

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 467**

**Representatives Manning, Crossman**

**Cosponsors: Representatives Kelly, Miranda, West, Sobecki, Lightbody,  
Robinson, Patton, Smith, K., Smith, M.**

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**A BILL**

To amend sections 117.11, 149.43, 3313.844, 1  
3313.849, 3314.01, 3314.02, 3314.032, and 2  
3314.05 and to enact sections 117.102, 3  
3314.0111, 3314.0310, 3314.0311, and 3314.0312 4  
of the Revised Code regarding the operation, 5  
management, and accountability of community 6  
schools. 7

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

**Section 1.** That sections 117.11, 149.43, 3313.844, 8  
3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 be amended and 9  
sections 117.102, 3314.0111, 3314.0310, 3314.0311, and 3314.0312 10  
of the Revised Code be enacted to read as follows: 11

**Sec. 117.102.** (A) As used in this section: 12

(1) "Community school" means a school established under 13  
Chapter 3314. of the Revised Code. 14

(2) "Operator" means either of the following: 15

(a) An entity described in division (A) (8) of section 16

3314.02 of the Revised Code, as it exists on and after the 17  
effective date of this section; 18

(b) An individual or entity described in division (A) (8) 19  
of section 3314.02 of the Revised Code, as it existed prior to 20  
the effective date of this section. 21

(B) The auditor of state annually shall audit each 22  
community school operator. The audit shall cover all accounts, 23  
reports, records, and files regarding the operator's receipt or 24  
expenditure of public funds relating to the delivery of 25  
educational services to, or the management and operation of, a 26  
community school. 27

**Sec. 117.11.** (A) Except as otherwise provided in this 28  
division and in sections 117.102, 117.112, 117.113, and 117.114 29  
of the Revised Code, the auditor of state shall audit each 30  
public office at least once every two fiscal years. The auditor 31  
of state shall audit a public office each fiscal year if that 32  
public office is required to be audited on an annual basis 33  
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 34  
U.S.C.A. 7501 et seq., as amended. In the annual or biennial 35  
audit, inquiry shall be made into the methods, accuracy, and 36  
legality of the accounts, financial reports, records, files, and 37  
reports of the office, whether the laws, rules, ordinances, and 38  
orders pertaining to the office have been observed, and whether 39  
the requirements and rules of the auditor of state have been 40  
complied with. Except as otherwise provided in this division or 41  
where auditing standards or procedures dictate otherwise, each 42  
audit shall cover at least one fiscal year. If a public office 43  
is audited only once every two fiscal years, the audit shall 44  
cover both fiscal years. 45

(B) In addition to the annual or biennial audit provided 46

for in division (A) of this section or in section 117.114 of the Revised Code, the auditor of state may conduct an audit of a public office at any time when so requested by the public office or upon the auditor of state's own initiative if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C) (1) The auditor of state shall identify any public office in which the auditor of state will be unable to conduct an audit at least once every two fiscal years as required by division (A) of this section and shall provide immediate written notice to the clerk of the legislative authority or governing board of the public office so identified. Within six months of the receipt of such notice, the legislative authority or governing board may engage an independent certified public accountant to conduct an audit pursuant to section 117.12 of the Revised Code.

(2) When the chief fiscal officer of a public office notifies the auditor of state that an audit is required at a time prior to the next regularly scheduled audit by the auditor of state, the auditor of state shall either cause an earlier audit to be made by the auditor of state or authorize the legislative authority or governing board of the public office to engage an independent certified public accountant to conduct the required audit. The scope of the audit shall be as authorized by the auditor of state.

(3) The auditor of state shall approve the scope of an audit under division (C) (1) or (2) of this section as set forth in the contract for the proposed audit before the contract is executed on behalf of the public office that is to be audited. The independent accountant conducting an audit under division

(C) (1) or (2) of this section shall be paid by the public office. 77  
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(4) The contract for attest services with an independent accountant employed pursuant to this section or section 117.115 of the Revised Code may include binding arbitration provisions, provisions of Chapter 2711. of the Revised Code, or any other alternative dispute resolution procedures to be followed in the event a dispute remains between the state or public office and the independent accountant concerning the terms of or services under the contract, or a breach of the contract, after the administrative provisions of the contract have been exhausted. 79  
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(D) If a uniform accounting network is established under section 117.101 of the Revised Code, the auditor of state or a certified public accountant employed pursuant to this section or section 117.112 or 117.115 of the Revised Code shall, to the extent practicable, utilize services offered by the network in order to conduct efficient and economical audits of public offices. 88  
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(E) The auditor of state, in accordance with division (A) (3) of section 9.65 of the Revised Code and this section, may audit an annuity program for volunteer fire fighters established by a political subdivision under section 9.65 of the Revised Code. As used in this section, "volunteer fire fighters" and "political subdivision" have the same meanings as in division (C) of section 9.65 of the Revised Code. 95  
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**Sec. 149.43.** (A) As used in this section: 102

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records 103  
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pertaining to the delivery of educational services by an 106  
alternative school in this state kept by the nonprofit or for- 107  
profit entity operating the alternative school pursuant to 108  
section 3313.533 of the Revised Code; and records pertaining to 109  
the delivery of educational services, leases, or any other 110  
records regarding the management and operation of a community 111  
school established under Chapter 3314. of the Revised Code that 112  
are kept by the school's sponsor or governing authority or any 113  
nonprofit or for-profit entity that has contracted with the 114  
school or its sponsor or governing authority to provide services 115  
to the school. "Public record" does not mean any of the 116  
following: 117

(a) Medical records; 118

(b) Records pertaining to probation and parole 119  
proceedings, to proceedings related to the imposition of 120  
community control sanctions and post-release control sanctions, 121  
or to proceedings related to determinations under section 122  
2967.271 of the Revised Code regarding the release or maintained 123  
incarceration of an offender to whom that section applies; 124

(c) Records pertaining to actions under section 2151.85 125  
and division (C) of section 2919.121 of the Revised Code and to 126  
appeals of actions arising under those sections; 127

(d) Records pertaining to adoption proceedings, including 128  
the contents of an adoption file maintained by the department of 129  
health under sections 3705.12 to 3705.124 of the Revised Code; 130

(e) Information in a record contained in the putative 131  
father registry established by section 3107.062 of the Revised 132  
Code, regardless of whether the information is held by the 133  
department of job and family services or, pursuant to section 134

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| 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;   | 135<br>136               |
| (f) Records specified in division (A) of section 3107.52 of the Revised Code;   | 137<br>138               |
| (g) Trial preparation records;  | 139                      |
| (h) Confidential law enforcement investigatory records;   | 140                      |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;   | 141<br>142               |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;   | 143<br>144               |
| (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;  | 145<br>146<br>147<br>148 |
| (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code; | 149<br>150<br>151<br>152 |
| (m) Intellectual property records;  | 153                      |
| (n) Donor profile records;  | 154                      |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;   | 155<br>156               |
| (p) Designated public service worker residential and familial information;  | 157<br>158               |
| (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code,   | 159<br>160<br>161        |

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| information that constitutes a trade secret, as defined in       | 162 |
| section 1333.61 of the Revised Code;                             | 163 |
| (r) Information pertaining to the recreational activities        | 164 |
| of a person under the age of eighteen;                           | 165 |
| (s) In the case of a child fatality review board acting          | 166 |
| under sections 307.621 to 307.629 of the Revised Code or a       | 167 |
| review conducted pursuant to guidelines established by the       | 168 |
| director of health under section 3701.70 of the Revised Code,    | 169 |
| records provided to the board or director, statements made by    | 170 |
| board members during meetings of the board or by persons         | 171 |
| participating in the director's review, and all work products of | 172 |
| the board or director, and in the case of a child fatality       | 173 |
| review board, child fatality review data submitted by the board  | 174 |
| to the department of health or a national child death review     | 175 |
| database, other than the report prepared pursuant to division    | 176 |
| (A) of section 307.626 of the Revised Code;                      | 177 |
| (t) Records provided to and statements made by the               | 178 |
| executive director of a public children services agency or a     | 179 |
| prosecuting attorney acting pursuant to section 5153.171 of the  | 180 |
| Revised Code other than the information released under that      | 181 |
| section;   | 182 |
| (u) Test materials, examinations, or evaluation tools used       | 183 |
| in an examination for licensure as a nursing home administrator  | 184 |
| that the board of executives of long-term services and supports  | 185 |
| administers under section 4751.15 of the Revised Code or         | 186 |
| contracts under that section with a private or government entity | 187 |
| to administer;   | 188 |
| (v) Records the release of which is prohibited by state or       | 189 |
| federal law;   | 190 |

