

**As Reported by the Senate Education Committee**

**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, Crawley, Sobecki, Brent, Callender, Clites, Crossman, Galonski, Hicks-Hudson, Hillyer, Howse, Jones, Lepore-Hagan, Miller, J., Rogers, Russo, Strahorn, Sykes**

**Senators Fedor, Maharath**

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**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 student. 44  
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(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 71

requirements:	72
(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, <u>3319.324,</u>	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	163
beginning of an academic year. No contract shall exceed five	164
years unless such contract has been renewed pursuant to division	165
(E) of this section.	166
(14) The governing authority of the school, which shall be	167
responsible for carrying out the provisions of the contract;	168
(15) A financial plan detailing an estimated school budget	169
for each year of the period of the contract and specifying the	170
total estimated per pupil expenditure amount for each such year.	171
(16) Requirements and procedures regarding the disposition	172
of employees of the school in the event the contract is	173
terminated or not renewed pursuant to section 3314.07 of the	174
Revised Code;	175
(17) Whether the school is to be created by converting all	176
or part of an existing public school or educational service	177
center building or is to be a new start-up school, and if it is	178
a converted public school or service center building,	179
specification of any duties or responsibilities of an employer	180
that the board of education or service center governing board	181
that operated the school or building before conversion is	182
delegating to the governing authority of the community school	183
with respect to all or any specified group of employees provided	184
the delegation is not prohibited by a collective bargaining	185
agreement applicable to such employees;	186
(18) Provisions establishing procedures for resolving	187
disputes or differences of opinion between the sponsor and the	188
governing authority of the community school;	189

(19) A provision requiring the governing authority to	190
adopt a policy regarding the admission of students who reside	191
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	277
authority contracts with an attorney, accountant, or entity	278
specializing in audits, the attorney, accountant, or entity	279
shall be independent from the operator with which the school has	280
contracted.	281
(32) A provision requiring the governing authority to	282
adopt an enrollment and attendance policy that requires a	283
student's parent to notify the community school in which the	284
student is enrolled when there is a change in the location of	285
the parent's or student's primary residence.	286
(33) A provision requiring the governing authority to	287
adopt a student residence and address verification policy for	288
students enrolling in or attending the school.	289
(B) The community school shall also submit to the sponsor	290
a comprehensive plan for the school. The plan shall specify the	291
following:	292
(1) The process by which the governing authority of the	293
school will be selected in the future;	294
(2) The management and administration of the school;	295
(3) If the community school is a currently existing public	296
school or educational service center building, alternative	297
arrangements for current public school students who choose not	298
to attend the converted school and for teachers who choose not	299
to teach in the school or building after conversion;	300
(4) The instructional program and educational philosophy	301

of the school; 302

(5) Internal financial controls. 303

When submitting the plan under this division, the school 304  
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