

As Reported by the House Education Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 2

**Representatives Dovilla, Roegner
Cosponsors: Representative Brenner**

A BILL

To amend sections 3301.52, 3301.53, 3301.541, 1
3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 2
3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3
3314.029, 3314.03, 3314.06, 3314.07, 3314.074, 4
3314.08, 3314.19, and 3314.23, to enact sections 5
3313.131, 3314.019, 3314.025, 3314.031, 6
3314.032, 3314.034, 3314.035, 3314.036, 7
3314.037, 3314.038, 3314.039, and 3314.46, and 8
to repeal section 3314.026 of the Revised Code 9
with regard to sponsorship and management of 10
community schools. 11

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

Section 1. That sections 3301.52, 3301.53, 3301.541, 12
3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3314.015, 13
3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3314.06, 14
3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 be amended and 15
sections 3313.131, 3314.019, 3314.025, 3314.031, 3314.032, 16
3314.034, 3314.035, 3314.036, 3314.037, 3314.038, 3314.039, and 17
3314.46 of the Revised Code be enacted to read as follows: 18

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 19

the Revised Code:	20
(A) "Preschool program" means either of the following:	21
(1) A child care program for preschool children that is	22
operated by a school district board of education or an eligible	23
nonpublic school.	24
(2) A child care program for preschool children age three	25
or older that is operated by a county DD board <u>or a community</u>	26
<u>school</u> .	27
(B) "Preschool child" or "child" means a child who has not	28
entered kindergarten and is not of compulsory school age.	29
(C) "Parent, guardian, or custodian" means the person or	30
government agency that is or will be responsible for a child's	31
school attendance under section 3321.01 of the Revised Code.	32
(D) "Superintendent" means the superintendent of a school	33
district or the chief administrative officer of <u>a community</u>	34
<u>school or an eligible nonpublic school</u> .	35
(E) "Director" means the director, head teacher,	36
elementary principal, or site administrator who is the	37
individual on site and responsible for supervision of a	38
preschool program.	39
(F) "Preschool staff member" means a preschool employee	40
whose primary responsibility is care, teaching, or supervision	41
of preschool children.	42
(G) "Nonteaching employee" means a preschool program or	43
school child program employee whose primary responsibilities are	44
duties other than care, teaching, and supervision of preschool	45
children or school children.	46

(H) "Eligible nonpublic school" means a nonpublic school 47
chartered as described in division (B) (8) of section 5104.02 of 48
the Revised Code or chartered by the state board of education 49
for any combination of grades one through twelve, regardless of 50
whether it also offers kindergarten. 51

(I) "County DD board" means a county board of 52
developmental disabilities. 53

(J) "School child program" means a child care program for 54
only school children that is operated by a school district board 55
of education, county DD board, community school, or eligible 56
nonpublic school. 57

(K) "School child" means a child who is enrolled in or is 58
eligible to be enrolled in a grade of kindergarten or above but 59
is less than fifteen years old. 60

(L) "School child program staff member" means an employee 61
whose primary responsibility is the care, teaching, or 62
supervision of children in a school child program. 63

(M) "Child care" means administering to the needs of 64
infants, toddlers, preschool children, and school children 65
outside of school hours by persons other than their parents or 66
guardians, custodians, or relatives by blood, marriage, or 67
adoption for any part of the twenty-four-hour day in a place or 68
residence other than a child's own home. 69

(N) "Child day-care center," "publicly funded child care," 70
and "school-age child care center" have the same meanings as in 71
section 5104.01 of the Revised Code. 72

(O) "Community school" means either of the following: 73

(1) A community school established under Chapter 3314. of 74

the Revised Code after the effective date of this amendment that 75
is sponsored by an entity that is rated "exemplary" under 76
section 3314.016 of the Revised Code; 77

(2) A community school established under Chapter 3314. of 78
the Revised Code that has received, on its most recent report 79
card, either of the following: 80

(a) If the school offers any of grade levels four through 81
twelve, a grade of "C" or better for the overall value-added 82
progress dimension under division (C) (1) (e) of section 3302.03 83
of the Revised Code and for the performance index score under 84
division (C) (1) (b) of section 3302.03 of the Revised Code; 85

(b) If the school does not offer a grade level higher than 86
three, a grade of "C" or better for making progress in improving 87
literacy in grades kindergarten through three under division (C) 88
(1) (g) of section 3302.03 of the Revised Code. 89

Sec. 3301.53. (A) The state board of education, in 90
consultation with the director of job and family services, shall 91
formulate and prescribe by rule adopted under Chapter 119. of 92
the Revised Code minimum standards to be applied to preschool 93
programs operated by school district boards of education, county 94
DD boards, community schools, or eligible nonpublic schools. The 95
rules shall include the following: 96

(1) Standards ensuring that the preschool program is 97
located in a safe and convenient facility that accommodates the 98
enrollment of the program, is of the quality to support the 99
growth and development of the children according to the program 100
objectives, and meets the requirements of section 3301.55 of the 101
Revised Code; 102

(2) Standards ensuring that supervision, discipline, and 103

programs will be administered according to established 104
objectives and procedures; 105

(3) Standards ensuring that preschool staff members and 106
nonteaching employees are recruited, employed, assigned, 107
evaluated, and provided inservice education without 108
discrimination on the basis of age, color, national origin, 109
race, or sex; and that preschool staff members and nonteaching 110
employees are assigned responsibilities in accordance with 111
written position descriptions commensurate with their training 112
and experience; 113

(4) A requirement that boards of education intending to 114
establish a preschool program demonstrate a need for a preschool 115
program prior to establishing the program; 116

(5) Requirements that children participating in preschool 117
programs have been immunized to the extent considered 118
appropriate by the state board to prevent the spread of 119
communicable disease; 120

(6) Requirements that the parents of preschool children 121
complete the emergency medical authorization form specified in 122
section 3313.712 of the Revised Code. 123

(B) The state board of education in consultation with the 124
director of job and family services shall ensure that the rules 125
adopted by the state board under sections 3301.52 to 3301.58 of 126
the Revised Code are consistent with and meet or exceed the 127
requirements of Chapter 5104. of the Revised Code with regard to 128
child day-care centers. The state board and the director of job 129
and family services shall review all such rules at least once 130
every five years. 131

(C) The state board of education, in consultation with the 132

director of job and family services, shall adopt rules for 133
school child programs that are consistent with and meet or 134
exceed the requirements of the rules adopted for school-age 135
child care centers under Chapter 5104. of the Revised Code. 136

Sec. 3301.541. (A) (1) The director, head teacher, 137
elementary principal, or site administrator of a preschool 138
program shall request the superintendent of the bureau of 139
criminal identification and investigation to conduct a criminal 140
records check with respect to any applicant who has applied to 141
the preschool program for employment as a person responsible for 142
the care, custody, or control of a child. If the applicant does 143
not present proof that the applicant has been a resident of this 144
state for the five-year period immediately prior to the date 145
upon which the criminal records check is requested or does not 146
provide evidence that within that five-year period the 147
superintendent has requested information about the applicant 148
from the federal bureau of investigation in a criminal records 149
check, the director, head teacher, or elementary principal shall 150
request that the superintendent obtain information from the 151
federal bureau of investigation as a part of the criminal 152
records check for the applicant. If the applicant presents proof 153
that the applicant has been a resident of this state for that 154
five-year period, the director, head teacher, or elementary 155
principal may request that the superintendent include 156
information from the federal bureau of investigation in the 157
criminal records check. 158

