

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 162

Senator Brenner

A BILL

To amend sections 3314.03 and 3326.11 and to enact
section 3313.6030 of the Revised Code with
regard to academic intervention services at each
public school and to amend the version of
section 3314.03 of the Revised Code that is
scheduled to take effect January 1, 2025, to
continue the changes on and after that effective
date.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and section 3313.6030 of the Revised Code be enacted to read as
follows:

Sec. 3313.6030. (A) As used in this section:

(1) "Qualifying student" means a student who demonstrates
a limited level of skill on a state assessment in mathematics or
English language arts, or both.

(2) "State assessment" means an achievement assessment
prescribed under section 3301.0710 of the Revised Code or an
end-of-course examination prescribed under section 3301.0712 of
the Revised Code.

(3) "Tutoring supports" means high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring opportunities shall include additional instruction time of at least three days per week, or at least fifty hours over thirty-six weeks. 20
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(B) Each school district, community school established pursuant to Chapter 3314., and STEM school established pursuant to Chapter 3326. of the Revised Code shall provide evidence-based academic intervention services, free of cost, to each qualifying student. The district or school shall provide those services directly, through a contracted vendor, or as a combination of both options. A district or school annually shall notify the department of education and workforce, in a manner established by the department, of all of the following: 28
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(1) The number of qualifying students enrolled in the district or school; 37
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(2) The number of qualifying students receiving academic intervention services in mathematics, English language arts, or both; 39
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(3) The number of qualifying students receiving academic intervention services from the district or school directly, through a vendor, or a combination of both options. 42
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(C) Academic intervention services provided to a student under this section may encompass a wide and open-ended variety of supports, including tutoring supports, additional instruction time, an extended school calendar, participation in a learning 45
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support program, or any other academically centered support 49
service that the district or school determines will improve the 50
student's academic performance. 51

All academic intervention services provided to a 52
qualifying student under this section shall align with the 53
academic instruction the student receives. All academic 54
intervention services in English language arts shall align with 55
the science of reading as defined in section 3313.6028 of the 56
Revised Code. 57

(D) A district or school shall ensure that academic 58
intervention services provided to a qualifying student under 59
division (C) of this section do not supplant the student's core 60
academic instructional time. 61

(E) (1) A district or school shall notify the parent or 62
guardian of a qualifying student that the student will receive 63
academic intervention services prior to providing services to 64
the student. Notification shall include a description of which 65
intervention or interventions the qualifying student will 66
receive and who will provide services to the student. 67

(2) The district or school periodically shall update the 68
parent or guardian on the academic intervention services 69
provided to the qualifying student and shall provide resources 70
and recommendations for ways the parent or guardian may assist 71
the qualifying student. 72

(F) (1) Beginning with the 2024-2025 school year, and each 73
school year thereafter, the department randomly shall select 74
five per cent of school districts, community schools, and STEM 75
schools for a review of their academic intervention services for 76
qualifying students under this section. The review shall 77

include, at a minimum, a document review, interviews with 78
applicable district and school staff, and observations of 79
interventions. 80

The review shall assess all of the following: 81

(a) Whether qualifying students receive academic 82
intervention services in accordance with division (B) of this 83
section; 84

(b) The types and methods of academic intervention 85
services that qualifying students receive; 86

(c) The quality of the academic intervention services 87
provided by the district or school or the contracted vendor. To 88
determine quality, the department may consider the length and 89
duration of the intervention, specific programs and curriculum 90
being used, the credentials and training of intervention 91
providers, and data regarding qualifying student progress. 92

(2) The department shall provide a report to the district 93
or school containing its review of the district's or school's 94
academic intervention services not later than six weeks after 95
the department completes the review. Each report shall include 96
an assessment of the efficacy of the academic intervention 97
services provided to qualifying students, along with any 98
recommendations the department considers necessary. The district 99
or school shall post a copy of the report on its web site and 100
shall make the report available upon request to any person. 101

(3) The department may contract with an organization that 102
has documented expertise in supporting school improvement and 103
academic intervention services to help with conducting its 104
review under division (F) of this section. 105

