

Sub. S. B. No. 19
As Passed by the Senate

_____ moved to amend as follows:

Delete lines 1964 through 2324 1

After line 2324, insert: 2

"Sec. 3314.03. A copy of every contract entered into 3
under this section shall be filed with the director of education 4
and workforce. The department of education and workforce shall 5
make available on its web site a copy of every approved, 6
executed contract filed with the director under this section. 7

(A) Each contract entered into between a sponsor and the 8
governing authority of a community school shall specify the 9
following: 10

(1) That the school shall be established as either of the 11
following: 12

(a) A nonprofit corporation established under Chapter 13
1702. of the Revised Code, if established prior to April 8, 14
2003; 15

(b) A public benefit corporation established under Chapter 16



1702. of the Revised Code, if established after April 8, 2003.	17
(2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	18 19 20 21
(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;	22 23 24 25
(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;	26 27 28 29
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	30 31 32
(6) (a) Dismissal procedures;	33
(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.	34 35 36 37 38 39
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	40 41
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial	42 43 44

records of school districts, pursuant to rules of the auditor of 45
state. Audits shall be conducted in accordance with section 46
117.10 of the Revised Code. 47

(9) An addendum to the contract outlining the facilities 48
to be used that contains at least the following information: 49

(a) A detailed description of each facility used for 50
instructional purposes; 51

(b) The annual costs associated with leasing each facility 52
that are paid by or on behalf of the school; 53

(c) The annual mortgage principal and interest payments 54
that are paid by the school; 55

(d) The name of the lender or landlord, identified as 56
such, and the lender's or landlord's relationship to the 57
operator, if any. 58

(10) Qualifications of employees, including both of the 59
following: 60

(a) A requirement that the school's classroom teachers be 61
licensed in accordance with sections 3319.22 to 3319.31 of the 62
Revised Code, except that a community school may engage 63
noncertificated persons to teach up to twelve hours or forty 64
hours per week pursuant to section 3319.301 of the Revised Code; 65

(b) A prohibition against the school employing an 66
individual described in section 3314.104 of the Revised Code in 67
any position. 68

(11) That the school will comply with the following 69
requirements: 70

(a) The school will provide learning opportunities to a 71

minimum of twenty-five students for a minimum of nine hundred 72
 twenty hours per school year. 73

(b) The governing authority will purchase liability 74
 insurance, or otherwise provide for the potential liability of 75
 the school. 76

(c) The school will be nonsectarian in its programs, 77
 admission policies, employment practices, and all other 78
 operations, and will not be operated by a sectarian school or 79
 religious institution. 80

(d) The school will comply with sections 9.90, 9.91, 81
 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 82
 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 83
 3302.037, 3302.131, 3302.132, 3313.472, 3313.473, 3313.474, 84
 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 85
 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 86
 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6032, 87
3313.6034, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 88
 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 89
 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 90
 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 91
 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 92
 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 93
 3319.073, 3319.077, 3319.078, 3319.0812, 3319.2214, 3319.238, 94
 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 95
 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 96
 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 97
 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 98
 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 99
 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 100
 the Revised Code as if it were a school district and will comply 101

with section 3301.0714 of the Revised Code in the manner 102
specified in section 3314.17 of the Revised Code. 103

(e) The school shall comply with Chapter 102. and section 104
2921.42 of the Revised Code. 105

(f) The school will comply with sections 3313.61, 106
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 107
Revised Code, except that for students who enter ninth grade for 108
the first time before July 1, 2010, the requirement in sections 109
3313.61 and 3313.611 of the Revised Code that a person must 110
successfully complete the curriculum in any high school prior to 111
receiving a high school diploma may be met by completing the 112
curriculum adopted by the governing authority of the community 113
school rather than the curriculum specified in Title XXXIII of 114
the Revised Code or any rules of the department. Beginning with 115
students who enter ninth grade for the first time on or after 116
July 1, 2010, the requirement in sections 3313.61 and 3313.611 117
of the Revised Code that a person must successfully complete the 118
curriculum of a high school prior to receiving a high school 119
diploma shall be met by completing the requirements prescribed 120
in section 3313.6027 and division (C) of section 3313.603 of the 121
Revised Code, unless the person qualifies under division (D) or 122
(F) of that section. Each school shall comply with the plan for 123
awarding high school credit based on demonstration of subject 124
area competency, and beginning with the 2017-2018 school year, 125
with the updated plan that permits students enrolled in seventh 126
and eighth grade to meet curriculum requirements based on 127
subject area competency adopted by the department under 128
divisions (J) (1) and (2) of section 3313.603 of the Revised 129
Code. Beginning with the 2018-2019 school year, the school shall 130
comply with the framework for granting units of high school 131
credit to students who demonstrate subject area competency 132

through work-based learning experiences, internships, or 133
cooperative education developed by the department under division 134
(J) (3) of section 3313.603 of the Revised Code. 135