(2) Any director, head teacher, elementary principal, or 159
site administrator required by division (A) (1) of this section 160
to request a criminal records check shall provide to each 161
applicant a copy of the form prescribed pursuant to division (C) 162
(1) of section 109.572 of the Revised Code, provide to each 163

applicant a standard impression sheet to obtain fingerprint 164
impressions prescribed pursuant to division (C) (2) of section 165
109.572 of the Revised Code, obtain the completed form and 166
impression sheet from each applicant, and forward the completed 167
form and impression sheet to the superintendent of the bureau of 168
criminal identification and investigation at the time the person 169
requests a criminal records check pursuant to division (A) (1) of 170
this section. 171

(3) Any applicant who receives pursuant to division (A) (2) 172
of this section a copy of the form prescribed pursuant to 173
division (C) (1) of section 109.572 of the Revised Code and a 174
copy of an impression sheet prescribed pursuant to division (C) 175
(2) of that section and who is requested to complete the form 176
and provide a set of fingerprint impressions shall complete the 177
form or provide all the information necessary to complete the 178
form and provide the impression sheet with the impressions of 179
the applicant's fingerprints. If an applicant, upon request, 180
fails to provide the information necessary to complete the form 181
or fails to provide impressions of the applicant's fingerprints, 182
the preschool program shall not employ that applicant for any 183
position for which a criminal records check is required by 184
division (A) (1) of this section. 185

(B) (1) Except as provided in rules adopted by the 186
department of education in accordance with division (E) of this 187
section, no preschool program shall employ a person as a person 188
responsible for the care, custody, or control of a child if the 189
person previously has been convicted of or pleaded guilty to any 190
of the following: 191

(a) A violation of section 2903.01, 2903.02, 2903.03, 192
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 193

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 194
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 195
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 196
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 197
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 198
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 199
section 2905.04 of the Revised Code as it existed prior to July 200
1, 1996, a violation of section 2919.23 of the Revised Code that 201
would have been a violation of section 2905.04 of the Revised 202
Code as it existed prior to July 1, 1996, had the violation 203
occurred prior to that date, a violation of section 2925.11 of 204
the Revised Code that is not a minor drug possession offense, or 205
felonious sexual penetration in violation of former section 206
2907.12 of the Revised Code; 207

(b) A violation of an existing or former law of this 208
state, any other state, or the United States that is 209
substantially equivalent to any of the offenses or violations 210
described in division (B) (1) (a) of this section. 211

(2) A preschool program may employ an applicant 212
conditionally until the criminal records check required by this 213
section is completed and the preschool program receives the 214
results of the criminal records check. If the results of the 215
criminal records check indicate that, pursuant to division (B) 216
(1) of this section, the applicant does not qualify for 217
employment, the preschool program shall release the applicant 218
from employment. 219

(C) (1) Each preschool program shall pay to the bureau of 220
criminal identification and investigation the fee prescribed 221
pursuant to division (C) (3) of section 109.572 of the Revised 222
Code for each criminal records check conducted in accordance 223

with that section upon the request pursuant to division (A) (1) 224
of this section of the director, head teacher, elementary 225
principal, or site administrator of the preschool program. 226

(2) A preschool program may charge an applicant a fee for 227
the costs it incurs in obtaining a criminal records check under 228
this section. A fee charged under this division shall not exceed 229
the amount of fees the preschool program pays under division (C) 230
(1) of this section. If a fee is charged under this division, 231
the preschool program shall notify the applicant at the time of 232
the applicant's initial application for employment of the amount 233
of the fee and that, unless the fee is paid, the applicant will 234
not be considered for employment. 235

(D) The report of any criminal records check conducted by 236
the bureau of criminal identification and investigation in 237
accordance with section 109.572 of the Revised Code and pursuant 238
to a request under division (A) (1) of this section is not a 239
public record for the purposes of section 149.43 of the Revised 240
Code and shall not be made available to any person other than 241
the applicant who is the subject of the criminal records check 242
or the applicant's representative, the preschool program 243
requesting the criminal records check or its representative, and 244
any court, hearing officer, or other necessary individual in a 245
case dealing with the denial of employment to the applicant. 246

(E) The department of education shall adopt rules pursuant 247
to Chapter 119. of the Revised Code to implement this section, 248
including rules specifying circumstances under which a preschool 249
program may hire a person who has been convicted of an offense 250
listed in division (B) (1) of this section but who meets 251
standards in regard to rehabilitation set by the department. 252

(F) Any person required by division (A) (1) of this section 253

to request a criminal records check shall inform each person, at 254
the time of the person's initial application for employment, 255
that the person is required to provide a set of impressions of 256
the person's fingerprints and that a criminal records check is 257
required to be conducted and satisfactorily completed in 258
accordance with section 109.572 of the Revised Code if the 259
person comes under final consideration for appointment or 260
employment as a precondition to employment for that position. 261

(G) As used in this section: 262

(1) "Applicant" means a person who is under final 263
consideration for appointment or employment in a position with a 264
preschool program as a person responsible for the care, custody, 265
or control of a child, except that "applicant" does not include 266
a person already employed by a board of education, community 267
school, or chartered nonpublic school in a position of care, 268
custody, or control of a child who is under consideration for a 269
different position with such board or school. 270

(2) "Criminal records check" has the same meaning as in 271
section 109.572 of the Revised Code. 272

(3) "Minor drug possession offense" has the same meaning 273
as in section 2925.01 of the Revised Code. 274

(H) If the board of education of a local school district 275
adopts a resolution requesting the assistance of the educational 276
service center in which the local district has territory in 277
conducting criminal records checks of substitute teachers under 278
this section, the appointing or hiring officer of such 279
educational service center governing board shall serve for 280
purposes of this section as the appointing or hiring officer of 281
the local board in the case of hiring substitute teachers for 282

employment in the local district. 283

Sec. 3301.55. (A) A school district, county DD board, 284
community school, or eligible nonpublic school operating a 285
preschool program shall house the program in buildings that meet 286
the following requirements: 287

(1) The building is operated by the district, county DD 288
board, community school, or eligible nonpublic school and has 289
been approved by the division of industrial compliance in the 290
department of commerce or a certified municipal, township, or 291
county building department for the purpose of operating a 292
program for preschool children. Any such structure shall be 293
constructed, equipped, repaired, altered, and maintained in 294
accordance with applicable provisions of Chapters 3781. and 295
3791. and with rules adopted by the board of building standards 296
under Chapter 3781. of the Revised Code for the safety and 297
sanitation of structures erected for this purpose. 298

(2) The building is in compliance with fire and safety 299
laws and regulations as evidenced by reports of annual school 300
fire and safety inspections as conducted by appropriate local 301
authorities. 302

(3) The school is in compliance with rules established by 303
the state board of education regarding school food services. 304

(4) The facility includes not less than thirty-five square 305
feet of indoor space for each child in the program. Safe play 306
space, including both indoor and outdoor play space, totaling 307
not less than sixty square feet for each child using the space 308
at any one time, shall be regularly available and scheduled for 309
use. 310