(G)(1) A student is no longer a qualifying student under 106

this section when the student achieves a level of skill higher 107
than limited on a statewide achievement or diagnostic assessment 108
prescribed under any of sections 3301.079, 3301.0710, 3301.0712, 109
or 3301.0715 of the Revised Code, in mathematics or English 110
language arts, taken for the grade level in which the student is 111
enrolled. 112

(2) If a qualifying student receiving academic 113
intervention services in both mathematics and English language 114
arts demonstrates a skill greater than limited under this 115
section in one, but not both, subject areas, the student shall 116
continue to receive academic intervention services for the 117
subject area in which the student continues to demonstrate a 118
limited level of skill. 119

(H) Nothing in this section prohibits a district or school 120
from providing academic intervention services to a student who 121
does not meet the definition of a qualifying student under this 122
section. 123

Sec. 3314.03. A copy of every contract entered into under 124
this section shall be filed with the director of education and 125
workforce. The department of education and workforce shall make 126
available on its web site a copy of every approved, executed 127
contract filed with the director under this section. 128

(A) Each contract entered into between a sponsor and the 129
governing authority of a community school shall specify the 130
following: 131

(1) That the school shall be established as either of the 132
following: 133

(a) A nonprofit corporation established under Chapter 134
1702. of the Revised Code, if established prior to April 8, 135

2003;	136
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	137 138
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	139 140 141 142
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	143 144 145 146
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	147 148 149 150
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	151 152 153
(6) (a) Dismissal procedures;	154
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	155 156 157 158 159 160
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	161 162
(8) Requirements for financial audits by the auditor of	163

state. The contract shall require financial records of the 164
school to be maintained in the same manner as are financial 165
records of school districts, pursuant to rules of the auditor of 166
state. Audits shall be conducted in accordance with section 167
117.10 of the Revised Code. 168

(9) An addendum to the contract outlining the facilities 169
to be used that contains at least the following information: 170

(a) A detailed description of each facility used for 171
instructional purposes; 172

(b) The annual costs associated with leasing each facility 173
that are paid by or on behalf of the school; 174

(c) The annual mortgage principal and interest payments 175
that are paid by the school; 176

(d) The name of the lender or landlord, identified as 177
such, and the lender's or landlord's relationship to the 178
operator, if any. 179

(10) Qualifications of employees, including both of the 180
following: 181

(a) A requirement that the school's classroom teachers be 182
licensed in accordance with sections 3319.22 to 3319.31 of the 183
Revised Code, except that a community school may engage 184
noncertificated persons to teach up to twelve hours or forty 185
hours per week pursuant to section 3319.301 of the Revised Code; 186

(b) A prohibition against the school employing an 187
individual described in section 3314.104 of the Revised Code in 188
any position. 189

(11) That the school will comply with the following 190
requirements: 191

(a) The school will provide learning opportunities to a 192
minimum of twenty-five students for a minimum of nine hundred 193
twenty hours per school year. 194

(b) The governing authority will purchase liability 195
insurance, or otherwise provide for the potential liability of 196
the school. 197

(c) The school will be nonsectarian in its programs, 198
admission policies, employment practices, and all other 199
operations, and will not be operated by a sectarian school or 200
religious institution. 201

(d) The school will comply with sections 9.90, 9.91, 202
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 203
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 204
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 205
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 206
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 207
3313.6029, 3313.6030, 3313.643, 3313.648, 3313.6411, 3313.6413, 208
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 209
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 210
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 211
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 212
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 213
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 214
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 215
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 216
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 217
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 218
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 219
and 4167. of the Revised Code as if it were a school district 220
and will comply with section 3301.0714 of the Revised Code in 221

the manner specified in section 3314.17 of the Revised Code.	222
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	223 224
(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or	225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252

