52, 365
and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 366
3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 367
Revised Code as if it were a school district. 368

Sec. 3328.24. A college-preparatory boarding school 369
established under this chapter and its board of trustees shall 370
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 371
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 372
3313.721, 3313.89, 3319.39, 3319.391, ~~and 3319.46~~, and 3781.181 373
and Chapter 3365. of the Revised Code as if the school were a 374
school district and the school's board of trustees were a 375
district board of education. 376

Sec. 3345.90. (A) As used in this section, "state 377
institution of higher education" has the same meaning as in 378
section 3345.011 of the Revised Code. 379

(B) Each state institution of higher education shall 380
comply with the provisions of section 3781.181 of the Revised 381
Code. 382

Sec. 3781.181. (A) As used in this section: 383

(1) "Private college" means an educational institution 384
organized not for profit and holding a certificate of 385
authorization issued under section 1713.02 of the Revised Code. 386

(2) "Public school" has the same meaning as in section 387
3781.106 of the Revised Code. 388

(3) "School building" means a structure that meets the 389
following criteria: 390

(a) The structure is regularly used for the instruction of 391

students, for the housing of students, or for school or student 392
activities by a public school, state institution of higher 393
education, or private college. 394

(b) The structure is under the control of the school, 395
institution, or college. 396

(c) In the case of a private college, the construction, 397
repair, or other improvement of the structure is financed by 398
bonds issued by the Ohio higher educational facility commission 399
under Chapter 3377. of the Revised Code. 400

(4) "State institution of higher education" has the same 401
meaning as in section 3345.011 of the Revised Code. 402

(5) "Steel products" means products rolled, formed, 403
shaped, drawn, extruded, forged, cast, fabricated, or otherwise 404
similarly processed, or processed by a combination of two or 405
more such operations, from steel made in the United States by 406
the open hearth, basic oxygen, electric furnace, bessemer, or 407
other steel making process. 408

(6) "United States" means the United States of America and 409
includes all territory, continental or insular, subject to the 410
jurisdiction of the United States. 411

(B) The board of building standards shall adopt rules, in 412
accordance with Chapter 119. of the Revised Code, to require 413
that whenever steel products are used in the construction, 414
repair, or other improvement of a school building, only steel 415
products manufactured in the United States shall be used. 416

Section 2. That existing sections 3314.03, 3326.11, and 417
3328.24 of the Revised Code are hereby repealed. 418

Section 3. Section 3314.03 of the Revised Code is 419

presented in this act as a composite of the section as amended 420
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 421
General Assembly. The General Assembly, applying the principle 422
stated in division (B) of section 1.52 of the Revised Code that 423
amendments are to be harmonized if reasonably capable of 424
simultaneous operation, finds that the composite is the 425
resulting version of the section in effect prior to the 426
effective date of the section as presented in this act. 427