(5) First aid facilities and space for temporary placement 311

or isolation of injured or ill children are provided. 312

(B) Each school district, county DD board, community 313
school, or eligible nonpublic school that operates, or proposes 314
to operate, a preschool program shall submit a building plan 315
including all information specified by the state board of 316
education to the board not later than the first day of September 317
of the school year in which the program is to be initiated. The 318
board shall determine whether the buildings meet the 319
requirements of this section and section 3301.53 of the Revised 320
Code, and notify the superintendent of its determination. If the 321
board determines, on the basis of the building plan or any other 322
information, that the buildings do not meet those requirements, 323
it shall cause the buildings to be inspected by the department 324
of education. The department shall make a report to the 325
superintendent specifying any aspects of the building that are 326
not in compliance with the requirements of this section and 327
section 3301.53 of the Revised Code and the time period that 328
will be allowed the district, county DD board, or school to meet 329
the requirements. 330

Sec. 3301.56. (A) The director, head teacher, elementary 331
principal, or site administrator who is on site and responsible 332
for supervision of each preschool program shall be responsible 333
for the following: 334

(1) Ensuring that the health and safety of the children 335
are safeguarded by an organized program of school health 336
services designed to identify child health problems and to 337
coordinate school and community health resources for children, 338
as evidenced by but not limited to: 339

(a) Requiring immunization and compliance with emergency 340
medical authorization requirements in accordance with rules 341

adopted by the state board of education under section 3301.53 of the Revised Code; 342
343

(b) Providing procedures for emergency situations, 344
including fire drills, rapid dismissals, tornado drills, and 345
school safety drills in accordance with section 3737.73 of the 346
Revised Code, and keeping records of such drills or dismissals; 347

(c) Posting emergency procedures in preschool rooms and 348
making them available to school personnel, children, and 349
parents; 350

(d) Posting emergency numbers by each telephone; 351

(e) Supervising grounds, play areas, and other facilities 352
when scheduled for use by children; 353

(f) Providing first-aid facilities and materials. 354

(2) Maintaining cumulative records for each child; 355

(3) Supervising each child's admission, placement, and 356
withdrawal according to established procedures; 357

(4) Preparing at least once annually for each group of 358
children in the program a roster of names and telephone numbers 359
of parents, guardians, and custodians of children in the group 360
and, on request, furnishing the roster for each group to the 361
parents, guardians, and custodians of children in that group. 362
The director may prepare a similar roster of all children in the 363
program and, on request, make it available to the parents, 364
guardians, and custodians, of children in the program. The 365
director shall not include in either roster the name or 366
telephone number of any parent, guardian, or custodian who 367
requests that the parent's, guardian's, or custodian's name or 368
number not be included, and shall not furnish any roster to any 369

person other than a parent, guardian, or custodian of a child in 370
the program. 371

(5) Ensuring that clerical and custodial services are 372
provided for the program; 373

(6) Supervising the instructional program and the daily 374
operation of the program; 375

(7) Supervising and evaluating preschool staff members 376
according to a planned sequence of observations and evaluation 377
conferences, and supervising nonteaching employees. 378

(B) (1) In each program the maximum number of children per 379
preschool staff member and the maximum group size by age 380
category of children shall be as follows: 381

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	382 383 384 385 386 387 388
12 months to less than 18 months	12	1:6	389
18 months to less than 30 months	14	1:7	390
30 months to less than 3 years	16	1:8	391
3-year-olds	24	1:12	392
4- and 5-year-olds not in school	28	1:14	393

(2) When age groups are combined, the maximum number of 394
children per preschool staff member shall be determined by the 395
age of the youngest child in the group, except that when no more 396
than one child thirty months of age or older receives child care 397
in a group in which all the other children are in the next older 398

age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children.

(C) In each building in which a preschool program is

operated there shall be on the premises, and readily available 428
at all times, at least one employee who has completed a course 429
in first aid and in the prevention, recognition, and management 430
of communicable diseases which is approved by the state 431
department of health, and an employee who has completed a course 432
in child abuse recognition and prevention. 433

(D) Any parent, guardian, or custodian of a child enrolled 434
in a preschool program shall be permitted unlimited access to 435
the school during its hours of operation to contact the 436
parent's, guardian's, or custodian's child, evaluate the care 437
provided by the program, or evaluate the premises, or for other 438
purposes approved by the director. Upon entering the premises, 439
the parent, guardian, or custodian shall report to the school 440
office. 441

Sec. 3301.57. (A) For the purpose of improving programs, 442
facilities, and implementation of the standards promulgated by 443
the state board of education under section 3301.53 of the 444
Revised Code, the state department of education shall provide 445
consultation and technical assistance to school districts, 446
county DD boards, community schools, and eligible nonpublic 447
schools operating preschool programs or school child programs, 448
and inservice training to preschool staff members, school child 449
program staff members, and nonteaching employees. 450

(B) The department and the school district board of 451
education, county DD board, community school, or eligible 452
nonpublic school shall jointly monitor each preschool program 453
and each school child program. 454

If the program receives any grant or other funding from 455
the state or federal government, the department annually shall 456
monitor all reports on attendance, financial support, and 457

expenditures according to provisions for use of the funds. 458

(C) The department of education, at least once during 459
every twelve-month period of operation of a preschool program or 460
a licensed school child program, shall inspect the program and 461
provide a written inspection report to the superintendent of the 462
school district, county DD board, community school, or eligible 463
nonpublic school. The department may inspect any program more 464
than once, as considered necessary by the department, during any 465
twelve-month period of operation. All inspections may be 466
unannounced. No person shall interfere with any inspection 467
conducted pursuant to this division or to the rules adopted 468
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 469

Upon receipt of any complaint that a preschool program or 470
a licensed school child program is out of compliance with the 471
requirements in sections 3301.52 to 3301.59 of the Revised Code 472
or the rules adopted under those sections, the department shall 473
investigate and may inspect the program. 474

(D) If a preschool program or a licensed school child 475
program is determined to be out of compliance with the 476
requirements of sections 3301.52 to 3301.59 of the Revised Code 477
or the rules adopted under those sections, the department of 478
education shall notify the appropriate superintendent, county DD 479
board, community school, or eligible nonpublic school in writing 480
regarding the nature of the violation, what must be done to 481
correct the violation, and by what date the correction must be 482
made. If the correction is not made by the date established by 483
the department, it may commence action under Chapter 119. of the 484
Revised Code to close the program or to revoke the license of 485
the program. If a program does not comply with an order to cease 486
operation issued in accordance with Chapter 119. of the Revised 487

Code, the department shall notify the attorney general, the 488
prosecuting attorney of the county in which the program is 489
located, or the city attorney, village solicitor, or other chief 490
legal officer of the municipal corporation in which the program 491
is located that the program is operating in violation of 492
sections 3301.52 to 3301.59 of the Revised Code or the rules 493
adopted under those sections and in violation of an order to 494
cease operation issued in accordance with Chapter 119. of the 495
Revised Code. Upon receipt of the notification, the attorney 496
general, prosecuting attorney, city attorney, village solicitor, 497
or other chief legal officer shall file a complaint in the court 498
of common pleas of the county in which the program is located 499
requesting the court to issue an order enjoining the program 500
from operating. The court shall grant the requested injunctive 501
relief upon a showing that the program named in the complaint is 502
operating in violation of sections 3301.52 to 3301.59 of the 503
Revised Code or the rules adopted under those sections and in 504
violation of an order to cease operation issued in accordance 505
with Chapter 119. of the Revised Code. 506