cooperative education developed by the department under division	253
(J) (3) of section 3313.603 of the Revised Code.	254
(g) The school governing authority will submit within four	255
months after the end of each school year a report of its	256
activities and progress in meeting the goals and standards of	257
divisions (A) (3) and (4) of this section and its financial	258
status to the sponsor and the parents of all students enrolled	259
in the school.	260
(h) The school, unless it is an internet- or computer-	261
based community school, will comply with section 3313.801 of the	262
Revised Code as if it were a school district.	263
(i) If the school is the recipient of moneys from a grant	264
awarded under the federal race to the top program, Division (A),	265
Title XIV, Sections 14005 and 14006 of the "American Recovery	266
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115,	267
the school will pay teachers based upon performance in	268
accordance with section 3317.141 and will comply with section	269
3319.111 of the Revised Code as if it were a school district.	270
(j) If the school operates a preschool program that is	271
licensed by the department under sections 3301.52 to 3301.59 of	272
the Revised Code, the school shall comply with sections 3301.50	273
to 3301.59 of the Revised Code and the minimum standards for	274
preschool programs prescribed in rules adopted by the department	275
under section 3301.53 of the Revised Code.	276
(k) The school will comply with sections 3313.6021 and	277
3313.6023 of the Revised Code as if it were a school district	278
unless it is either of the following:	279
(i) An internet- or computer-based community school;	280
(ii) A community school in which a majority of the	281

enrolled students are children with disabilities as described in	282
division (A) (4) (b) of section 3314.35 of the Revised Code.	283
(1) The school will comply with section 3321.191 of the	284
Revised Code, unless it is an internet- or computer-based	285
community school that is subject to section 3314.261 of the	286
Revised Code.	287
(12) Arrangements for providing health and other benefits	288
to employees;	289
(13) The length of the contract, which shall begin at the	290
beginning of an academic year. No contract shall exceed five	291
years unless such contract has been renewed pursuant to division	292
(E) of this section.	293
(14) The governing authority of the school, which shall be	294
responsible for carrying out the provisions of the contract;	295
(15) A financial plan detailing an estimated school budget	296
for each year of the period of the contract and specifying the	297
total estimated per pupil expenditure amount for each such year.	298
(16) Requirements and procedures regarding the disposition	299
of employees of the school in the event the contract is	300
terminated or not renewed pursuant to section 3314.07 of the	301
Revised Code;	302
(17) Whether the school is to be created by converting all	303
or part of an existing public school or educational service	304
center building or is to be a new start-up school, and if it is	305
a converted public school or service center building,	306
specification of any duties or responsibilities of an employer	307
that the board of education or service center governing board	308
that operated the school or building before conversion is	309
delegating to the governing authority of the community school	310

with respect to all or any specified group of employees provided 311
the delegation is not prohibited by a collective bargaining 312
agreement applicable to such employees; 313

(18) Provisions establishing procedures for resolving 314
disputes or differences of opinion between the sponsor and the 315
governing authority of the community school; 316

(19) A provision requiring the governing authority to 317
adopt a policy regarding the admission of students who reside 318
outside the district in which the school is located. That policy 319
shall comply with the admissions procedures specified in 320
sections 3314.06 and 3314.061 of the Revised Code and, at the 321
sole discretion of the authority, shall do one of the following: 322

(a) Prohibit the enrollment of students who reside outside 323
the district in which the school is located; 324

(b) Permit the enrollment of students who reside in 325
districts adjacent to the district in which the school is 326
located; 327

(c) Permit the enrollment of students who reside in any 328
other district in the state. 329

(20) A provision recognizing the authority of the 330
department to take over the sponsorship of the school in 331
accordance with the provisions of division (C) of section 332
3314.015 of the Revised Code; 333

(21) A provision recognizing the sponsor's authority to 334
assume the operation of a school under the conditions specified 335
in division (B) of section 3314.073 of the Revised Code; 336

(22) A provision recognizing both of the following: 337

(a) The authority of public health and safety officials to 338

inspect the facilities of the school and to order the facilities 339
closed if those officials find that the facilities are not in 340
compliance with health and safety laws and regulations; 341

(b) The authority of the department as the community 342
school oversight body to suspend the operation of the school 343
under section 3314.072 of the Revised Code if the department has 344
evidence of conditions or violations of law at the school that 345
pose an imminent danger to the health and safety of the school's 346
students and employees and the sponsor refuses to take such 347
action. 348

(23) A description of the learning opportunities that will 349
be offered to students including both classroom-based and non- 350
classroom-based learning opportunities that is in compliance 351
with criteria for student participation established by the 352
department under division (H) (2) of section 3314.08 of the 353
Revised Code; 354