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| (w) Proprietary information of or relating to any person         | 191 |
| that is submitted to or compiled by the Ohio venture capital     | 192 |
| authority created under section 150.01 of the Revised Code;      | 193 |
| (x) Financial statements and data any person submits for         | 194 |
| any purpose to the Ohio housing finance agency or the            | 195 |
| controlling board in connection with applying for, receiving, or | 196 |
| accounting for financial assistance from the agency, and         | 197 |
| information that identifies any individual who benefits directly | 198 |
| or indirectly from financial assistance from the agency;         | 199 |
| (y) Records listed in section 5101.29 of the Revised Code;       | 200 |
| (z) Discharges recorded with a county recorder under             | 201 |
| section 317.24 of the Revised Code, as specified in division (B) | 202 |
| (2) of that section;   | 203 |
| (aa) Usage information including names and addresses of          | 204 |
| specific residential and commercial customers of a municipally   | 205 |
| owned or operated public utility;                                | 206 |
| (bb) Records described in division (C) of section 187.04         | 207 |
| of the Revised Code that are not designated to be made available | 208 |
| to the public as provided in that division;                      | 209 |
| (cc) Information and records that are made confidential,         | 210 |
| privileged, and not subject to disclosure under divisions (B)    | 211 |
| and (C) of section 2949.221 of the Revised Code;                 | 212 |
| (dd) Personal information, as defined in section 149.45 of       | 213 |
| the Revised Code;  | 214 |
| (ee) The confidential name, address, and other personally        | 215 |
| identifiable information of a program participant in the address | 216 |
| confidentiality program established under sections 111.41 to     | 217 |
| 111.47 of the Revised Code, including the contents of any        | 218 |

application for absent voter's ballots, absent voter's ballot 219  
identification envelope statement of voter, or provisional 220  
ballot affirmation completed by a program participant who has a 221  
confidential voter registration record, and records or portions 222  
of records pertaining to that program that identify the number 223  
of program participants that reside within a precinct, ward, 224  
township, municipal corporation, county, or any other geographic 225  
area smaller than the state. As used in this division, 226  
"confidential address" and "program participant" have the 227  
meaning defined in section 111.41 of the Revised Code. 228

(ff) Orders for active military service of an individual 229  
serving or with previous service in the armed forces of the 230  
United States, including a reserve component, or the Ohio 231  
organized militia, except that, such order becomes a public 232  
record on the day that is fifteen years after the published date 233  
or effective date of the call to order; 234

(gg) The name, address, contact information, or other 235  
personal information of an individual who is less than eighteen 236  
years of age that is included in any record related to a traffic 237  
accident involving a school vehicle in which the individual was 238  
an occupant at the time of the accident; 239

(hh) Protected health information, as defined in 45 C.F.R. 240  
160.103, that is in a claim for payment for a health care 241  
product, service, or procedure, as well as any other health 242  
claims data in another document that reveals the identity of an 243  
individual who is the subject of the data or could be used to 244  
reveal that individual's identity; 245

(ii) Any depiction by photograph, film, videotape, or 246  
printed or digital image under either of the following 247  
circumstances: 248

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| (i) The depiction is that of a victim of an offense the          | 249 |
| release of which would be, to a reasonable person of ordinary    | 250 |
| sensibilities, an offensive and objectionable intrusion into the | 251 |
| victim's expectation of bodily privacy and integrity.            | 252 |
| (ii) The depiction captures or depicts the victim of a           | 253 |
| sexually oriented offense, as defined in section 2950.01 of the  | 254 |
| Revised Code, at the actual occurrence of that offense.          | 255 |
| (jj) Restricted portions of a body-worn camera or                | 256 |
| dashboard camera recording;                                      | 257 |
| (kk) In the case of a fetal-infant mortality review board        | 258 |
| acting under sections 3707.70 to 3707.77 of the Revised Code,    | 259 |
| records, documents, reports, or other information presented to   | 260 |
| the board or a person abstracting such materials on the board's  | 261 |
| behalf, statements made by review board members during board     | 262 |
| meetings, all work products of the board, and data submitted by  | 263 |
| the board to the department of health or a national infant death | 264 |
| review database, other than the report prepared pursuant to      | 265 |
| section 3707.77 of the Revised Code.                             | 266 |
| (ll) Records, documents, reports, or other information           | 267 |
| presented to the pregnancy-associated mortality review board     | 268 |
| established under section 3738.01 of the Revised Code,           | 269 |
| statements made by board members during board meetings, all work | 270 |
| products of the board, and data submitted by the board to the    | 271 |
| department of health, other than the biennial reports prepared   | 272 |
| under section 3738.08 of the Revised Code;                       | 273 |
| (mm) Telephone numbers for a victim, as defined in section       | 274 |
| 2930.01 of the Revised Code, a witness to a crime, or a party to | 275 |
| a motor vehicle accident subject to the requirements of section  | 276 |
| 5502.11 of the Revised Code that are listed on any law           | 277 |

enforcement record or report, other than when requested by an 278  
insurer or insurance agent investigating an insurance claim 279  
resulting from a motor vehicle accident. 280

A record that is not a public record under division (A) (1) 281  
of this section and that, under law, is permanently retained 282  
becomes a public record on the day that is seventy-five years 283  
after the day on which the record was created, except for any 284  
record protected by the attorney-client privilege, a trial 285  
preparation record as defined in this section, a statement 286  
prohibiting the release of identifying information signed under 287  
section 3107.083 of the Revised Code, a denial of release form 288  
filed pursuant to section 3107.46 of the Revised Code, or any 289  
record that is exempt from release or disclosure under section 290  
149.433 of the Revised Code. If the record is a birth 291  
certificate and a biological parent's name redaction request 292  
form has been accepted under section 3107.391 of the Revised 293  
Code, the name of that parent shall be redacted from the birth 294  
certificate before it is released under this paragraph. If any 295  
other section of the Revised Code establishes a time period for 296  
disclosure of a record that conflicts with the time period 297  
specified in this section, the time period in the other section 298  
prevails. 299

(2) "Confidential law enforcement investigatory record" 300  
means any record that pertains to a law enforcement matter of a 301  
criminal, quasi-criminal, civil, or administrative nature, but 302  
only to the extent that the release of the record would create a 303  
high probability of disclosure of any of the following: 304

(a) The identity of a suspect who has not been charged 305  
with the offense to which the record pertains, or of an 306  
information source or witness to whom confidentiality has been 307

reasonably promised; 308

(b) Information provided by an information source or 309  
witness to whom confidentiality has been reasonably promised, 310  
which information would reasonably tend to disclose the source's 311  
or witness's identity; 312

(c) Specific confidential investigatory techniques or 313  
procedures or specific investigatory work product; 314

(d) Information that would endanger the life or physical 315  
safety of law enforcement personnel, a crime victim, a witness, 316  
or a confidential information source. 317

(3) "Medical record" means any document or combination of 318  
documents, except births, deaths, and the fact of admission to 319  
or discharge from a hospital, that pertains to the medical 320  
history, diagnosis, prognosis, or medical condition of a patient 321  
and that is generated and maintained in the process of medical 322  
treatment. 323

(4) "Trial preparation record" means any record that 324  
contains information that is specifically compiled in reasonable 325  
anticipation of, or in defense of, a civil or criminal action or 326  
proceeding, including the independent thought processes and 327  
personal trial preparation of an attorney. 328

(5) "Intellectual property record" means a record, other 329  
than a financial or administrative record, that is produced or 330  
collected by or for faculty or staff of a state institution of 331  
higher learning in the conduct of or as a result of study or 332  
research on an educational, commercial, scientific, artistic, 333  
technical, or scholarly issue, regardless of whether the study 334  
or research was sponsored by the institution alone or in 335  
conjunction with a governmental body or private concern, and 336

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| that has not been publicly released, published, or patented.     | 337 |
| (6) "Donor profile record" means all records about donors        | 338 |
| or potential donors to a public institution of higher education  | 339 |
| except the names and reported addresses of the actual donors and | 340 |
| the date, amount, and conditions of the actual donation.         | 341 |
| (7) "Designated public service worker" means a peace             | 342 |
| officer, parole officer, probation officer, bailiff, prosecuting | 343 |
| attorney, assistant prosecuting attorney, correctional employee, | 344 |
| county or multicounty corrections officer, community-based       | 345 |
| correctional facility employee, youth services employee,         | 346 |
| firefighter, EMT, medical director or member of a cooperating    | 347 |
| physician advisory board of an emergency medical service         | 348 |
| organization, state board of pharmacy employee, investigator of  | 349 |
| the bureau of criminal identification and investigation, judge,  | 350 |
| magistrate, or federal law enforcement officer.                  | 351 |
| (8) "Designated public service worker residential and            | 352 |
| familial information" means any information that discloses any   | 353 |
| of the following about a designated public service worker:       | 354 |
| (a) The address of the actual personal residence of a            | 355 |
| designated public service worker, except for the following       | 356 |
| information:   | 357 |
| (i) The address of the actual personal residence of a            | 358 |
| prosecuting attorney or judge; and                               | 359 |
| (ii) The state or political subdivision in which a               | 360 |
| designated public service worker resides.                        | 361 |
| (b) Information compiled from referral to or participation       | 362 |
| in an employee assistance program;                               | 363 |
| (c) The social security number, the residential telephone        | 364 |

number, any bank account, debit card, charge card, or credit  
card number, or the emergency telephone number of, or any  
medical information pertaining to, a designated public service  
worker;