(E) The department of education shall prepare an annual 507
report on inspections conducted under this section. The report 508
shall include the number of inspections conducted, the number 509
and types of violations found, and the steps taken to address 510
the violations. The department shall file the report with the 511
governor, the president and minority leader of the senate, and 512
the speaker and minority leader of the house of representatives 513
on or before the first day of January of each year, beginning in 514
1999. 515

Sec. 3301.58. (A) The department of education is 516
responsible for the licensing of preschool programs and school 517
child programs and for the enforcement of sections 3301.52 to 518

3301.59 of the Revised Code and of any rules adopted under those 519
sections. No school district board of education, county DD 520
board, community school, or eligible nonpublic school shall 521
operate, establish, manage, conduct, or maintain a preschool 522
program without a license issued under this section. A school 523
district board of education, county DD board, community school, 524
or eligible nonpublic school may obtain a license under this 525
section for a school child program. The school district board of 526
education, county DD board, community school, or eligible 527
nonpublic school shall post the license for each preschool 528
program and licensed school child program it operates, 529
establishes, manages, conducts, or maintains in a conspicuous 530
place in the preschool program or licensed school child program 531
that is accessible to parents, custodians, or guardians and 532
employees and staff members of the program at all times when the 533
program is in operation. 534

(B) Any school district board of education, county DD 535
board, community school, or eligible nonpublic school that 536
desires to operate, establish, manage, conduct, or maintain a 537
preschool program shall apply to the department of education for 538
a license on a form that the department shall prescribe by rule. 539
Any school district board of education, county DD board, 540
community school, or eligible nonpublic school that desires to 541
obtain a license for a school child program shall apply to the 542
department for a license on a form that the department shall 543
prescribe by rule. The department shall provide at no charge to 544
each applicant for a license under this section a copy of the 545
requirements under sections 3301.52 to 3301.59 of the Revised 546
Code and any rules adopted under those sections. The department 547
may establish application fees by rule adopted under Chapter 548
119. of the Revised Code, and all applicants for a license shall 549

pay any fee established by the department at the time of making 550
an application for a license. All fees collected pursuant to 551
this section shall be paid into the state treasury to the credit 552
of the general revenue fund. 553

(C) Upon the filing of an application for a license, the 554
department of education shall investigate and inspect the 555
preschool program or school child program to determine the 556
license capacity for each age category of children of the 557
program and to determine whether the program complies with 558
sections 3301.52 to 3301.59 of the Revised Code and any rules 559
adopted under those sections. When, after investigation and 560
inspection, the department of education is satisfied that 561
sections 3301.52 to 3301.59 of the Revised Code and any rules 562
adopted under those sections are complied with by the applicant, 563
the department of education shall issue the program a 564
provisional license as soon as practicable in the form and 565
manner prescribed by the rules of the department. The 566
provisional license shall be valid for one year from the date of 567
issuance unless revoked. 568

(D) The department of education shall investigate and 569
inspect a preschool program or school child program that has 570
been issued a provisional license at least once during operation 571
under the provisional license. If, after the investigation and 572
inspection, the department of education determines that the 573
requirements of sections 3301.52 to 3301.59 of the Revised Code 574
and any rules adopted under those sections are met by the 575
provisional licensee, the department of education shall issue 576
the program a license. The license shall remain valid unless 577
revoked or the program ceases operations. 578

(E) The department of education annually shall investigate 579

and inspect each preschool program or school child program 580
licensed under division (D) of this section to determine if the 581
requirements of sections 3301.52 to 3301.59 of the Revised Code 582
and any rules adopted under those sections are met by the 583
program, and shall notify the program of the results. 584

(F) The license or provisional license shall state the 585
name of the school district board of education, county DD board, 586
community school, or eligible nonpublic school that operates the 587
preschool program or school child program and the license 588
capacity of the program. 589

(G) The department of education may revoke the license of 590
any preschool program or school child program that is not in 591
compliance with the requirements of sections 3301.52 to 3301.59 592
of the Revised Code and any rules adopted under those sections. 593

(H) If the department of education revokes a license, the 594
department shall not issue a license to the program within two 595
years from the date of the revocation. All actions of the 596
department with respect to licensing preschool programs and 597
school child programs shall be in accordance with Chapter 119. 598
of the Revised Code. 599

Sec. 3302.03. Annually, not later than the fifteenth day 600
of September or the preceding Friday when that day falls on a 601
Saturday or Sunday, the department of education shall assign a 602
letter grade for overall academic performance and for each 603
separate performance measure for each school district, and each 604
school building in a district, in accordance with this section. 605
The state board shall adopt rules pursuant to Chapter 119. of 606
the Revised Code to establish performance criteria for each 607
letter grade and prescribe a method by which the department 608
assigns each letter grade. For a school building to which any of 609

the performance measures do not apply, due to grade levels 610
served by the building, the state board shall designate the 611
performance measures that are applicable to the building and 612
that must be calculated separately and used to calculate the 613
building's overall grade. The department shall issue annual 614
report cards reflecting the performance of each school district, 615
each building within each district, and for the state as a whole 616
using the performance measures and letter grade system described 617
in this section. The department shall include on the report card 618
for each district and each building within each district the 619
most recent two-year trend data in student achievement for each 620
subject and each grade. 621

(A) (1) For the 2012-2013 school year, the department shall 622
issue grades as described in division (E) of this section for 623
each of the following performance measures: 624

(a) Annual measurable objectives; 625

(b) Performance index score for a school district or 626
building. Grades shall be awarded as a percentage of the total 627
possible points on the performance index system as adopted by 628
the state board. In adopting benchmarks for assigning letter 629
grades under division (A) (1) (b) of this section, the state board 630
of education shall designate ninety per cent or higher for an 631
"A," at least seventy per cent but not more than eighty per cent 632
for a "C," and less than fifty per cent for an "F." 633

(c) The extent to which the school district or building 634
meets each of the applicable performance indicators established 635
by the state board under section 3302.02 of the Revised Code and 636
the percentage of applicable performance indicators that have 637
been achieved. In adopting benchmarks for assigning letter 638
grades under division (A) (1) (c) of this section, the state board 639

shall designate ninety per cent or higher for an "A." 640

(d) The four- and five-year adjusted cohort graduation 641
rates. 642

In adopting benchmarks for assigning letter grades under 643
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 644
department shall designate a four-year adjusted cohort 645
graduation rate of ninety-three per cent or higher for an "A" 646
and a five-year cohort graduation rate of ninety-five per cent 647
or higher for an "A." 648

(e) The overall score under the value-added progress 649
dimension of a school district or building, for which the 650
department shall use up to three years of value-added data as 651
available. The letter grade assigned for this growth measure 652
shall be as follows: 653

(i) A score that is at least two standard errors of 654
measure above the mean score shall be designated as an "A." 655

(ii) A score that is at least one standard error of 656
measure but less than two standard errors of measure above the 657
mean score shall be designated as a "B." 658

(iii) A score that is less than one standard error of 659
measure above the mean score but greater than or equal to one 660
standard error of measure below the mean score shall be 661
designated as a "C." 662

(iv) A score that is not greater than one standard error 663
of measure below the mean score but is greater than or equal to 664
two standard errors of measure below the mean score shall be 665
designated as a "D." 666

(v) A score that is not greater than two standard errors 667

of measure below the mean score shall be designated as an "F." 668

Whenever the value-added progress dimension is used as a 669
graded performance measure, whether as an overall measure or as 670
a measure of separate subgroups, the grades for the measure 671
shall be calculated in the same manner as prescribed in division 672
(A) (1) (e) of this section. 673

