

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 111

Representative Ingram

**Cosponsors: Representatives Becker, Kent, Lightbody, Miller, A., Miranda,
Patterson, Smith, K., Upchurch**

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 that public and private schools transmit 3
a transferred student's records within five 4
school days. 5

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 6
amended and section 3319.324 of the Revised Code be enacted to 7
read as follows: 8

Sec. 3314.03. A copy of every contract entered into under 9
this section shall be filed with the superintendent of public 10
instruction. The department of education shall make available on 11
its web site a copy of every approved, executed contract filed 12
with the superintendent under this section. 13

(A) Each contract entered into between a sponsor and the 14
governing authority of a community school shall specify the 15
following: 16

(1) That the school shall be established as either of the 17

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

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 46
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(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. 48
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 54
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(a) A detailed description of each facility used for instructional purposes; 56
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(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 58
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(c) The annual mortgage principal and interest payments that are paid by the school; 60
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(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. 62
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(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 teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 65
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(11) That the school will comply with the following requirements: 71
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(a) The school will provide learning opportunities to a 73

minimum of twenty-five students for a minimum of nine hundred 74
twenty hours per school year. 75

(b) The governing authority will purchase liability 76
insurance, or otherwise provide for the potential liability of 77
the school. 78

(c) The school will be nonsectarian in its programs, 79
admission policies, employment practices, and all other 80
operations, and will not be operated by a sectarian school or 81
religious institution. 82

(d) The school will comply with sections 9.90, 9.91, 83
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 84
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 85
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 86
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 87
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 88
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 89
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 90
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 91
3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 3319.324, 92
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 93
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 94
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 95
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 96
it were a school district and will comply with section 3301.0714 97
of the Revised Code in the manner specified in section 3314.17 98
of the Revised Code. 99

(e) The school shall comply with Chapter 102. and section 100
2921.42 of the Revised Code. 101

(f) The school will comply with sections 3313.61, 102

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

(g) The school governing authority will submit within four 132
months after the end of each school year a report of its 133

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

(h) The school, unless it is an internet- or computer- 138
based community school, will comply with section 3313.801 of the 139
Revised Code as if it were a school district. 140

(i) If the school is the recipient of moneys from a grant 141
awarded under the federal race to the top program, Division (A), 142
Title XIV, Sections 14005 and 14006 of the "American Recovery 143
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 144
the school will pay teachers based upon performance in 145
accordance with section 3317.141 and will comply with section 146
3319.111 of the Revised Code as if it were a school district. 147

(j) If the school operates a preschool program that is 148
licensed by the department of education under sections 3301.52 149
to 3301.59 of the Revised Code, the school shall comply with 150
sections 3301.50 to 3301.59 of the Revised Code and the minimum 151
standards for preschool programs prescribed in rules adopted by 152
the state board under section 3301.53 of the Revised Code. 153

(k) The school will comply with sections 3313.6021 and 154
3313.6023 of the Revised Code as if it were a school district 155
unless it is either of the following: 156

(i) An internet- or computer-based community school; 157

(ii) A community school in which a majority of the 158
enrolled students are children with disabilities as described in 159
division (A) (4) (b) of section 3314.35 of the Revised Code. 160

(12) Arrangements for providing health and other benefits 161
to employees; 162

(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.

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

(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.

(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;

(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;

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

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

(a) Prohibit the enrollment of students who reside outside 196
the district in which the school is located; 197

(b) Permit the enrollment of students who reside in 198
districts adjacent to the district in which the school is 199
located; 200

(c) Permit the enrollment of students who reside in any 201
other district in the state. 202

(20) A provision recognizing the authority of the 203
department of education to take over the sponsorship of the 204
school in accordance with the provisions of division (C) of 205
section 3314.015 of the Revised Code; 206

(21) A provision recognizing the sponsor's authority to 207
assume the operation of a school under the conditions specified 208
in division (B) of section 3314.073 of the Revised Code; 209

(22) A provision recognizing both of the following: 210

(a) The authority of public health and safety officials to 211
inspect the facilities of the school and to order the facilities 212
closed if those officials find that the facilities are not in 213
compliance with health and safety laws and regulations; 214

(b) The authority of the department of education as the 215
community school oversight body to suspend the operation of the 216
school under section 3314.072 of the Revised Code if the 217
department has evidence of conditions or violations of law at 218
the school that pose an imminent danger to the health and safety 219

of the school's students and employees and the sponsor refuses 220
to take such action. 221

(23) A description of the learning opportunities that will 222
be offered to students including both classroom-based and non- 223
classroom-based learning opportunities that is in compliance 224
with criteria for student participation established by the 225
department under division (H) (2) of section 3314.08 of the 226
Revised Code; 227

(24) The school will comply with sections 3302.04 and 228
3302.041 of the Revised Code, except that any action required to 229
be taken by a school district pursuant to those sections shall 230
be taken by the sponsor of the school. However, the sponsor 231
shall not be required to take any action described in division 232
(F) of section 3302.04 of the Revised Code. 233

(25) Beginning in the 2006-2007 school year, the school 234
will open for operation not later than the thirtieth day of 235
September each school year, unless the mission of the school as 236
specified under division (A) (2) of this section is solely to 237
serve dropouts. In its initial year of operation, if the school 238
fails to open by the thirtieth day of September, or within one 239
year after the adoption of the contract pursuant to division (D) 240
of section 3314.02 of the Revised Code if the mission of the 241
school is solely to serve dropouts, the contract shall be void. 242

(26) Whether the school's governing authority is planning 243
to seek designation for the school as a STEM school equivalent 244
under section 3326.032 of the Revised Code; 245