(d) The name of any beneficiary of employment benefits,  
including, but not limited to, life insurance benefits, provided  
to a designated public service worker by the designated public  
service worker's employer;

(e) The identity and amount of any charitable or  
employment benefit deduction made by the designated public  
service worker's employer from the designated public service  
worker's compensation, unless the amount of the deduction is  
required by state or federal law;

(f) The name, the residential address, the name of the  
employer, the address of the employer, the social security  
number, the residential telephone number, any bank account,  
debit card, charge card, or credit card number, or the emergency  
telephone number of the spouse, a former spouse, or any child of  
a designated public service worker;

(g) A photograph of a peace officer who holds a position  
or has an assignment that may include undercover or plain  
clothes positions or assignments as determined by the peace  
officer's appointing authority.

(9) As used in divisions (A) (7) and (15) to (17) of this  
section:

"Peace officer" has the meaning defined in section 109.71  
of the Revised Code and also includes the superintendent and  
troopers of the state highway patrol; it does not include the  
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 394  
the authority of, and perform the duties of the sheriff. 395

"Correctional employee" means any employee of the 396  
department of rehabilitation and correction who in the course of 397  
performing the employee's job duties has or has had contact with 398  
inmates and persons under supervision. 399

"County or multicounty corrections officer" means any 400  
corrections officer employed by any county or multicounty 401  
correctional facility. 402

"Youth services employee" means any employee of the 403  
department of youth services who in the course of performing the 404  
employee's job duties has or has had contact with children 405  
committed to the custody of the department of youth services. 406

"Firefighter" means any regular, paid or volunteer, member 407  
of a lawfully constituted fire department of a municipal 408  
corporation, township, fire district, or village. 409

"EMT" means EMTs-basic, EMTs-I, and paramedics that 410  
provide emergency medical services for a public emergency 411  
medical service organization. "Emergency medical service 412  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 413  
meanings defined in section 4765.01 of the Revised Code. 414

"Investigator of the bureau of criminal identification and 415  
investigation" has the meaning defined in section 2903.11 of the 416  
Revised Code. 417

"Federal law enforcement officer" has the meaning defined 418  
in section 9.88 of the Revised Code. 419

(10) "Information pertaining to the recreational 420  
activities of a person under the age of eighteen" means 421

information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured

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| person's guardian has been obtained;                             | 479 |
| (e) An act of severe violence against a person that              | 480 |
| results in serious physical harm to the person, unless the act   | 481 |
| and injury was effected by a peace officer or, subject to        | 482 |
| division (H) (1) of this section, the consent of the injured     | 483 |
| person or the injured person's guardian has been obtained;       | 484 |
| (f) Grievous bodily harm to a peace officer, firefighter,        | 485 |
| paramedic, or other first responder, occurring while the injured | 486 |
| person was engaged in the performance of official duties,        | 487 |
| unless, subject to division (H) (1) of this section, the consent | 488 |
| of the injured person or the injured person's guardian has been  | 489 |
| obtained;  | 490 |
| (g) An act of severe violence resulting in serious               | 491 |
| physical harm against a peace officer, firefighter, paramedic,   | 492 |
| or other first responder, occurring while the injured person was | 493 |
| engaged in the performance of official duties, unless, subject   | 494 |
| to division (H) (1) of this section, the consent of the injured  | 495 |
| person or the injured person's guardian has been obtained;       | 496 |
| (h) A person's nude body, unless, subject to division (H)        | 497 |
| (1) of this section, the person's consent has been obtained;     | 498 |
| (i) Protected health information, the identity of a person       | 499 |
| in a health care facility who is not the subject of a law        | 500 |
| enforcement encounter, or any other information in a health care | 501 |
| facility that could identify a person who is not the subject of  | 502 |
| a law enforcement encounter;                                     | 503 |
| (j) Information that could identify the alleged victim of        | 504 |
| a sex offense, menacing by stalking, or domestic violence;       | 505 |
| (k) Information, that does not constitute a confidential         | 506 |
| law enforcement investigatory record, that could identify a      | 507 |

person who provides sensitive or confidential information to a 508  
law enforcement agency when the disclosure of the person's 509  
identity or the information provided could reasonably be 510  
expected to threaten or endanger the safety or property of the 511  
person or another person; 512

(l) Personal information of a person who is not arrested, 513  
cited, charged, or issued a written warning by a peace officer; 514

(m) Proprietary police contingency plans or tactics that 515  
are intended to prevent crime and maintain public order and 516  
safety; 517

(n) A personal conversation unrelated to work between 518  
peace officers or between a peace officer and an employee of a 519  
law enforcement agency; 520

(o) A conversation between a peace officer and a member of 521  
the public that does not concern law enforcement activities; 522

(p) The interior of a residence, unless the interior of a 523  
residence is the location of an adversarial encounter with, or a 524  
use of force by, a peace officer; 525

(q) Any portion of the interior of a private business that 526  
is not open to the public, unless an adversarial encounter with, 527  
or a use of force by, a peace officer occurs in that location. 528

As used in division (A) (17) of this section: 529

"Grievous bodily harm" has the same meaning as in section 530  
5924.120 of the Revised Code. 531

"Health care facility" has the same meaning as in section 532  
1337.11 of the Revised Code. 533

"Protected health information" has the same meaning as in 534

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| 45 C.F.R. 160.103.   | 535  |
| "Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.   | 536<br>537   |
| "Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.  | 538<br>539<br>540<br>541   |
| "Sex offense" has the same meaning as in section 2907.10 of the Revised Code.  | 542<br>543   |
| "Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.  | 544<br>545   |
| (18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.   | 546<br>547   |
| (B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the | 548<br>549<br>550<br>551<br>552<br>553<br>554<br>555<br>556<br>557<br>558<br>559<br>560<br>561<br>562<br>563 |

redaction plainly visible. A redaction shall be deemed a denial 564  
of a request to inspect or copy the redacted information, except 565  
if federal or state law authorizes or requires a public office 566  
to make the redaction. 567

(2) To facilitate broader access to public records, a 568  
public office or the person responsible for public records shall 569  
organize and maintain public records in a manner that they can 570  
be made available for inspection or copying in accordance with 571  
division (B) of this section. A public office also shall have 572  
available a copy of its current records retention schedule at a 573  
location readily available to the public. If a requester makes 574  
an ambiguous or overly broad request or has difficulty in making 575  
a request for copies or inspection of public records under this 576  
section such that the public office or the person responsible 577  
for the requested public record cannot reasonably identify what 578  
public records are being requested, the public office or the 579  
person responsible for the requested public record may deny the 580  
request but shall provide the requester with an opportunity to 581  
revise the request by informing the requester of the manner in 582  
which records are maintained by the public office and accessed 583  
in the ordinary course of the public office's or person's 584  
duties. 585

(3) If a request is ultimately denied, in part or in 586  
whole, the public office or the person responsible for the 587  
requested public record shall provide the requester with an 588  
explanation, including legal authority, setting forth why the 589  
request was denied. If the initial request was provided in 590  
writing, the explanation also shall be provided to the requester 591  
in writing. The explanation shall not preclude the public office 592  
or the person responsible for the requested public record from 593  
relying upon additional reasons or legal authority in defending 594

an action commenced under division (C) of this section. 595

(4) Unless specifically required or authorized by state or 596  
federal law or in accordance with division (B) of this section, 597  
no public office or person responsible for public records may 598  
limit or condition the availability of public records by 599  
requiring disclosure of the requester's identity or the intended 600  
use of the requested public record. Any requirement that the 601  
requester disclose the requester's identity or the intended use 602  
of the requested public record constitutes a denial of the 603  
request. 604