(g) The school governing authority will submit within four 136
months after the end of each school year a report of its 137
activities and progress in meeting the goals and standards of 138
divisions (A) (3) and (4) of this section and its financial 139
status to the sponsor and the parents of all students enrolled 140
in the school. 141

(h) The school, unless it is an internet- or computer- 142
based community school, will comply with section 3313.801 of the 143
Revised Code as if it were a school district. 144

(i) If the school is the recipient of moneys from a grant 145
awarded under the federal race to the top program, Division (A), 146
Title XIV, Sections 14005 and 14006 of the "American Recovery 147
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 148
the school will pay teachers based upon performance in 149
accordance with section 3317.141 and will comply with section 150
3319.111 of the Revised Code as if it were a school district. 151

(j) If the school operates a preschool program that is 152
licensed by the department under sections 3301.52 to 3301.59 of 153
the Revised Code, the school shall comply with sections 3301.50 154
to 3301.59 of the Revised Code and the minimum standards for 155
preschool programs prescribed in rules adopted by the department 156
of children and youth under section 3301.53 of the Revised Code. 157

(k) The school will comply with sections 3313.6021 and 158
3313.6023 of the Revised Code as if it were a school district 159
unless it is either of the following: 160

(i) An internet- or computer-based community school; 161

(ii) A community school in which a majority of the
enrolled students are children with disabilities as described in
division (B)(2) of section 3314.35 of the Revised Code. 162
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(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. 165
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(m) The school will comply with section 3313.7118 of the
Revised Code if it serves elementary school students. 169
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(12) Arrangements for providing health and other benefits
to employees; 171
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(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
(D) of this section. 173
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(14) The governing authority of the school, which shall be
responsible for carrying out the provisions of the contract; 177
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(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. 179
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(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; 182
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(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, both of 186
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the following:	190
(a) 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;	191 192 193 194 195 196 197
(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.	198 199 200 201
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	202 203 204
(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 shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	205 206 207 208 209 210
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	211 212
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	213 214 215
(c) Permit the enrollment of students who reside in any other district in the state.	216 217

(20) A provision recognizing the authority of the	218
department to take over the sponsorship of the school in	219
accordance with the provisions of division (C) of section	220
3314.015 of the Revised Code;	221
(21) A provision recognizing the sponsor's authority to	222
assume the operation of a school under the conditions specified	223
in division (B) of section 3314.073 of the Revised Code;	224
(22) A provision recognizing both of the following:	225
(a) The authority of public health and safety officials to	226
inspect the facilities of the school and to order the facilities	227
closed if those officials find that the facilities are not in	228
compliance with health and safety laws and regulations;	229
(b) The authority of the department as the community	230
school oversight body to suspend the operation of the school	231
under section 3314.072 of the Revised Code if the department has	232
evidence of conditions or violations of law at the school that	233
pose an imminent danger to the health and safety of the school's	234
students and employees and the sponsor refuses to take such	235
action.	236
(23) A description of the learning opportunities that will	237
be offered to students including both classroom-based and non-	238
classroom-based learning opportunities that is in compliance	239
with criteria for student participation established by the	240
department under division (H) (2) of section 3314.08 of the	241
Revised Code;	242
(24) The school will comply with sections 3302.04 and	243
3302.041 of the Revised Code, except that any action required to	244
be taken by a school district pursuant to those sections shall	245
be taken by the sponsor of the school.	246

(25) Beginning in the 2006-2007 school year, the school	247
will open for operation not later than the thirtieth day of	248
September each school year, unless the mission of the school as	249
specified under division (A) (2) of this section is solely to	250
serve dropouts. In its initial year of operation, if the school	251
fails to open by the thirtieth day of September, or within one	252
year after the adoption of the contract pursuant to division (D)	253
of section 3314.02 of the Revised Code if the mission of the	254
school is solely to serve dropouts, the contract shall be void.	255
(26) Whether the school's governing authority is planning	256
to seek designation for the school as a STEM school equivalent	257
under section 3326.032 of the Revised Code;	258
(27) That the school's attendance and participation	259
policies will be available for public inspection;	260
(28) That the school's attendance and participation	261
records shall be made available to the department, auditor of	262
state, and school's sponsor to the extent permitted under and in	263
accordance with the "Family Educational Rights and Privacy Act	264
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	265
regulations promulgated under that act, and section 3319.321 of	266
the Revised Code;	267
(29) If a school operates using the blended learning	268
model, as defined in section 3301.079 of the Revised Code, all	269
of the following information:	270
(a) An indication of what blended learning model or models	271
will be used;	272
(b) A description of how student instructional needs will	273
be determined and documented;	274