(24) The school will comply with sections 3302.04 and 355
3302.041 of the Revised Code, except that any action required to 356
be taken by a school district pursuant to those sections shall 357
be taken by the sponsor of the school. 358

(25) Beginning in the 2006-2007 school year, the school 359
will open for operation not later than the thirtieth day of 360
September each school year, unless the mission of the school as 361
specified under division (A) (2) of this section is solely to 362
serve dropouts. In its initial year of operation, if the school 363
fails to open by the thirtieth day of September, or within one 364
year after the adoption of the contract pursuant to division (D) 365
of section 3314.02 of the Revised Code if the mission of the 366
school is solely to serve dropouts, the contract shall be void. 367

(26) Whether the school's governing authority is planning 368
to seek designation for the school as a STEM school equivalent 369
under section 3326.032 of the Revised Code; 370

(27) That the school's attendance and participation 371
policies will be available for public inspection; 372

(28) That the school's attendance and participation 373
records shall be made available to the department, auditor of 374
state, and school's sponsor to the extent permitted under and in 375
accordance with the "Family Educational Rights and Privacy Act 376
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 377
regulations promulgated under that act, and section 3319.321 of 378
the Revised Code; 379

(29) If a school operates using the blended learning 380
model, as defined in section 3301.079 of the Revised Code, all 381
of the following information: 382

(a) An indication of what blended learning model or models 383
will be used; 384

(b) A description of how student instructional needs will 385
be determined and documented; 386

(c) The method to be used for determining competency, 387
granting credit, and promoting students to a higher grade level; 388

(d) The school's attendance requirements, including how 389
the school will document participation in learning 390
opportunities; 391

(e) A statement describing how student progress will be 392
monitored; 393

(f) A statement describing how private student data will 394
be protected; 395

(g) A description of the professional development activities that will be offered to teachers.	396 397
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	398 399 400 401
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	402 403 404 405 406
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	407 408 409 410 411
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	412 413 414
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	415 416 417
(1) The process by which the governing authority of the school will be selected in the future;	418 419
(2) The management and administration of the school;	420
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not	421 422 423

to attend the converted school and for teachers who choose not	424
to teach in the school or building after conversion;	425
(4) The instructional program and educational philosophy	426
of the school;	427
(5) Internal financial controls.	428
When submitting the plan under this division, the school	429
shall also submit copies of all policies and procedures	430
regarding internal financial controls adopted by the governing	431
authority of the school.	432
(C) A contract entered into under section 3314.02 of the	433
Revised Code between a sponsor and the governing authority of a	434
community school may provide for the community school governing	435
authority to make payments to the sponsor, which is hereby	436
authorized to receive such payments as set forth in the contract	437
between the governing authority and the sponsor. The total	438
amount of such payments for monitoring, oversight, and technical	439
assistance of the school shall not exceed three per cent of the	440
total amount of payments for operating expenses that the school	441
receives from the state.	442
(D) The contract shall specify the duties of the sponsor	443
which shall be in accordance with the written agreement entered	444
into with the department under division (B) of section 3314.015	445
of the Revised Code and shall include the following:	446
(1) Monitor the community school's compliance with all	447
laws applicable to the school and with the terms of the	448
contract;	449
(2) Monitor and evaluate the academic and fiscal	450
performance and the organization and operation of the community	451
school on at least an annual basis;	452

- (3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department and to the parents of students enrolled in the community school;
- (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;
- (5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;
- (6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.
- (E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.
- (F) If a community school fails to open for operation

within one year after the contract entered into under this 482
section is adopted pursuant to division (D) of section 3314.02 483
of the Revised Code or permanently closes prior to the 484
expiration of the contract, the contract shall be void and the 485
school shall not enter into a contract with any other sponsor. A 486
school shall not be considered permanently closed because the 487
operations of the school have been suspended pursuant to section 488
3314.072 of the Revised Code. 489