(5) A public office or person responsible for public 605  
records may ask a requester to make the request in writing, may 606  
ask for the requester's identity, and may inquire about the 607  
intended use of the information requested, but may do so only 608  
after disclosing to the requester that a written request is not 609  
mandatory, that the requester may decline to reveal the 610  
requester's identity or the intended use, and when a written 611  
request or disclosure of the identity or intended use would 612  
benefit the requester by enhancing the ability of the public 613  
office or person responsible for public records to identify, 614  
locate, or deliver the public records sought by the requester. 615

(6) If any person requests a copy of a public record in 616  
accordance with division (B) of this section, the public office 617  
or person responsible for the public record may require that 618  
person to pay in advance the cost involved in providing the copy 619  
of the public record in accordance with the choice made by the 620  
person requesting the copy under this division. The public 621  
office or the person responsible for the public record shall 622  
permit that person to choose to have the public record 623  
duplicated upon paper, upon the same medium upon which the 624

public office or person responsible for the public record keeps 625  
it, or upon any other medium upon which the public office or 626  
person responsible for the public record determines that it 627  
reasonably can be duplicated as an integral part of the normal 628  
operations of the public office or person responsible for the 629  
public record. When the person requesting the copy makes a 630  
choice under this division, the public office or person 631  
responsible for the public record shall provide a copy of it in 632  
accordance with the choice made by that person. Nothing in this 633  
section requires a public office or person responsible for the 634  
public record to allow the person requesting a copy of the 635  
public record to make the copies of the public record. 636

(7) (a) Upon a request made in accordance with division (B) 637  
of this section and subject to division (B) (6) of this section, 638  
a public office or person responsible for public records shall 639  
transmit a copy of a public record to any person by United 640  
States mail or by any other means of delivery or transmission 641  
within a reasonable period of time after receiving the request 642  
for the copy. The public office or person responsible for the 643  
public record may require the person making the request to pay 644  
in advance the cost of postage if the copy is transmitted by 645  
United States mail or the cost of delivery if the copy is 646  
transmitted other than by United States mail, and to pay in 647  
advance the costs incurred for other supplies used in the 648  
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650  
that it will follow in transmitting, within a reasonable period 651  
of time after receiving a request, copies of public records by 652  
United States mail or by any other means of delivery or 653  
transmission pursuant to division (B) (7) of this section. A 654  
public office that adopts a policy and procedures under division 655

(B) (7) of this section shall comply with them in performing its 656  
duties under that division. 657

(c) In any policy and procedures adopted under division 658  
(B) (7) of this section: 659

(i) A public office may limit the number of records 660  
requested by a person that the office will physically deliver by 661  
United States mail or by another delivery service to ten per 662  
month, unless the person certifies to the office in writing that 663  
the person does not intend to use or forward the requested 664  
records, or the information contained in them, for commercial 665  
purposes; 666

(ii) A public office that chooses to provide some or all 667  
of its public records on a web site that is fully accessible to 668  
and searchable by members of the public at all times, other than 669  
during acts of God outside the public office's control or 670  
maintenance, and that charges no fee to search, access, 671  
download, or otherwise receive records provided on the web site, 672  
may limit to ten per month the number of records requested by a 673  
person that the office will deliver in a digital format, unless 674  
the requested records are not provided on the web site and 675  
unless the person certifies to the office in writing that the 676  
person does not intend to use or forward the requested records, 677  
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B) (7) of this section, 679  
"commercial" shall be narrowly construed and does not include 680  
reporting or gathering news, reporting or gathering information 681  
to assist citizen oversight or understanding of the operation or 682  
activities of government, or nonprofit educational research. 683

(8) A public office or person responsible for public 684

records is not required to permit a person who is incarcerated 685  
pursuant to a criminal conviction or a juvenile adjudication to 686  
inspect or to obtain a copy of any public record concerning a 687  
criminal investigation or prosecution or concerning what would 688  
be a criminal investigation or prosecution if the subject of the 689  
investigation or prosecution were an adult, unless the request 690  
to inspect or to obtain a copy of the record is for the purpose 691  
of acquiring information that is subject to release as a public 692  
record under this section and the judge who imposed the sentence 693  
or made the adjudication with respect to the person, or the 694  
judge's successor in office, finds that the information sought 695  
in the public record is necessary to support what appears to be 696  
a justiciable claim of the person. 697

(9) (a) Upon written request made and signed by a 698  
journalist, a public office, or person responsible for public 699  
records, having custody of the records of the agency employing a 700  
specified designated public service worker shall disclose to the 701  
journalist the address of the actual personal residence of the 702  
designated public service worker and, if the designated public 703  
service worker's spouse, former spouse, or child is employed by 704  
a public office, the name and address of the employer of the 705  
designated public service worker's spouse, former spouse, or 706  
child. The request shall include the journalist's name and title 707  
and the name and address of the journalist's employer and shall 708  
state that disclosure of the information sought would be in the 709  
public interest. 710

(b) Division (B) (9) (a) of this section also applies to 711  
journalist requests for: 712

(i) Customer information maintained by a municipally owned 713  
or operated public utility, other than social security numbers 714

and any private financial information such as credit reports, 715  
payment methods, credit card numbers, and bank account 716  
information; 717

(ii) Information about minors involved in a school vehicle 718  
accident as provided in division (A)(1)(gg) of this section, 719  
other than personal information as defined in section 149.45 of 720  
the Revised Code. 721

(c) As used in division (B)(9) of this section, 722  
"journalist" means a person engaged in, connected with, or 723  
employed by any news medium, including a newspaper, magazine, 724  
press association, news agency, or wire service, a radio or 725  
television station, or a similar medium, for the purpose of 726  
gathering, processing, transmitting, compiling, editing, or 727  
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729  
or victim's representative, as that term is used in section 730  
2930.02 of the Revised Code, a public office or person 731  
responsible for public records shall transmit a copy of a 732  
depiction of the victim as described in division (A)(1)(ii) of 733  
this section to the victim, victim's attorney, or victim's 734  
representative. 735

(C)(1) If a person allegedly is aggrieved by the failure 736  
of a public office or the person responsible for public records 737  
to promptly prepare a public record and to make it available to 738  
the person for inspection in accordance with division (B) of 739  
this section or by any other failure of a public office or the 740  
person responsible for public records to comply with an 741  
obligation in accordance with division (B) of this section, the 742  
person allegedly aggrieved may do only one of the following, and 743  
not both: 744

(a) File a complaint with the clerk of the court of claims 745  
or the clerk of the court of common pleas under section 2743.75 746  
of the Revised Code; 747

(b) Commence a mandamus action to obtain a judgment that 748  
orders the public office or the person responsible for the 749  
public record to comply with division (B) of this section, that 750  
awards court costs and reasonable attorney's fees to the person 751  
that instituted the mandamus action, and, if applicable, that 752  
includes an order fixing statutory damages under division (C) (2) 753  
of this section. The mandamus action may be commenced in the 754  
court of common pleas of the county in which division (B) of 755  
this section allegedly was not complied with, in the supreme 756  
court pursuant to its original jurisdiction under Section 2 of 757  
Article IV, Ohio Constitution, or in the court of appeals for 758  
the appellate district in which division (B) of this section 759  
allegedly was not complied with pursuant to its original 760  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 761

(2) If a requester transmits a written request by hand 762  
delivery, electronic submission, or certified mail to inspect or 763  
receive copies of any public record in a manner that fairly 764  
describes the public record or class of public records to the 765  
public office or person responsible for the requested public 766  
records, except as otherwise provided in this section, the 767  
requester shall be entitled to recover the amount of statutory 768  
damages set forth in this division if a court determines that 769  
the public office or the person responsible for public records 770  
failed to comply with an obligation in accordance with division 771  
(B) of this section. 772

The amount of statutory damages shall be fixed at one 773  
hundred dollars for each business day during which the public 774

office or person responsible for the requested public records 775  
failed to comply with an obligation in accordance with division 776  
(B) of this section, beginning with the day on which the 777  
requester files a mandamus action to recover statutory damages, 778  
up to a maximum of one thousand dollars. The award of statutory 779  
damages shall not be construed as a penalty, but as compensation 780  
for injury arising from lost use of the requested information. 781  
The existence of this injury shall be conclusively presumed. The 782  
award of statutory damages shall be in addition to all other 783  
remedies authorized by this section. 784

The court may reduce an award of statutory damages or not 785  
award statutory damages if the court determines both of the 786  
following: 787

(a) That, based on the ordinary application of statutory 788  
law and case law as it existed at the time of the conduct or 789  
threatened conduct of the public office or person responsible 790  
for the requested public records that allegedly constitutes a 791  
failure to comply with an obligation in accordance with division 792  
(B) of this section and that was the basis of the mandamus 793  
action, a well-informed public office or person responsible for 794  
the requested public records reasonably would believe that the 795  
conduct or threatened conduct of the public office or person 796  
responsible for the requested public records did not constitute 797  
a failure to comply with an obligation in accordance with 798  
division (B) of this section; 799