(f) The value-added progress dimension score for a school 674
district or building disaggregated for each of the following 675
subgroups: students identified as gifted, students with 676
disabilities, and students whose performance places them in the 677
lowest quintile for achievement on a statewide basis. Each 678
subgroup shall be a separate graded measure. 679

(2) Not later than April 30, 2013, the state board of 680
education shall adopt a resolution describing the performance 681
measures, benchmarks, and grading system for the 2012-2013 682
school year and, not later than June 30, 2013, shall adopt rules 683
in accordance with Chapter 119. of the Revised Code that 684
prescribe the methods by which the performance measures under 685
division (A) (1) of this section shall be assessed and assigned a 686
letter grade, including performance benchmarks for each letter 687
grade. 688

At least forty-five days prior to the state board's 689
adoption of rules to prescribe the methods by which the 690
performance measures under division (A) (1) of this section shall 691
be assessed and assigned a letter grade, the department shall 692
conduct a public presentation before the standing committees of 693
the house of representatives and the senate that consider 694
education legislation describing such methods, including 695
performance benchmarks. 696

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year. 697
698

(B) (1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures: 699
700
701

(a) Annual measurable objectives; 702

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 703
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A." 711
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(d) The four- and five-year adjusted cohort graduation rates; 718
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(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 720
721
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following 724
725

subgroups: students identified as gifted in superior cognitive 726
ability and specific academic ability fields under Chapter 3324. 727
of the Revised Code, students with disabilities, and students 728
whose performance places them in the lowest quintile for 729
achievement on a statewide basis. Each subgroup shall be a 730
separate graded measure. 731

(g) Whether a school district or building is making 732
progress in improving literacy in grades kindergarten through 733
three, as determined using a method prescribed by the state 734
board. The state board shall adopt rules to prescribe benchmarks 735
and standards for assigning grades to districts and buildings 736
for purposes of division (B) (1) (g) of this section. In adopting 737
benchmarks for assigning letter grades under divisions (B) (1) (g) 738
and (C) (1) (g) of this section, the state board shall determine 739
progress made based on the reduction in the total percentage of 740
students scoring below grade level, or below proficient, 741
compared from year to year on the reading and writing diagnostic 742
assessments administered under section 3301.0715 of the Revised 743
Code and the third grade English language arts assessment under 744
section 3301.0710 of the Revised Code, as applicable. The state 745
board shall designate for a "C" grade a value that is not lower 746
than the statewide average value for this measure. No grade 747
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 748
section for a district or building in which less than five per 749
cent of students have scored below grade level on the diagnostic 750
assessment administered to students in kindergarten under 751
division (B) (1) of section 3313.608 of the Revised Code. 752

(h) For a high mobility school district or building, an 753
additional value-added progress dimension score. For this 754
measure, the department shall use value-added data from the most 755
recent school year available and shall use assessment scores for 756

only those students to whom the district or building has 757
administered the assessments prescribed by section 3301.0710 of 758
the Revised Code for each of the two most recent consecutive 759
school years. 760

As used in this division, "high mobility school district 761
or building" means a school district or building where at least 762
twenty-five per cent of its total enrollment is made up of 763
students who have attended that school district or building for 764
less than one year. 765

(2) In addition to the graded measures in division (B) (1) 766
of this section, the department shall include on a school 767
district's or building's report card all of the following 768
without an assigned letter grade: 769

(a) The percentage of students enrolled in a district or 770
building participating in advanced placement classes and the 771
percentage of those students who received a score of three or 772
better on advanced placement examinations; 773

(b) The number of a district's or building's students who 774
have earned at least three college credits through dual 775
enrollment or advanced standing programs, such as the post- 776
secondary enrollment options program under Chapter 3365. of the 777
Revised Code and state-approved career-technical courses offered 778
through dual enrollment or statewide articulation, that appear 779
on a student's transcript or other official document, either of 780
which is issued by the institution of higher education from 781
which the student earned the college credit. The credits earned 782
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 783
this section shall not include any that are remedial or 784
developmental and shall include those that count toward the 785
curriculum requirements established for completion of a degree. 786

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B) (1) (f) and (B) (1) (g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of

the house of representatives and the senate that consider 816
education legislation describing such methods, including 817
performance benchmarks. 818

(4) There shall not be an overall letter grade for a 819
school district or building for the 2013-2014 school year. 820

(C) (1) For the 2014-2015 school year and each school year 821
thereafter, the department shall issue grades as described in 822
division (E) of this section for each of the performance 823
measures prescribed in division (C) (1) of this section and an 824
overall letter grade based on an aggregate of those measures, 825
except for the performance measure set forth in division (C) (1) 826
(h) of this section. The graded measures are as follows: 827

(a) Annual measurable objectives; 828

(b) Performance index score for a school district or 829
building. Grades shall be awarded as a percentage of the total 830
possible points on the performance index system as created by 831
the department. In adopting benchmarks for assigning letter 832
grades under division (C) (1) (b) of this section, the state board 833
shall designate ninety per cent or higher for an "A," at least 834
seventy per cent but not more than eighty per cent for a "C," 835
and less than fifty per cent for an "F." 836

(c) The extent to which the school district or building 837
meets each of the applicable performance indicators established 838
by the state board under section 3302.03 of the Revised Code and 839
the percentage of applicable performance indicators that have 840
been achieved. In adopting benchmarks for assigning letter 841
grades under division (C) (1) (c) of this section, the state board 842
shall designate ninety per cent or higher for an "A." 843

(d) The four- and five-year adjusted cohort graduation 844

rates; 845

(e) The overall score under the value-added progress 846
dimension, or another measure of student academic progress if 847
adopted by the state board, of a school district or building, 848
for which the department shall use up to three years of value- 849
added data as available. 850

In adopting benchmarks for assigning letter grades for 851
overall score on value-added progress dimension under division 852
(C) (1) (e) of this section, the state board shall prohibit the 853
assigning of a grade of "A" for that measure unless the 854
district's or building's grade assigned for value-added progress 855
dimension for all subgroups under division (C) (1) (f) of this 856
section is a "B" or higher. 857

For the metric prescribed by division (C) (1) (e) of this 858
section, the state board may adopt a student academic progress 859
measure to be used instead of the value-added progress 860
dimension. If the state board adopts such a measure, it also 861
shall prescribe a method for assigning letter grades for the new 862
measure that is comparable to the method prescribed in division 863
(A) (1) (e) of this section. 864

(f) The value-added progress dimension score of a school 865
district or building disaggregated for each of the following 866
subgroups: students identified as gifted in superior cognitive 867
ability and specific academic ability fields under Chapter 3324. 868
of the Revised Code, students with disabilities, and students 869
whose performance places them in the lowest quintile for 870
achievement on a statewide basis, as determined by a method 871
prescribed by the state board. Each subgroup shall be a separate 872
graded measure. 873

The state board may adopt student academic progress 874
measures to be used instead of the value-added progress 875
dimension. If the state board adopts such measures, it also 876
shall prescribe a method for assigning letter grades for the new 877
measures that is comparable to the method prescribed in division 878
(A) (1) (e) of this section. 879