Sec. 3326.11. Each science, technology, engineering, and 490
mathematics school established under this chapter and its 491
governing body shall comply with sections 9.90, 9.91, 109.65, 492
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 493
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 494
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 495
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 496
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 497
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 498
3313.6028, 3313.6029, 3313.6030, 3313.61, 3313.611, 3313.614, 499
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 500
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 501
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 502
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 503
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 504
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 505
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 506
3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 507
3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 508
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 509
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 510
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 511
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 512

3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 513
the Revised Code as if it were a school district. 514

Section 2. That existing sections 3314.03 and 3326.11 of 515
the Revised Code are hereby repealed. 516

Section 3. That the version of section 3314.03 of the 517
Revised Code that is scheduled to take effect January 1, 2025, 518
be amended to read as follows: 519

Sec. 3314.03. A copy of every contract entered into under 520
this section shall be filed with the director of education and 521
workforce. The department of education and workforce shall make 522
available on its web site a copy of every approved, executed 523
contract filed with the director under this section. 524

(A) Each contract entered into between a sponsor and the 525
governing authority of a community school shall specify the 526
following: 527

(1) That the school shall be established as either of the 528
following: 529

(a) A nonprofit corporation established under Chapter 530
1702. of the Revised Code, if established prior to April 8, 531
2003; 532

(b) A public benefit corporation established under Chapter 533
1702. of the Revised Code, if established after April 8, 2003. 534

(2) The education program of the school, including the 535
school's mission, the characteristics of the students the school 536
is expected to attract, the ages and grades of students, and the 537
focus of the curriculum; 538

(3) The academic goals to be achieved and the method of 539
measurement that will be used to determine progress toward those 540

goals, which shall include the statewide achievement	541
assessments;	542
(4) Performance standards, including but not limited to	543
all applicable report card measures set forth in section 3302.03	544
or 3314.017 of the Revised Code, by which the success of the	545
school will be evaluated by the sponsor;	546
(5) The admission standards of section 3314.06 of the	547
Revised Code and, if applicable, section 3314.061 of the Revised	548
Code;	549
(6) (a) Dismissal procedures;	550
(b) A requirement that the governing authority adopt an	551
attendance policy that includes a procedure for automatically	552
withdrawing a student from the school if the student without a	553
legitimate excuse fails to participate in seventy-two	554
consecutive hours of the learning opportunities offered to the	555
student.	556
(7) The ways by which the school will achieve racial and	557
ethnic balance reflective of the community it serves;	558
(8) Requirements for financial audits by the auditor of	559
state. The contract shall require financial records of the	560
school to be maintained in the same manner as are financial	561
records of school districts, pursuant to rules of the auditor of	562
state. Audits shall be conducted in accordance with section	563
117.10 of the Revised Code.	564
(9) An addendum to the contract outlining the facilities	565
to be used that contains at least the following information:	566
(a) A detailed description of each facility used for	567
instructional purposes;	568

(b) The annual costs associated with leasing each facility	569
that are paid by or on behalf of the school;	570
(c) The annual mortgage principal and interest payments	571
that are paid by the school;	572
(d) The name of the lender or landlord, identified as	573
such, and the lender's or landlord's relationship to the	574
operator, if any.	575
(10) Qualifications of employees, including both of the	576
following:	577
(a) A requirement that the school's classroom teachers be	578
licensed in accordance with sections 3319.22 to 3319.31 of the	579
Revised Code, except that a community school may engage	580
noncertificated persons to teach up to twelve hours or forty	581
hours per week pursuant to section 3319.301 of the Revised Code;	582
(b) A prohibition against the school employing an	583
individual described in section 3314.104 of the Revised Code in	584
any position.	585
(11) That the school will comply with the following	586
requirements:	587
(a) The school will provide learning opportunities to a	588
minimum of twenty-five students for a minimum of nine hundred	589
twenty hours per school year.	590
(b) The governing authority will purchase liability	591
insurance, or otherwise provide for the potential liability of	592
the school.	593
(c) The school will be nonsectarian in its programs,	594
admission policies, employment practices, and all other	595
operations, and will not be operated by a sectarian school or	596

religious institution. 597

(d) The school will comply with sections 9.90, 9.91, 598
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 599
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 600
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 601
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 602
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 603
3313.6029, 3313.6030, 3313.643, 3313.648, 3313.6411, 3313.6413, 604
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 605
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 606
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 607
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 608
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 609
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 610
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 611
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 612
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 613
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 614
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 615
and 4167. of the Revised Code as if it were a school district 616
and will comply with section 3301.0714 of the Revised Code in 617
the manner specified in section 3314.17 of the Revised Code. 618