(b) That a well-informed public office or person 800  
responsible for the requested public records reasonably would 801  
believe that the conduct or threatened conduct of the public 802  
office or person responsible for the requested public records 803  
would serve the public policy that underlies the authority that 804

is asserted as permitting that conduct or threatened conduct. 805

(3) In a mandamus action filed under division (C) (1) of 806  
this section, the following apply: 807

(a) (i) If the court orders the public office or the person 808  
responsible for the public record to comply with division (B) of 809  
this section, the court shall determine and award to the relator 810  
all court costs, which shall be construed as remedial and not 811  
punitive. 812

(ii) If the court makes a determination described in 813  
division (C) (3) (b) (iii) of this section, the court shall 814  
determine and award to the relator all court costs, which shall 815  
be construed as remedial and not punitive. 816

(b) If the court renders a judgment that orders the public 817  
office or the person responsible for the public record to comply 818  
with division (B) of this section or if the court determines any 819  
of the following, the court may award reasonable attorney's fees 820  
to the relator, subject to division (C) (4) of this section: 821

(i) The public office or the person responsible for the 822  
public records failed to respond affirmatively or negatively to 823  
the public records request in accordance with the time allowed 824  
under division (B) of this section. 825

(ii) The public office or the person responsible for the 826  
public records promised to permit the relator to inspect or 827  
receive copies of the public records requested within a 828  
specified period of time but failed to fulfill that promise 829  
within that specified period of time. 830

(iii) The public office or the person responsible for the 831  
public records acted in bad faith when the office or person 832  
voluntarily made the public records available to the relator for 833

the first time after the relator commenced the mandamus action, 834  
but before the court issued any order concluding whether or not 835  
the public office or person was required to comply with division 836  
(B) of this section. No discovery may be conducted on the issue 837  
of the alleged bad faith of the public office or person 838  
responsible for the public records. This division shall not be 839  
construed as creating a presumption that the public office or 840  
the person responsible for the public records acted in bad faith 841  
when the office or person voluntarily made the public records 842  
available to the relator for the first time after the relator 843  
commenced the mandamus action, but before the court issued any 844  
order described in this division. 845

(c) The court shall not award attorney's fees to the 846  
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848  
law and case law as it existed at the time of the conduct or 849  
threatened conduct of the public office or person responsible 850  
for the requested public records that allegedly constitutes a 851  
failure to comply with an obligation in accordance with division 852  
(B) of this section and that was the basis of the mandamus 853  
action, a well-informed public office or person responsible for 854  
the requested public records reasonably would believe that the 855  
conduct or threatened conduct of the public office or person 856  
responsible for the requested public records did not constitute 857  
a failure to comply with an obligation in accordance with 858  
division (B) of this section; 859

(ii) That a well-informed public office or person 860  
responsible for the requested public records reasonably would 861  
believe that the conduct or threatened conduct of the public 862  
office or person responsible for the requested public records 863

would serve the public policy that underlies the authority that 864  
is asserted as permitting that conduct or threatened conduct. 865

(4) All of the following apply to any award of reasonable 866  
attorney's fees awarded under division (C) (3) (b) of this 867  
section: 868

(a) The fees shall be construed as remedial and not 869  
punitive. 870

(b) The fees awarded shall not exceed the total of the 871  
reasonable attorney's fees incurred before the public record was 872  
made available to the relator and the fees described in division 873  
(C) (4) (c) of this section. 874

(c) Reasonable attorney's fees shall include reasonable 875  
fees incurred to produce proof of the reasonableness and amount 876  
of the fees and to otherwise litigate entitlement to the fees. 877

(d) The court may reduce the amount of fees awarded if the 878  
court determines that, given the factual circumstances involved 879  
with the specific public records request, an alternative means 880  
should have been pursued to more effectively and efficiently 881  
resolve the dispute that was subject to the mandamus action 882  
filed under division (C) (1) of this section. 883

(5) If the court does not issue a writ of mandamus under 884  
division (C) of this section and the court determines at that 885  
time that the bringing of the mandamus action was frivolous 886  
conduct as defined in division (A) of section 2323.51 of the 887  
Revised Code, the court may award to the public office all court 888  
costs, expenses, and reasonable attorney's fees, as determined 889  
by the court. 890

(D) Chapter 1347. of the Revised Code does not limit the 891  
provisions of this section. 892

(E) (1) To ensure that all employees of public offices are 893  
appropriately educated about a public office's obligations under 894  
division (B) of this section, all elected officials or their 895  
appropriate designees shall attend training approved by the 896  
attorney general as provided in section 109.43 of the Revised 897  
Code. A future official may satisfy the requirements of this 898  
division by attending the training before taking office, 899  
provided that the future official may not send a designee in the 900  
future official's place. 901

(2) All public offices shall adopt a public records policy 902  
in compliance with this section for responding to public records 903  
requests. In adopting a public records policy under this 904  
division, a public office may obtain guidance from the model 905  
public records policy developed and provided to the public 906  
office by the attorney general under section 109.43 of the 907  
Revised Code. Except as otherwise provided in this section, the 908  
policy may not limit the number of public records that the 909  
public office will make available to a single person, may not 910  
limit the number of public records that it will make available 911  
during a fixed period of time, and may not establish a fixed 912  
period of time before it will respond to a request for 913  
inspection or copying of public records, unless that period is 914  
less than eight hours. 915

The public office shall distribute the public records 916  
policy adopted by the public office under this division to the 917  
employee of the public office who is the records custodian or 918  
records manager or otherwise has custody of the records of that 919  
office. The public office shall require that employee to 920  
acknowledge receipt of the copy of the public records policy. 921  
The public office shall create a poster that describes its 922  
public records policy and shall post the poster in a conspicuous 923

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 954  
gives assurance to the bureau that the person making the request 955  
does not intend to use or forward the requested copies for 956  
surveys, marketing, solicitation, or resale for commercial 957  
purposes. 958

(c) "Commercial" means profit-seeking production, buying, 959  
or selling of any good, service, or other product. 960

(d) "Special extraction costs" means the cost of the time 961  
spent by the lowest paid employee competent to perform the task, 962  
the actual amount paid to outside private contractors employed 963  
by the bureau, or the actual cost incurred to create computer 964  
programs to make the special extraction. "Special extraction 965  
costs" include any charges paid to a public agency for computer 966  
or records services. 967

(3) For purposes of divisions (F) (1) and (2) of this 968  
section, "surveys, marketing, solicitation, or resale for 969  
commercial purposes" shall be narrowly construed and does not 970  
include reporting or gathering news, reporting or gathering 971  
information to assist citizen oversight or understanding of the 972  
operation or activities of government, or nonprofit educational 973  
research. 974

(G) A request by a defendant, counsel of a defendant, or 975  
any agent of a defendant in a criminal action that public 976  
records related to that action be made available under this 977  
section shall be considered a demand for discovery pursuant to 978  
the Criminal Rules, except to the extent that the Criminal Rules 979  
plainly indicate a contrary intent. The defendant, counsel of 980  
the defendant, or agent of the defendant making a request under 981  
this division shall serve a copy of the request on the 982  
prosecuting attorney, director of law, or other chief legal 983

officer responsible for prosecuting the action. 984

(H) (1) Any portion of a body-worn camera or dashboard 985  
camera recording described in divisions (A) (17) (b) to (h) of 986  
this section may be released by consent of the subject of the 987  
recording or a representative of that person, as specified in 988  
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990  
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992  
criminal proceeding that was dismissed or for which a judgment 993  
has been entered pursuant to Rule 32 of the Rules of Criminal 994  
Procedure, and will not be used again in connection with any 995  
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997  
restricted portion of a body-worn camera or dashboard camera 998  
recording, as defined in division (A) (17) of this section, any 999  
person may file a mandamus action pursuant to this section or a 1000  
complaint with the clerk of the court of claims pursuant to 1001  
section 2743.75 of the Revised Code, requesting the court to 1002  
order the release of all or portions of the recording. If the 1003  
court considering the request determines that the filing 1004  
articulates by clear and convincing evidence that the public 1005  
interest in the recording substantially outweighs privacy 1006  
interests and other interests asserted to deny release, the 1007  
court shall order the public office to release the recording. 1008