(g) Whether a school district or building is making 880
progress in improving literacy in grades kindergarten through 881
three, as determined using a method prescribed by the state 882
board. The state board shall adopt rules to prescribe benchmarks 883
and standards for assigning grades to a district or building for 884
purposes of division (C) (1) (g) of this section. The state board 885
shall designate for a "C" grade a value that is not lower than 886
the statewide average value for this measure. No grade shall be 887
issued under division (C) (1) (g) of this section for a district 888
or building in which less than five per cent of students have 889
scored below grade level on the kindergarten diagnostic 890
assessment under division (B) (1) of section 3313.608 of the 891
Revised Code. 892

(h) For a high mobility school district or building, an 893
additional value-added progress dimension score. For this 894
measure, the department shall use value-added data from the most 895
recent school year available and shall use assessment scores for 896
only those students to whom the district or building has 897
administered the assessments prescribed by section 3301.0710 of 898
the Revised Code for each of the two most recent consecutive 899
school years. 900

As used in this division, "high mobility school district 901
or building" means a school district or building where at least 902
twenty-five per cent of its total enrollment is made up of 903

students who have attended that school district or building for 904
less than one year. 905

(2) In addition to the graded measures in division (C) (1) 906
of this section, the department shall include on a school 907
district's or building's report card all of the following 908
without an assigned letter grade: 909

(a) The percentage of students enrolled in a district or 910
building who have taken a national standardized test used for 911
college admission determinations and the percentage of those 912
students who are determined to be remediation-free in accordance 913
with the standards adopted under division (F) of section 914
3345.061 of the Revised Code; 915

(b) The percentage of students enrolled in a district or 916
building participating in advanced placement classes and the 917
percentage of those students who received a score of three or 918
better on advanced placement examinations; 919

(c) The percentage of a district's or building's students 920
who have earned at least three college credits through advanced 921
standing programs, such as the college credit plus program under 922
Chapter 3365. of the Revised Code and state-approved career- 923
technical courses offered through dual enrollment or statewide 924
articulation, that appear on a student's college transcript 925
issued by the institution of higher education from which the 926
student earned the college credit. The credits earned that are 927
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 928
shall not include any that are remedial or developmental and 929
shall include those that count toward the curriculum 930
requirements established for completion of a degree. 931

(d) The percentage of the district's or building's 932

students who receive an honor's diploma under division (B) of	933
section 3313.61 of the Revised Code;	934
(e) The percentage of the district's or building's	935
students who receive industry-recognized credentials;	936
(f) The percentage of students enrolled in a district or	937
building who are participating in an international baccalaureate	938
program and the percentage of those students who receive a score	939
of four or better on the international baccalaureate	940
examinations;	941
(g) The results of the college and career-ready	942
assessments administered under division (B) (1) of section	943
3301.0712 of the Revised Code.	944
(3) The state board shall adopt rules pursuant to Chapter	945
119. of the Revised Code that establish a method to assign an	946
overall grade for a school district or school building for the	947
2014-2015 school year and each school year thereafter. The rules	948
shall group the performance measures in divisions (C) (1) and (2)	949
of this section into the following components:	950
(a) Gap closing, which shall include the performance	951
measure in division (C) (1) (a) of this section;	952
(b) Achievement, which shall include the performance	953
measures in divisions (C) (1) (b) and (c) of this section;	954
(c) Progress, which shall include the performance measures	955
in divisions (C) (1) (e) and (f) of this section;	956
(d) Graduation, which shall include the performance	957
measure in division (C) (1) (d) of this section;	958
(e) Kindergarten through third-grade literacy, which shall	959
include the performance measure in division (C) (1) (g) of this	960

section; 961

(f) Prepared for success, which shall include the 962
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 963
and (f) of this section. The state board shall develop a method 964
to determine a grade for the component in division (C) (3) (f) of 965
this section using the performance measures in divisions (C) (2) 966
(a), (b), (c), (d), (e), and (f) of this section. When 967
available, the state board may incorporate the performance 968
measure under division (C) (2) (g) of this section into the 969
component under division (C) (3) (f) of this section. When 970
determining the overall grade for the prepared for success 971
component prescribed by division (C) (3) (f) of this section, no 972
individual student shall be counted in more than one performance 973
measure. However, if a student qualifies for more than one 974
performance measure in the component, the state board may, in 975
its method to determine a grade for the component, specify an 976
additional weight for such a student that is not greater than or 977
equal to 1.0. In determining the overall score under division 978
(C) (3) (f) of this section, the state board shall ensure that the 979
pool of students included in the performance measures aggregated 980
under that division are all of the students included in the 981
four- and five-year adjusted graduation cohort. 982

In the rules adopted under division (C) (3) of this 983
section, the state board shall adopt a method for determining a 984
grade for each component in divisions (C) (3) (a) to (f) of this 985
section. The state board also shall establish a method to assign 986
an overall grade of "A," "B," "C," "D," or "F" using the grades 987
assigned for each component. The method the state board adopts 988
for assigning an overall grade shall give equal weight to the 989
components in divisions (C) (3) (b) and (c) of this section. 990

At least forty-five days prior to the state board's 991
adoption of rules to prescribe the methods for calculating the 992
overall grade for the report card, as required by this division, 993
the department shall conduct a public presentation before the 994
standing committees of the house of representatives and the 995
senate that consider education legislation describing the format 996
for the report card, weights that will be assigned to the 997
components of the overall grade, and the method for calculating 998
the overall grade. 999

(D) Not later than July 1, 2015, the state board shall 1000
develop a measure of student academic progress for high school 1001
students using only data from assessments in English language 1002
arts and mathematics. For the 2014-2015 school year, the 1003
department shall include this measure on a school district or 1004
building's report card, as applicable, without an assigned 1005
letter grade. Beginning with the report card for the 2015-2016 1006
school year, each school district and applicable school building 1007
shall be assigned a separate letter grade for this measure and 1008
the district's or building's grade for that measure shall be 1009
included in determining the district's or building's overall 1010
letter grade. This measure shall be included within the measure 1011
prescribed in division (C) (3) (c) of this section in the 1012
calculation for the overall letter grade. 1013

(E) The letter grades assigned to a school district or 1014
building under this section shall be as follows: 1015

(1) "A" for a district or school making excellent 1016
progress; 1017

(2) "B" for a district or school making above average 1018
progress; 1019

(3) "C" for a district or school making average progress;	1020
(4) "D" for a district or school making below average progress;	1021 1022
(5) "F" for a district or school failing to meet minimum progress.	1023 1024
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1025 1026 1027
(1) Performance of students by grade-level;	1028
(2) Performance of students by race and ethnic group;	1029
(3) Performance of students by gender;	1030
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1031 1032
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1033 1034 1035
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1036 1037
(7) Performance of students grouped by those who are economically disadvantaged;	1038 1039
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1040 1041 1042
(9) Performance of students grouped by those who are classified as limited English proficient;	1043 1044
(10) Performance of students grouped by those who have	1045

disabilities; 1046

(11) Performance of students grouped by those who are 1047
classified as migrants; 1048

(12) Performance of students grouped by those who are 1049
identified as gifted in superior cognitive ability and the 1050
specific academic ability fields of reading and math pursuant to 1051
Chapter 3324. of the Revised Code. In disaggregating specific 1052
academic ability fields for gifted students, the department 1053
shall use data for those students with specific academic ability 1054
in math and reading. If any other academic field is assessed, 1055
the department shall also include data for students with 1056
specific academic ability in that field as well. 1057

(13) Performance of students grouped by those who perform 1058
in the lowest quintile for achievement on a statewide basis, as 1059
determined by a method prescribed by the state board. 1060