(c) The method to be used for determining competency,	275
granting credit, and promoting students to a higher grade level;	276
(d) The school's attendance requirements, including how	277
the school will document participation in learning	278
opportunities;	279
(e) A statement describing how student progress will be	280
monitored;	281
(f) A statement describing how private student data will	282
be protected;	283
(g) A description of the professional development	284
activities that will be offered to teachers.	285
(30) A provision requiring that all moneys the school's	286
operator loans to the school, including facilities loans or cash	287
flow assistance, must be accounted for, documented, and bear	288
interest at a fair market rate;	289
(31) A provision requiring that, if the governing	290
authority contracts with an attorney, accountant, or entity	291
specializing in audits, the attorney, accountant, or entity	292
shall be independent from the operator with which the school has	293
contracted.	294
(32) A provision requiring the governing authority to	295
adopt an enrollment and attendance policy that requires a	296
student's parent to notify the community school in which the	297
student is enrolled when there is a change in the location of	298
the parent's or student's primary residence.	299
(33) A provision requiring the governing authority to	300
adopt a student residence and address verification policy for	301
students enrolling in or attending the school.	302

(34) A provision establishing the process by which the governing authority of the school will be selected in the future.	303 304 305
(35) A description of the management and administration of the school.	306 307
(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.	308 309 310
(B) 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.	311 312 313 314 315 316 317 318 319 320
(C) 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:	321 322 323 324
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	325 326 327
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	328 329 330

(3) Provide technical assistance to the community school 331
in complying with laws applicable to the school and terms of the 332
contract; 333

(4) Take steps to intervene in the school's operation to 334
correct problems in the school's overall performance, declare 335
the school to be on probationary status pursuant to section 336
3314.073 of the Revised Code, suspend the operation of the 337
school pursuant to section 3314.072 of the Revised Code, or 338
terminate the contract of the school pursuant to section 3314.07 339
of the Revised Code as determined necessary by the sponsor; 340

(5) Have in place a plan of action to be undertaken in the 341
event the community school experiences financial difficulties or 342
closes prior to the end of a school year. 343

(D) Upon the expiration of a contract entered into under 344
this section, the sponsor of a community school may, with the 345
approval of the governing authority of the school, renew that 346
contract for a period of time determined by the sponsor, but not 347
ending earlier than the end of any school year, if the sponsor 348
finds that the school's compliance with applicable laws and 349
terms of the contract and the school's progress in meeting the 350
academic goals prescribed in the contract have been 351
satisfactory. Any contract that is renewed under this division 352
remains subject to the provisions of sections 3314.07, 3314.072, 353
and 3314.073 of the Revised Code. 354

(E) If a community school fails to open for operation 355
within one year after the contract entered into under this 356
section is adopted pursuant to division (D) of section 3314.02 357
of the Revised Code or permanently closes prior to the 358
expiration of the contract, the contract shall be void and the 359
school shall not enter into a contract with any other sponsor. A 360

school shall not be considered permanently closed because the 361
operations of the school have been suspended pursuant to section 362
3314.072 of the Revised Code." 363

Delete lines 2494 through 2520 364

After line 2520, insert: 365

"Sec. 3326.11. Each science, technology, engineering, and 366
mathematics school established under this chapter and its 367
governing body shall comply with sections 9.90, 9.91, 109.65, 368
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 369
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 370
3302.131, 3302.132, 3313.14, 3313.15, 3313.16, 3313.18, 371
3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 372
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 373
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 374
3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 375
3313.6029, 3313.6031, 3313.6032, 3313.6034, 3313.61, 3313.611, 376
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 377
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 378
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 379
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 380
3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.7118, 381
3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 382
3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 383
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 384
3319.2214, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 385
3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 386
3319.614, 3319.90, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 387
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 388
3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 389
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 390

117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 391
4141., and 4167. of the Revised Code as if it were a school 392
district." 393

After line 2525, insert: 394

"Section 4. The General Assembly, applying the principle 395
stated in division (B) of section 1.52 of the Revised Code that 396
amendments are to be harmonized if reasonably capable of 397
simultaneous operation, finds that the following sections, 398
presented in this act as composites of the sections as amended 399
by the acts indicated, are the resulting versions of the 400
sections in effect prior to the effective date of the sections 401
as presented in this act: 402

Section 3314.03 of the Revised Code as amended by both 403
H.B. 10 and H.B. 96 of the 136th General Assembly. 404

Section 3326.11 of the Revised Code as amended by both 405
H.B. 10 and H.B. 96 of the 136th General Assembly. " 406

The motion was _____ agreed to.

SYNOPSIS 407

LSC technical amendment 408

R.C. 3314.03 and 3326.11 409

Updates out-of-date Revised Code sections in the bill. 410