**Sec. 3313.844.** The governing authority of a community 1009  
school established under Chapter 3314. of the Revised Code and 1010  
the governing board of an educational service center may enter 1011  
into an agreement, through adoption of identical resolutions, 1012

under which the service center board will provide services to 1013  
the community school. Services provided under the agreement and 1014  
the amount and manner in which the community school will pay for 1015  
such services shall be mutually agreed to by the school's 1016  
governing authority and the service center board, and shall be 1017  
specified in the service agreement. If specified in the 1018  
agreement as the manner of payment, the department of education 1019  
shall pay the service center the amount due to it under the 1020  
agreement and shall deduct that amount from the payments made to 1021  
the community school under Chapter 3314. of the Revised Code. 1022  
Any agreement entered into under this section shall be valid 1023  
only if a copy is filed with the department. 1024

This section does not affect the authority of the 1025  
governing board of an educational service center to provide 1026  
operator or sponsor services to a community school as described 1027  
in division (A) (8) of section 3314.02 of the Revised Code. 1028

**Sec. 3313.849.** The governing bodies of two or more city, 1029  
exempted village, local, or joint vocational school districts, 1030  
community schools established under Chapter 3314. of the Revised 1031  
Code, or STEM schools established under Chapter 3326. of the 1032  
Revised Code, may mutually agree to share supervisory, 1033  
curriculum, teaching, special education, professional 1034  
development, or any other services offered by an educational 1035  
service center and may pool their funding to pay the cost of 1036  
receiving those services. Each of the governing bodies of the 1037  
districts or schools participating in shared services pursuant 1038  
to this section shall specify in its service agreement with the 1039  
service center under section 3313.843, 3313.844, 3313.845, or 1040  
3326.45 of the Revised Code which services that the participants 1041  
have agreed to share, any other districts or schools 1042  
participating in the shared services, and the amount of funds 1043

that the governing body will contribute toward the total cost of 1044  
the shared services. Each governing body's funding contribution 1045  
shall be paid to the service center in accordance with section 1046  
3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code, as 1047  
applicable. 1048

The authority granted under this section is in addition to 1049  
the authority granted to school district boards of education 1050  
under section 3313.841 of the Revised Code. 1051

This section does not affect the authority of the 1052  
governing board of an educational service center to provide 1053  
operator or sponsor services to a community school as described 1054  
in division (A) (8) of section 3314.02 of the Revised Code. 1055

**Sec. 3314.01.** (A) (1) A board of education may permit all 1056  
or part of any of the schools under its control, upon request of 1057  
a proposing person or group and provided the person or group 1058  
meets the requirements of this chapter, to become a community 1059  
school. 1060

(2) Any person or group of individuals may propose the 1061  
creation of a community school pursuant to the provisions of 1062  
this chapter. No nonpublic chartered or nonchartered school in 1063  
existence on January 1, 1997, is eligible to become a community 1064  
school under this chapter. 1065

(B) (1) A community school created under this chapter is a 1066  
public school, independent of any school district, and is part 1067  
of the state's program of education. 1068

(2) Notwithstanding division (B) (1) of this section, on or 1069  
after July 1, 2024, a community school with a for-profit 1070  
operator shall no longer qualify as a public school under this 1071  
chapter. Except for this division and for the restriction on 1072

for-profit operators prescribed in sections 3314.02 and 3314.032 1073  
of the Revised Code, such a school shall no longer be amenable 1074  
to the provisions of this chapter. 1075

(C) A community school may sue and be sued, acquire 1076  
facilities as needed, contract for any services necessary for 1077  
the operation of the school, and enter into contracts with a 1078  
sponsor pursuant to this chapter. The governing authority of a 1079  
community school may carry out any act and ensure the 1080  
performance of any function that is in compliance with the Ohio 1081  
Constitution, this chapter, other statutes applicable to 1082  
community schools, and the contract entered into under this 1083  
chapter establishing the school. 1084

Sec. 3314.0111. Not later than January 1, 2023, a for- 1085  
profit operator or management company of a community school 1086  
shall notify the governing authority of each community school 1087  
with which the operator has a contract regarding its decision to 1088  
comply with the requirement under division (A)(8) of section 1089  
3314.02 of the Revised Code to become a nonprofit organization 1090  
by July 1, 2024. If a for-profit operator or management company 1091  
does not comply with this requirement: 1092

(A) The governing authority shall identify an educational 1093  
service center to act as the new operator of the community 1094  
school not later than July 1, 2023, and notify the school's 1095  
sponsor of this decision. 1096

(B) The governing authority shall notify the parents of 1097  
current and prospective students regarding the new operator. 1098

If a governing authority fails to identify an educational 1099  
service center to act as the new operator of the community 1100  
school by July 1, 2023, the school shall close by the end of the 1101

|  |  |
|--|--|
| <u>2023-2024 school year.</u>  | 1102   |
| <b>Sec. 3314.02.</b> (A) As used in this chapter:  | 1103   |
| (1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code. | 1104<br>1105<br>1106<br>1107<br>1108<br>1109<br>1110<br>1111<br>1112<br>1113 |
| (2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.   | 1114<br>1115<br>1116<br>1117   |
| (3) "Challenged school district" means any of the following:   | 1118<br>1119   |
| (a) A school district that is part of the pilot project area;  | 1120<br>1121   |
| (b) A school district that meets one of the following conditions:  | 1122<br>1123   |
| (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;   | 1124<br>1125<br>1126<br>1127   |
| (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or   | 1128<br>1129   |

"F" for the performance index score and a grade of "F" for the 1130  
value-added progress dimension under section 3302.03 of the 1131  
Revised Code; 1132

(iii) For the 2016-2017 school year and for any school 1133  
year thereafter, the district has received an overall grade of 1134  
"D" or "F" under division (C) (3) of section 3302.03 of the 1135  
Revised Code, or, for at least two of the three most recent 1136  
school years, the district received a grade of "F" for the 1137  
value-added progress dimension under division (C) (1) (e) of that 1138  
section. 1139

(c) A big eight school district; 1140

(d) A school district ranked in the lowest five per cent 1141  
of school districts according to performance index score under 1142  
section 3302.21 of the Revised Code. 1143

(4) "Big eight school district" means a school district 1144  
that for fiscal year 1997 had both of the following: 1145

(a) A percentage of children residing in the district and 1146  
participating in the predecessor of Ohio works first greater 1147  
than thirty per cent, as reported pursuant to section 3317.10 of 1148  
the Revised Code; 1149

(b) An average daily membership greater than twelve 1150  
thousand, as reported pursuant to former division (A) of section 1151  
3317.03 of the Revised Code. 1152

(5) "New start-up school" means a community school other 1153  
than one created by converting all or part of an existing public 1154  
school or educational service center building, as designated in 1155  
the school's contract pursuant to division (A) (17) of section 1156  
3314.03 of the Revised Code. 1157

(6) "Urban school district" means one of the state's 1158  
twenty-one urban school districts as defined in division (O) of 1159  
section 3317.02 of the Revised Code as that section existed 1160  
prior to July 1, 1998. 1161

(7) "Internet- or computer-based community school" means a 1162  
community school established under this chapter in which the 1163  
enrolled students work primarily from their residences on 1164  
assignments in nonclassroom-based learning opportunities 1165  
provided via an internet- or other computer-based instructional 1166  
method that does not rely on regular classroom instruction or 1167  
via comprehensive instructional methods that include internet- 1168  
based, other computer-based, and noncomputer-based learning 1169  
opportunities unless a student receives career-technical 1170  
education under section 3314.086 of the Revised Code. 1171

A community school that operates mainly as an internet- or 1172  
computer-based community school and provides career-technical 1173  
education under section 3314.086 of the Revised Code shall be 1174  
considered an internet- or computer-based community school, even 1175  
if it provides some classroom-based instruction, so long as it 1176  
provides instruction via the methods described in this division. 1177

(8) "Operator" or "management company" means ~~either of the~~ 1178  
~~following:~~ 1179

~~(a) An individual or a nonprofit organization or governing~~ 1180  
~~board of an educational service center that manages does either~~ 1181  
~~of the following:~~ 1182

(a) Manages the daily operations of a community school 1183  
pursuant to a contract between the operator or management 1184  
company and the school's governing authority; 1185

~~(b) A nonprofit organization that provides~~ Provides 1186

programmatic oversight and support to a community school under a 1187  
contract with the school's governing authority and that retains 1188  
the right to terminate its affiliation with the school if the 1189  
school fails to meet the ~~organization's~~ operator's or management 1190  
company's quality standards. 1191

An educational service center shall not act as both the 1192  
operator and sponsor of the same community school. 1193

(9) "Alliance municipal school district" has the same 1194  
meaning as in section 3311.86 of the Revised Code. 1195

(B) (1) Any person or group of individuals may initially 1196  
propose under this division the conversion of all or a portion 1197  
of a public school to a community school. The proposal shall be 1198  
made to the board of education of the city, local, exempted 1199  
village, or joint vocational school district in which the public 1200  
school is proposed to be converted. 1201