The department may disaggregate data on student 1061
performance according to other categories that the department 1062
determines are appropriate. To the extent possible, the 1063
department shall disaggregate data on student performance 1064
according to any combinations of two or more of the categories 1065
listed in divisions (F) (1) to (13) of this section that it deems 1066
relevant. 1067

In reporting data pursuant to division (F) of this 1068
section, the department shall not include in the report cards 1069
any data statistical in nature that is statistically unreliable 1070
or that could result in the identification of individual 1071
students. For this purpose, the department shall not report 1072
student performance data for any group identified in division 1073
(F) of this section that contains less than ten students. If the 1074

department does not report student performance data for a group 1075
because it contains less than ten students, the department shall 1076
indicate on the report card that is why data was not reported. 1077

(G) The department may include with the report cards any 1078
additional education and fiscal performance data it deems 1079
valuable. 1080

(H) The department shall include on each report card a 1081
list of additional information collected by the department that 1082
is available regarding the district or building for which the 1083
report card is issued. When available, such additional 1084
information shall include student mobility data disaggregated by 1085
race and socioeconomic status, college enrollment data, and the 1086
reports prepared under section 3302.031 of the Revised Code. 1087

The department shall maintain a site on the world wide 1088
web. The report card shall include the address of the site and 1089
shall specify that such additional information is available to 1090
the public at that site. The department shall also provide a 1091
copy of each item on the list to the superintendent of each 1092
school district. The district superintendent shall provide a 1093
copy of any item on the list to anyone who requests it. 1094

(I) ~~Division~~ Until July 1, 2016, division (I) of this 1095
section does not apply to conversion community schools that 1096
primarily enroll students between sixteen and twenty-two years 1097
of age who dropped out of high school or are at risk of dropping 1098
out of high school due to poor attendance, disciplinary 1099
problems, or suspensions. On and after July 1, 2016, division 1100
(I) of this section shall apply to such schools. 1101

(1) For any district that sponsors a conversion community 1102
school under Chapter 3314. of the Revised Code, the department 1103

shall combine data regarding the academic performance of 1104
students enrolled in the community school with comparable data 1105
from the schools of the district for the purpose of determining 1106
the performance of the district as a whole on the report card 1107
issued for the district under this section or section 3302.033 1108
of the Revised Code. For purposes of division (I)(1) of this 1109
section, the department shall use student academic performance 1110
data only of those students enrolled in the community school who 1111
are entitled to attend school in that district under section 1112
3313.64 or 3313.65 of the Revised Code. 1113

(2) Any district that leases a building to a community 1114
school located in the district or that enters into an agreement 1115
with a community school located in the district whereby the 1116
district and the school endorse each other's programs may elect 1117
to have data regarding the academic performance of students 1118
enrolled in the community school combined with comparable data 1119
from the schools of the district for the purpose of determining 1120
the performance of the district as a whole on the district 1121
report card. Any district that so elects shall annually file a 1122
copy of the lease or agreement with the department. 1123

(3) Any municipal school district, as defined in section 1124
3311.71 of the Revised Code, that sponsors a community school 1125
located within the district's territory, or that enters into an 1126
agreement with a community school located within the district's 1127
territory whereby the district and the community school endorse 1128
each other's programs, may exercise either or both of the 1129
following elections: 1130

(a) To have data regarding the academic performance of 1131
students enrolled in that community school combined with 1132
comparable data from the schools of the district for the purpose 1133

of determining the performance of the district as a whole on the 1134
district's report card; 1135

(b) To have the number of students attending that 1136
community school noted separately on the district's report card. 1137

The election authorized under division (I) (3) (a) of this 1138
section is subject to approval by the governing authority of the 1139
community school. 1140

Any municipal school district that exercises an election 1141
to combine or include data under division (I) (3) of this 1142
section, by the first day of October of each year, shall file 1143
with the department documentation indicating eligibility for 1144
that election, as required by the department. 1145

(J) The department shall include on each report card the 1146
percentage of teachers in the district or building who are 1147
highly qualified, as defined by the No Child Left Behind Act of 1148
2001, and a comparison of that percentage with the percentages 1149
of such teachers in similar districts and buildings. 1150

(K) (1) In calculating English language arts, mathematics, 1151
social studies, or science assessment passage rates used to 1152
determine school district or building performance under this 1153
section, the department shall include all students taking an 1154
assessment with accommodation or to whom an alternate assessment 1155
is administered pursuant to division (C) (1) or (3) of section 1156
3301.0711 of the Revised Code. 1157

(2) In calculating performance index scores, rates of 1158
achievement on the performance indicators established by the 1159
state board under section 3302.02 of the Revised Code, and 1160
annual measurable objectives for determining adequate yearly 1161
progress for school districts and buildings under this section, 1162

the department shall do all of the following: 1163

(a) Include for each district or building only those 1164
students who are included in the ADM certified for the first 1165
full school week of October and are continuously enrolled in the 1166
district or building through the time of the spring 1167
administration of any assessment prescribed by division (A) (1) 1168
or (B) (1) of section 3301.0710 or division (B) of section 1169
3301.0712 of the Revised Code that is administered to the 1170
student's grade level; 1171

(b) Include cumulative totals from both the fall and 1172
spring administrations of the third grade English language arts 1173
achievement assessment; 1174

(c) Except as required by the No Child Left Behind Act of 1175
2001, exclude for each district or building any limited English 1176
proficient student who has been enrolled in United States 1177
schools for less than one full school year. 1178

(L) Beginning with the 2015-2016 school year and at least 1179
once every three years thereafter, the state board of education 1180
shall review and may adjust the benchmarks for assigning letter 1181
grades to the performance measures and components prescribed 1182
under divisions (C) (3) and (D) of this section. 1183

Sec. 3313.131. No person who is a member of the governing 1184
authority of a community school established under Chapter 3314. 1185
of the Revised Code shall be a member of a board of education. 1186

Sec. 3314.011. (A) Every community school established 1187
under this chapter shall have a designated fiscal officer. 1188
Except as provided for in division (C) of this section, the 1189
fiscal officer shall be employed by or engaged under a contract 1190
with the governing authority of the community school. The 1191

auditor of state may require by rule that the fiscal officer of 1192
any community school, before entering upon duties as fiscal 1193
officer of the school, execute a bond in an amount and with 1194
surety to be approved by the governing authority of the school, 1195
payable to the state, conditioned for the faithful performance 1196
of all the official duties required of the fiscal officer. Any 1197
such bond shall be deposited with the governing authority of the 1198
school, and a copy thereof, certified by the governing 1199
authority, shall be filed with the county auditor. 1200

(B) Prior to assuming the duties of fiscal officer, the 1201
fiscal officer designated under this section shall be licensed 1202
under section 3301.074 of the Revised Code. Any person serving 1203
as a fiscal officer of a community school ~~on the effective date~~ 1204
~~of this amendment~~ March 22, 2013, who is not licensed as a 1205
treasurer shall be permitted to serve as a fiscal officer for 1206
not more than one year following ~~the effective date of this~~ 1207
~~amendment~~ March 22, 2013. Beginning on that date and thereafter, 1208
no community school shall permit any individual to serve as a 1209
fiscal officer without a license as required by this section. 1210