(27) That the school's attendance and participation 246
policies will be available for public inspection; 247

(28) That the school's attendance and participation 248

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

(29) If a school operates using the blended learning 255
model, as defined in section 3301.079 of the Revised Code, all 256
of the following information: 257

(a) An indication of what blended learning model or models 258
will be used; 259

(b) A description of how student instructional needs will 260
be determined and documented; 261

(c) The method to be used for determining competency, 262
granting credit, and promoting students to a higher grade level; 263

(d) The school's attendance requirements, including how 264
the school will document participation in learning 265
opportunities; 266

(e) A statement describing how student progress will be 267
monitored; 268

(f) A statement describing how private student data will 269
be protected; 270

(g) A description of the professional development 271
activities that will be offered to teachers. 272

(30) A provision requiring that all moneys the school's 273
operator loans to the school, including facilities loans or cash 274
flow assistance, must be accounted for, documented, and bear 275
interest at a fair market rate; 276

(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.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(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;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 305
regarding internal financial controls adopted by the governing 306
authority of the school. 307

(C) A contract entered into under section 3314.02 of the 308
Revised Code between a sponsor and the governing authority of a 309
community school may provide for the community school governing 310
authority to make payments to the sponsor, which is hereby 311
authorized to receive such payments as set forth in the contract 312
between the governing authority and the sponsor. The total 313
amount of such payments for monitoring, oversight, and technical 314
assistance of the school shall not exceed three per cent of the 315
total amount of payments for operating expenses that the school 316
receives from the state. 317

(D) The contract shall specify the duties of the sponsor 318
which shall be in accordance with the written agreement entered 319
into with the department of education under division (B) of 320
section 3314.015 of the Revised Code and shall include the 321
following: 322

(1) Monitor the community school's compliance with all 323
laws applicable to the school and with the terms of the 324
contract; 325

(2) Monitor and evaluate the academic and fiscal 326
performance and the organization and operation of the community 327
school on at least an annual basis; 328

(3) Report on an annual basis the results of the 329
evaluation conducted under division (D) (2) of this section to 330
the department of education and to the parents of students 331
enrolled in the community school; 332

(4) Provide technical assistance to the community school 333

in complying with laws applicable to the school and terms of the 334
contract; 335

(5) Take steps to intervene in the school's operation to 336
correct problems in the school's overall performance, declare 337
the school to be on probationary status pursuant to section 338
3314.073 of the Revised Code, suspend the operation of the 339
school pursuant to section 3314.072 of the Revised Code, or 340
terminate the contract of the school pursuant to section 3314.07 341
of the Revised Code as determined necessary by the sponsor; 342

(6) Have in place a plan of action to be undertaken in the 343
event the community school experiences financial difficulties or 344
closes prior to the end of a school year. 345

(E) Upon the expiration of a contract entered into under 346
this section, the sponsor of a community school may, with the 347
approval of the governing authority of the school, renew that 348
contract for a period of time determined by the sponsor, but not 349
ending earlier than the end of any school year, if the sponsor 350
finds that the school's compliance with applicable laws and 351
terms of the contract and the school's progress in meeting the 352
academic goals prescribed in the contract have been 353
satisfactory. Any contract that is renewed under this division 354
remains subject to the provisions of sections 3314.07, 3314.072, 355
and 3314.073 of the Revised Code. 356

(F) If a community school fails to open for operation 357
within one year after the contract entered into under this 358
section is adopted pursuant to division (D) of section 3314.02 359
of the Revised Code or permanently closes prior to the 360
expiration of the contract, the contract shall be void and the 361
school shall not enter into a contract with any other sponsor. A 362
school shall not be considered permanently closed because the 363

operations of the school have been suspended pursuant to section 364
3314.072 of the Revised Code. 365

Sec. 3319.324. When any school district or chartered 366
nonpublic school receives a request from another district or 367
school to which a student has transferred for that student's 368
school records, the district or school receiving the request 369
shall respond, within five school days after receiving the 370
request, by transmitting to the requesting district or school 371
either the student's school records as authorized under section 372
3319.321 of the Revised Code or, if the district or school has 373
no record of the student's attendance, a statement of that fact. 374

The provisions of this section are in addition to, and do 375
not affect the obligations of a school district or school to 376
comply with, the requirements of division (D) of section 377
3313.642 and section 3313.672 of the Revised Code. 378

Sec. 3326.11. Each science, technology, engineering, and 379
mathematics school established under this chapter and its 380
governing body shall comply with sections 9.90, 9.91, 109.65, 381
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 382
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 383
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 384
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 385
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 386
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 387
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 388
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 389
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 390
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 391
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 392
3319.324, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 393

3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 394
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 395
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 396
4112., 4123., 4141., and 4167. of the Revised Code as if it were 397
a school district. 398

Sec. 3328.24. A college-preparatory boarding school 399
established under this chapter and its board of trustees shall 400
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 401
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 402
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.324, 3319.39, 403
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 404
if the school were a school district and the school's board of 405
trustees were a district board of education. 406

Section 2. That existing sections 3314.03, 3326.11, and 407
3328.24 of the Revised Code are hereby repealed. 408

Section 3. The General Assembly, applying the principle 409
stated in division (B) of section 1.52 of the Revised Code that 410
amendments are to be harmonized if reasonably capable of 411
simultaneous operation, finds that the following sections, 412
presented in this act as composites of the sections as amended 413
by the acts indicated, are the resulting versions of the 414
sections in effect prior to the effective date of the sections 415
as presented in this act: 416

Section 3314.03 of the Revised Code as amended by both 417
Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 418
Assembly. 419

Section 3328.24 of the Revised Code as amended by both Am. 420
Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 421