(2) Any person or group of individuals may initially 1202  
propose under this division the conversion of all or a portion 1203  
of a building operated by an educational service center to a 1204  
community school. The proposal shall be made to the governing 1205  
board of the service center. 1206

On or after July 1, 2017, except as provided in section 1207  
3314.027 of the Revised Code, any educational service center 1208  
that sponsors a community school shall be approved by and enter 1209  
into a written agreement with the department as described in 1210  
section 3314.015 of the Revised Code. 1211

(3) Upon receipt of a proposal, and after an agreement has 1212  
been entered into pursuant to section 3314.015 of the Revised 1213  
Code, a board may enter into a preliminary agreement with the 1214  
person or group proposing the conversion of the public school or 1215

service center building, indicating the intention of the board 1216  
to support the conversion to a community school. A proposing 1217  
person or group that has a preliminary agreement under this 1218  
division may proceed to finalize plans for the school, establish 1219  
a governing authority for the school, and negotiate a contract 1220  
with the board. Provided the proposing person or group adheres 1221  
to the preliminary agreement and all provisions of this chapter, 1222  
the board shall negotiate in good faith to enter into a contract 1223  
in accordance with section 3314.03 of the Revised Code and 1224  
division (C) of this section. 1225

(4) The sponsor of a conversion community school proposed 1226  
to open in an alliance municipal school district shall be 1227  
subject to approval by the department of education for 1228  
sponsorship of that school using the criteria established under 1229  
division (A) of section 3311.87 of the Revised Code. 1230

Division (B) (4) of this section does not apply to a 1231  
sponsor that, on or before September 29, 2015, was exempted 1232  
under section 3314.021 or 3314.027 of the Revised Code from the 1233  
requirement to be approved for sponsorship under divisions (A) 1234  
(2) and (B) (1) of section 3314.015 of the Revised Code. 1235

(5) A school established in accordance with division (B) 1236  
of this section that later enters into a sponsorship contract 1237  
with an entity that is not a school district or educational 1238  
service center shall, at the time of entering into the new 1239  
contract, be deemed a community school established in accordance 1240  
with division (C) of this section. 1241

(C) (1) Any person or group of individuals may propose 1242  
under this division the establishment of a new start-up school 1243  
to be located in a challenged school district. The proposal may 1244  
be made to any of the following entities: 1245

(a) The board of education of the district in which the school is proposed to be located; 1246  
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(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 1248  
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(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 1252  
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(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 1256  
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(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 1260  
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(ii) It is approved to do so by the department; 1262

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 1263  
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(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher 1265  
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preparation program approved by the state board of education; 1275

(f) Any qualified tax-exempt entity under section 501(c) 1276  
(3) of the Internal Revenue Code as long as all of the following 1277  
conditions are satisfied: 1278

(i) The entity has been in operation for at least five 1279  
years prior to applying to be a community school sponsor. 1280

(ii) The entity has assets of at least five hundred 1281  
thousand dollars and a demonstrated record of financial 1282  
responsibility. 1283

(iii) The department has determined that the entity is an 1284  
education-oriented entity under division (B) (4) of section 1285  
3314.015 of the Revised Code and the entity has a demonstrated 1286  
record of successful implementation of educational programs. 1287

(iv) The entity is not a community school. 1288

(g) The mayor of a city in which the majority of the 1289  
territory of a school district to which section 3311.60 of the 1290  
Revised Code applies is located, regardless of whether that 1291  
district has created the position of independent auditor as 1292  
prescribed by that section. The mayor's sponsorship authority 1293  
under this division is limited to community schools that are 1294  
located in that school district. Such mayor may sponsor 1295  
community schools only with the approval of the city council of 1296  
that city, after establishing standards with which community 1297  
schools sponsored by the mayor must comply, and after entering 1298  
into a sponsor agreement with the department as prescribed under 1299  
section 3314.015 of the Revised Code. The mayor shall establish 1300  
the standards for community schools sponsored by the mayor not 1301  
later than one hundred eighty days after July 15, 2013, and 1302  
shall submit them to the department upon their establishment. 1303

The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section may enter into a preliminary agreement pursuant to division (C) (2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C) (1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A) (3) (b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of

public instruction. 1334

(D) A majority vote of the board of a sponsoring entity 1335  
and a majority vote of the members of the governing authority of 1336  
a community school shall be required to adopt a contract and 1337  
convert the public school or educational service center building 1338  
to a community school or establish the new start-up school. 1339  
Beginning September 29, 2005, adoption of the contract shall 1340  
occur not later than the fifteenth day of March, and signing of 1341  
the contract shall occur not later than the fifteenth day of 1342  
May, prior to the school year in which the school will open. The 1343  
governing authority shall notify the department of education 1344  
when the contract has been signed. Subject to sections 3314.013 1345  
and 3314.016 of the Revised Code, an unlimited number of 1346  
community schools may be established in any school district 1347  
provided that a contract is entered into for each community 1348  
school pursuant to this chapter. 1349

(E) (1) As used in this division, "immediate relatives" are 1350  
limited to spouses, children, parents, grandparents, and 1351  
siblings, as well as in-laws residing in the same household as 1352  
the person serving on the governing authority. 1353

Each new start-up community school established under this 1354  
chapter shall be under the direction of a governing authority 1355  
which shall consist of a board of not less than five 1356  
individuals. 1357

(2) (a) No person shall serve on the governing authority or 1358  
operate the community school under contract with the governing 1359  
authority under any of the following circumstances: 1360

(i) The person owes the state any money or is in a dispute 1361  
over whether the person owes the state any money concerning the 1362

operation of a community school that has closed. 1363

(ii) The person would otherwise be subject to division (B) 1364  
of section 3319.31 of the Revised Code with respect to refusal, 1365  
limitation, or revocation of a license to teach, if the person 1366  
were a licensed educator. 1367

(iii) The person has pleaded guilty to or been convicted 1368  
of theft in office under section 2921.41 of the Revised Code, or 1369  
has pleaded guilty to or been convicted of a substantially 1370  
similar offense in another state. 1371

(b) No person shall serve on the governing authority or 1372  
engage in the financial day-to-day management of the community 1373  
school under contract with the governing authority unless and 1374  
until that person has submitted to a criminal records check in 1375  
the manner prescribed by section 3319.39 of the Revised Code. 1376

(c) Each sponsor of a community school shall annually 1377  
verify that a finding for recovery has not been issued by the 1378  
auditor of state against any individual or individuals who 1379  
propose to create a community school or any member of the 1380  
governing authority, the operator, or any employee of each 1381  
community school with responsibility for fiscal operations or 1382  
authorization to expend money on behalf of the school. 1383

(3) No person shall serve on the governing authorities of 1384  
more than five start-up community schools at the same time 1385  
unless both of the following apply: 1386

(a) The person serves in a volunteer capacity and receives 1387  
no compensation under division (E)(5) of this section from any 1388  
governing authority on which the person serves. 1389

(b) For any school that has an operator, the operator is a 1390  
nonprofit organization. 1391

(4) (a) For a community school established under this 1392  
chapter that is not sponsored by a school district or an 1393  
educational service center, no present or former member, or 1394  
immediate relative of a present or former member, of the 1395  
governing authority shall be an owner, employee, or consultant 1396  
of the community school's sponsor or operator, unless at least 1397  
one year has elapsed since the conclusion of the person's 1398  
membership on the governing authority. 1399

(b) For a community school established under this chapter 1400  
that is sponsored by a school district or an educational service 1401  
center, no present or former member, or immediate relative of a 1402  
present or former member, of the governing authority shall: 1403

(i) Be an officer of the district board or service center 1404  
governing board that serves as the community school's sponsor, 1405  
unless at least one year has elapsed since the conclusion of the 1406  
person's membership on the governing authority; 1407

(ii) Serve as an employee of, or a consultant for, the 1408  
department, division, or section of the sponsoring district or 1409  
service center that is directly responsible for sponsoring 1410  
community schools, or have supervisory authority over such a 1411  
department, division, or section, unless at least one year has 1412  
elapsed since the conclusion of the person's membership on the 1413  
governing authority. 1414

(5) The governing authority of a start-up or conversion 1415  
community school may provide by resolution for the compensation 1416  
of its members. However, no individual who serves on the 1417  
governing authority of a start-up or conversion community school 1418  
shall be compensated more than one hundred twenty-five dollars 1419  
per meeting of that governing authority and no such individual 1420  
shall be compensated more than a total amount of five thousand 1421

dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.