(e) The school shall comply with Chapter 102. and section 619
2921.42 of the Revised Code. 620

(f) The school will comply with sections 3313.61, 621
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 622
Revised Code, except that for students who enter ninth grade for 623
the first time before July 1, 2010, the requirement in sections 624
3313.61 and 3313.611 of the Revised Code that a person must 625
successfully complete the curriculum in any high school prior to 626

receiving a high school diploma may be met by completing the 627
curriculum adopted by the governing authority of the community 628
school rather than the curriculum specified in Title XXXVIII of 629
the Revised Code or any rules of the department. Beginning with 630
students who enter ninth grade for the first time on or after 631
July 1, 2010, the requirement in sections 3313.61 and 3313.611 632
of the Revised Code that a person must successfully complete the 633
curriculum of a high school prior to receiving a high school 634
diploma shall be met by completing the requirements prescribed 635
in section 3313.6027 and division (C) of section 3313.603 of the 636
Revised Code, unless the person qualifies under division (D) or 637
(F) of that section. Each school shall comply with the plan for 638
awarding high school credit based on demonstration of subject 639
area competency, and beginning with the 2017-2018 school year, 640
with the updated plan that permits students enrolled in seventh 641
and eighth grade to meet curriculum requirements based on 642
subject area competency adopted by the department under 643
divisions (J) (1) and (2) of section 3313.603 of the Revised 644
Code. Beginning with the 2018-2019 school year, the school shall 645
comply with the framework for granting units of high school 646
credit to students who demonstrate subject area competency 647
through work-based learning experiences, internships, or 648
cooperative education developed by the department under division 649
(J) (3) of section 3313.603 of the Revised Code. 650

(g) The school governing authority will submit within four 651
months after the end of each school year a report of its 652
activities and progress in meeting the goals and standards of 653
divisions (A) (3) and (4) of this section and its financial 654
status to the sponsor and the parents of all students enrolled 655
in the school. 656

(h) The school, unless it is an internet- or computer- 657

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

(j) If the school operates a preschool program that is licensed by the department under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the department of children and youth under section 3301.53 of the Revised Code.

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

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

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

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

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

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

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

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

outside the district in which the school is located. That policy 715
shall comply with the admissions procedures specified in 716
sections 3314.06 and 3314.061 of the Revised Code and, at the 717
sole discretion of the authority, shall do one of the following: 718

(a) Prohibit the enrollment of students who reside outside 719
the district in which the school is located; 720

(b) Permit the enrollment of students who reside in 721
districts adjacent to the district in which the school is 722
located; 723

(c) Permit the enrollment of students who reside in any 724
other district in the state. 725

(20) A provision recognizing the authority of the 726
department to take over the sponsorship of the school in 727
accordance with the provisions of division (C) of section 728
3314.015 of the Revised Code; 729

(21) A provision recognizing the sponsor's authority to 730
assume the operation of a school under the conditions specified 731
in division (B) of section 3314.073 of the Revised Code; 732

(22) A provision recognizing both of the following: 733

(a) The authority of public health and safety officials to 734
inspect the facilities of the school and to order the facilities 735
closed if those officials find that the facilities are not in 736
compliance with health and safety laws and regulations; 737

(b) The authority of the department as the community 738
school oversight body to suspend the operation of the school 739
under section 3314.072 of the Revised Code if the department has 740
evidence of conditions or violations of law at the school that 741
pose an imminent danger to the health and safety of the school's 742

students and employees and the sponsor refuses to take such 743
action. 744

(23) A description of the learning opportunities that will 745
be offered to students including both classroom-based and non- 746
classroom-based learning opportunities that is in compliance 747
with criteria for student participation established by the 748
department under division (H) (2) of section 3314.08 of the 749
Revised Code; 750