(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority

and the school's sponsor may be renewed, as provided under this 1451  
chapter, after that date, but no additional new start-up schools 1452  
may be established in such a district unless the district is a 1453  
challenged school district as defined in this section as it 1454  
exists on and after that date. 1455

(2) A community school that was established prior to June 1456  
29, 1999, and is located in a county contiguous to the pilot 1457  
project area and in a school district that is not a challenged 1458  
school district may continue to operate after that date, 1459  
provided the school complies with all provisions of this 1460  
chapter. The contract between the school's governing authority 1461  
and the school's sponsor may be renewed, but no additional 1462  
start-up community school may be established in that district 1463  
unless the district is a challenged school district. 1464

(3) Any educational service center that, on June 30, 2007, 1465  
sponsors a community school that is not located in a county 1466  
within the territory of the service center or in a county 1467  
contiguous to such county may continue to sponsor that community 1468  
school on and after June 30, 2007, and may renew its contract 1469  
with the school. However, the educational service center shall 1470  
not enter into a contract with any additional community school, 1471  
unless the governing board of the service center has entered 1472  
into an agreement with the department authorizing the service 1473  
center to sponsor a community school in any challenged school 1474  
district in the state. 1475

**Sec. 3314.032.** ~~(A)~~ On and after the effective date of this 1476  
amendment, only an operator or management company as defined in 1477  
division (A) (8) of section 3314.02 of the Revised Code, as it 1478  
exists on or after the effective date of this amendment, may 1479  
enter into or renew a contract to manage the daily operations 1480

of, or provide programmatic oversight and support to, a 1481  
community school. Contracts entered into or renewed prior to the 1482  
effective date of this amendment may continue in effect for the 1483  
term provided in the contract, subject to division (B) (2) of 1484  
section 3314.01 of the Revised Code. 1485

(A) On and after the effective date of this section 1486  
February 1, 2016, any new or renewed contract between the 1487  
governing authority of a community school and an operator shall 1488  
include at least the following: 1489

(1) Criteria to be used for early termination of the 1490  
operator contract; 1491

(2) Required notification procedures and timeline for 1492  
early termination or nonrenewal of the operator contract; 1493

(3) A stipulation of which entity owns all community 1494  
school facilities and property including, but not limited to, 1495  
equipment, furniture, fixtures, instructional materials and 1496  
supplies, computers, printers, and other digital devices 1497  
purchased by the governing authority or operator. Any 1498  
stipulation regarding property ownership shall comply with the 1499  
requirements of section 3314.0210 of the Revised Code. 1500

(B) (1) The operator with which the governing authority of 1501  
a community school contracts for services shall not lease any 1502  
parcel of real property to that community school until an 1503  
independent professional in the real estate field verifies via 1504  
addendum that at the time the lease was agreed to, the lease was 1505  
commercially reasonable. 1506

(2) The independent professional described in division (B) 1507  
(1) of this section shall be immune from civil liability for any 1508  
decision rendered pursuant to this section. 1509

(C) Beginning with the 2016-2017 school year, the governing authority of a community school, with the assistance of the school's designated fiscal officer, shall adopt an annual budget by the thirty-first day of October of each year.

~~Not later than ninety days after the effective date of this section, the~~ The department of education shall develop a format for annual budgets of community schools. The format shall prescribe inclusion of the following information in a school's budget:

(1) Administrative costs for the community school as a whole;

(2) Instructional services costs for each category of service provided directly to students, compiled and reported in terms of average expenditure per pupil receiving the service;

(3) The cost of instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students;

(4) The cost of administrative support services, such as the cost of personnel that develop the curriculum and the cost of personnel supervising or coordinating the delivery of the instructional services;

(5) The cost of support or extracurricular services costs for services directly provided to students;

(6) The cost of services provided directly to students by a nonlicensed employee related to support or extracurricular services, such as janitorial services, cafeteria services, or services of a sports trainer;

(7) The cost of administrative services related to support 1538  
or extracurricular services, such as the cost of any licensed or 1539  
unlicensed employees that develop, supervise, coordinate, or 1540  
otherwise are involved in administrating or aiding the delivery 1541  
of services. 1542

(D) The governing authority of a community school shall be 1543  
the sole entity responsible for the adoption of the school's 1544  
annual budget, but the governing authority shall adopt such 1545  
budget with the assistance of the school's designated fiscal 1546  
officer. 1547

Sec. 3314.0310. Each nonprofit or for-profit entity and 1548  
each individual that contracts with a community school to 1549  
provide management or operation services shall comply with 1550  
section 121.22 of the Revised Code with respect to all matters 1551  
pertaining to the delivery of educational services by, and the 1552  
management and operation of, the school as if it were a public 1553  
office. This provision applies to all nonprofit and for-profit 1554  
entities, regardless of whether the contract for services was 1555  
entered into or renewed prior to the effective date of this 1556  
section. 1557

Sec. 3314.0311. On and after the effective date of this 1558  
section, any profit realized through payments from a community 1559  
school to an individual or organization described in division 1560  
(A) (8) (a) of section 3313.02 of the Revised Code, as it existed 1561  
prior to the effective date of this section, shall not exceed 1562  
five per cent of the total amount of payments that the school 1563  
receives from the state. 1564

Sec. 3314.0312. At the end of each fiscal year for which 1565  
an operator's contract to provide management, operation, 1566  
programmatic oversight, or support services is in effect, the 1567

governing authority of a community school may require the 1568  
operator of the school to apply any unexpended and unobligated 1569  
funds paid by the school to the operator to any payment the 1570  
school will owe to the operator during the next fiscal year. At 1571  
the end of the fiscal year in which an operator's contract 1572  
expires, the operator shall remit any unexpended and unobligated 1573  
funds to the school. The treasurer of the community school shall 1574  
report to the department of education and the auditor of state 1575  
the amount of any funds retained or remitted by an operator. 1576

**Sec. 3314.05.** (A) The contract between the community 1577  
school and the sponsor shall specify the facilities to be used 1578  
for the community school and the method of acquisition. Except 1579  
as provided in divisions (B) (3) and (4) of this section, no 1580  
community school shall be established in more than one school 1581  
district under the same contract. 1582

(B) Division (B) of this section shall not apply to 1583  
internet- or computer-based community schools. 1584

(1) A community school may be located in multiple 1585  
facilities under the same contract only if the limitations on 1586  
availability of space prohibit serving all the grade levels 1587  
specified in the contract in a single facility or division (B) 1588  
(2), (3), or (4) of this section applies to the school. The 1589  
school shall not offer the same grade level classrooms in more 1590  
than one facility. 1591

(2) A community school may be located in multiple 1592  
facilities under the same contract and, notwithstanding division 1593  
(B) (1) of this section, may assign students in the same grade 1594  
level to multiple facilities, as long as all of the following 1595  
apply: 1596

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code, as it existed prior to the effective date of this amendment.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

- (b) Either of the following conditions are satisfied: 1655
- (i) The community school is sponsored by a board of 1656  
education of a city, local, or exempted village school district 1657  
having territory in the same county where the facilities of the 1658  
community school are located; 1659
- (ii) The community school is managed by an operator. 1660
- In the case of a community school to which division (B) (4) 1661  
of this section applies and that maintains facilities in more 1662  
than one school district, the school's governing authority shall 1663  
designate one of those districts to be considered the school's 1664  
primary location and the district in which the school is located 1665  
for the purposes of division (A) (19) of section 3314.03 and 1666  
divisions (C) and (H) of section 3314.06 of the Revised Code and 1667  
for all other purposes of this chapter and shall notify the 1668  
department of that designation. 1669
- (5) Any facility used for a community school shall meet 1670  
all health and safety standards established by law for school 1671  
buildings. 1672
- (C) In the case where a community school is proposed to be 1673  
located in a facility owned by a school district or educational 1674  
service center, the facility may not be used for such community 1675  
school unless the district or service center board owning the 1676  
facility enters into an agreement for the community school to 1677  
utilize the facility. Use of the facility may be under any terms 1678  
and conditions agreed to by the district or service center board 1679  
and the school. 1680
- (D) Two or more separate community schools may be located 1681  
in the same facility. 1682
- (E) In the case of a community school that is located in 1683

multiple facilities, beginning July 1, 2012, the department 1684  
shall assign a unique identification number to the school and to 1685  
each facility maintained by the school. Each number shall be 1686  
used for identification purposes only. Nothing in this division 1687  
shall be construed to require the department to calculate the 1688  
amount of funds paid under this chapter, or to compute any data 1689  
required for the report cards issued under section 3314.012 of 1690  
the Revised Code, for each facility separately. The department 1691  
shall make all such calculations or computations for the school 1692  
as a whole. 1693

**Section 2.** That existing sections 117.11, 149.43, 1694  
3313.844, 3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 of 1695  
the Revised Code are hereby repealed. 1696