(24) The school will comply with sections 3302.04 and 751
3302.041 of the Revised Code, except that any action required to 752
be taken by a school district pursuant to those sections shall 753
be taken by the sponsor of the school. 754

(25) Beginning in the 2006-2007 school year, the school 755
will open for operation not later than the thirtieth day of 756
September each school year, unless the mission of the school as 757
specified under division (A) (2) of this section is solely to 758
serve dropouts. In its initial year of operation, if the school 759
fails to open by the thirtieth day of September, or within one 760
year after the adoption of the contract pursuant to division (D)
of section 3314.02 of the Revised Code if the mission of the 761
school is solely to serve dropouts, the contract shall be void. 762
763

(26) Whether the school's governing authority is planning 764
to seek designation for the school as a STEM school equivalent 765
under section 3326.032 of the Revised Code; 766

(27) That the school's attendance and participation 767
policies will be available for public inspection; 768

(28) That the school's attendance and participation 769
records shall be made available to the department, auditor of 770
state, and school's sponsor to the extent permitted under and in 771

accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

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

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

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

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

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

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

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

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

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

(31) A provision requiring that, if the governing

authority contracts with an attorney, accountant, or entity 799
specializing in audits, the attorney, accountant, or entity 800
shall be independent from the operator with which the school has 801
contracted. 802

(32) A provision requiring the governing authority to 803
adopt an enrollment and attendance policy that requires a 804
student's parent to notify the community school in which the 805
student is enrolled when there is a change in the location of 806
the parent's or student's primary residence. 807

(33) A provision requiring the governing authority to 808
adopt a student residence and address verification policy for 809
students enrolling in or attending the school. 810

(B) The community school shall also submit to the sponsor 811
a comprehensive plan for the school. The plan shall specify the 812
following: 813

(1) The process by which the governing authority of the 814
school will be selected in the future; 815

(2) The management and administration of the school; 816

(3) If the community school is a currently existing public 817
school or educational service center building, alternative 818
arrangements for current public school students who choose not 819
to attend the converted school and for teachers who choose not 820
to teach in the school or building after conversion; 821

(4) The instructional program and educational philosophy 822
of the school; 823

(5) Internal financial controls. 824

When submitting the plan under this division, the school 825
shall also submit copies of all policies and procedures 826

regarding internal financial controls adopted by the governing authority of the school. 827
828

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 829
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 839
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842

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 843
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 846
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(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department and to the parents of students enrolled in the community school; 849
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(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 853
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(5) Take steps to intervene in the school's operation to 856
correct problems in the school's overall performance, declare 857
the school to be on probationary status pursuant to section 858
3314.073 of the Revised Code, suspend the operation of the 859
school pursuant to section 3314.072 of the Revised Code, or 860
terminate the contract of the school pursuant to section 3314.07 861
of the Revised Code as determined necessary by the sponsor; 862

(6) Have in place a plan of action to be undertaken in the 863
event the community school experiences financial difficulties or 864
closes prior to the end of a school year. 865

(E) Upon the expiration of a contract entered into under 866
this section, the sponsor of a community school may, with the 867
approval of the governing authority of the school, renew that 868
contract for a period of time determined by the sponsor, but not 869
ending earlier than the end of any school year, if the sponsor 870
finds that the school's compliance with applicable laws and 871
terms of the contract and the school's progress in meeting the 872
academic goals prescribed in the contract have been 873
satisfactory. Any contract that is renewed under this division 874
remains subject to the provisions of sections 3314.07, 3314.072, 875
and 3314.073 of the Revised Code. 876

(F) If a community school fails to open for operation 877
within one year after the contract entered into under this 878
section is adopted pursuant to division (D) of section 3314.02 879
of the Revised Code or permanently closes prior to the 880
expiration of the contract, the contract shall be void and the 881
school shall not enter into a contract with any other sponsor. A 882
school shall not be considered permanently closed because the 883
operations of the school have been suspended pursuant to section 884
3314.072 of the Revised Code. 885

Section 4. That the existing version of section 3314.03 of 886
the Revised Code that is scheduled to take effect January 1, 887
2025, is hereby repealed. 888

Section 5. Sections 3 and 4 of this act take effect 889
January 1, 2025. 890