(C) (1) The governing authority of a community school may 1211
adopt a resolution waiving the requirement that the governing 1212
authority is the party responsible to employ or contract with 1213
the designated fiscal officer, as prescribed by division (A) of 1214
this section, so long as the school's sponsor also approves the 1215
resolution. The resolution shall be valid for one year. A new 1216
resolution shall be adopted for each year that the governing 1217
authority wishes to waive this requirement, so long as the 1218
school's sponsor also approves the resolution. 1219

No resolution adopted pursuant to this division may waive 1220
the requirement for a community school to have a designated 1221

<u>fiscal officer.</u>	1222
<u>(2) If the governing authority adopts a resolution</u>	1223
<u>pursuant to division (C) (1) of this section, the school's</u>	1224
<u>designated fiscal officer annually shall meet with the governing</u>	1225
<u>authority to review the school's financial status.</u>	1226
<u>(3) The governing authority shall submit to the department</u>	1227
<u>of education a copy of each resolution adopted pursuant to</u>	1228
<u>division (C) (1) of this section.</u>	1229
Sec. 3314.015. (A) The department of education shall be	1230
responsible for the oversight of any and all sponsors of the	1231
community schools established under this chapter and shall	1232
provide technical assistance to schools and sponsors in their	1233
compliance with applicable laws and the terms of the contracts	1234
entered into under section 3314.03 of the Revised Code and in	1235
the development and start-up activities of those schools. In	1236
carrying out its duties under this section, the department shall	1237
do all of the following:	1238
(1) In providing technical assistance to proposing	1239
parties, governing authorities, and sponsors, conduct training	1240
sessions and distribute informational materials;	1241
(2) Approve entities to be sponsors of community schools;	1242
(3) Monitor and evaluate, as required under section	1243
3314.016 of the Revised Code, the effectiveness of any and all	1244
sponsors in their oversight of the schools with which they have	1245
contracted;	1246
(4) By December thirty-first of each year, issue a report	1247
to the governor, the speaker of the house of representatives,	1248
the president of the senate, and the chairpersons of the house	1249
and senate committees principally responsible for education	1250

matters regarding the effectiveness of academic programs, 1251
operations, and legal compliance and of the financial condition 1252
of all community schools established under this chapter and on 1253
the performance of community school sponsors; 1254

(5) From time to time, make legislative recommendations to 1255
the general assembly designed to enhance the operation and 1256
performance of community schools. 1257

(B) (1) Except as provided in sections 3314.021 and 1258
3314.027 of the Revised Code, no entity listed in division (C) 1259
(1) of section 3314.02 of the Revised Code shall enter into a 1260
preliminary agreement under division (C) (2) of section 3314.02 1261
of the Revised Code until it has received approval from the 1262
department of education to sponsor community schools under this 1263
chapter and has entered into a written agreement with the 1264
department regarding the manner in which the entity will conduct 1265
such sponsorship. 1266

The initial term of a sponsor's agreement with the 1267
department shall be for up to seven years. For every year that 1268
the sponsor satisfies the conditions of division (B) (1) (a) or 1269
(b) of this section, as applicable, the department shall add one 1270
year to the agreement term, subject to divisions (C) and (F) of 1271
this section, unless the sponsor notifies the department that it 1272
does not wish to have the term of the agreement so extended. 1273

To qualify for the extension of the term of the sponsor's 1274
agreement, the sponsor shall satisfy one of the following, as 1275
applicable: 1276

(a) Prior to January 1, 2015, the sponsor is not in the 1277
lowest twenty per cent of sponsors statewide according to the 1278
composite performance index score as ranked under section 1279

3314.016 of the Revised Code, as that section exists prior to 1280
that date, and the sponsor continues to meet all the 1281
requirements of this chapter pertaining to community school 1282
sponsors. 1283

(b) On or after January 1, 2015, the sponsor is rated as 1284
"exemplary" or "effective" under section 3314.016 of the Revised 1285
Code, as that section exists on and after that date, and the 1286
sponsor continues to meet all the requirements of this chapter 1287
pertaining to community school sponsors. 1288

Notwithstanding anything to the contrary in this section, 1289
the department may add additional years to any renewal 1290
agreement, not to exceed a total of twelve years, subject to 1291
divisions (C) and (F) of this section, if, on or after the 1292
effective date of this amendment, the sponsor is rated as 1293
"exemplary" under section 3314.016 of the Revised Code, and the 1294
sponsor continues to meet all the requirements of this chapter. 1295

The department shall adopt in accordance with Chapter 119. 1296
of the Revised Code rules containing criteria, procedures, and 1297
deadlines for processing applications for approval of sponsors, 1298
for oversight of sponsors, for notifying a sponsor of 1299
noncompliance with applicable laws and administrative rules 1300
under division (F) of this section, for revocation of the 1301
approval of sponsors under division (C) of this section, and for 1302
entering into written agreements with sponsors. The rules shall 1303
require an entity to submit evidence of the entity's ability and 1304
willingness to comply with the provisions of division (D) of 1305
section 3314.03 of the Revised Code. The rules also shall 1306
require entities approved as sponsors on and after June 30, 1307
2005, to demonstrate a record of financial responsibility and 1308
successful implementation of educational programs. If an entity 1309

seeking approval on or after June 30, 2005, to sponsor community 1310
schools in this state sponsors or operates schools in another 1311
state, at least one of the schools sponsored or operated by the 1312
entity must be comparable to or better than the performance of 1313
Ohio schools in need of continuous improvement under section 1314
3302.03 of the Revised Code, as determined by the department. 1315

Subject to section 3314.016 of the Revised Code, an entity 1316
that sponsors community schools may enter into preliminary 1317
agreements and sponsor up to one hundred schools, provided each 1318
school and the contract for sponsorship meets the requirements 1319
of this chapter. 1320

(2) The state board of education shall determine, pursuant 1321
to criteria specified in rules adopted in accordance with 1322
Chapter 119. of the Revised Code, whether the mission proposed 1323
to be specified in the contract of a community school to be 1324
sponsored by a state university board of trustees or the board's 1325
designee under division (C)(1)(e) of section 3314.02 of the 1326
Revised Code complies with the requirements of that division. 1327
Such determination of the state board is final. 1328

(3) The state board of education shall determine, pursuant 1329
to criteria specified in rules adopted in accordance with 1330
Chapter 119. of the Revised Code, if any tax-exempt entity under 1331
section 501(c)(3) of the Internal Revenue Code that is proposed 1332
to be a sponsor of a community school is an education-oriented 1333
entity for purpose of satisfying the condition prescribed in 1334
division (C)(1)(f)(iii) of section 3314.02 of the Revised Code. 1335
Such determination of the state board is final. 1336

(C) If at any time the state board of education finds that 1337
a sponsor is not in compliance or is no longer willing to comply 1338
with its contract with any community school or with the 1339

department's rules for sponsorship, the state board or designee 1340
shall conduct a hearing in accordance with Chapter 119. of the 1341
Revised Code on that matter. If after the hearing, the state 1342
board or designee has confirmed the original finding, the 1343
department of education may revoke the sponsor's approval to 1344
sponsor community schools. In that case, the department's office 1345
of Ohio school sponsorship, established under section 3314.029 1346
of the Revised Code, may assume the sponsorship of any schools 1347
with which the sponsor has contracted until the earlier of the 1348
expiration of two school years or until a new sponsor as 1349
described in division (C) (1) of section 3314.02 of the Revised 1350
Code is secured by the school's governing authority. The office 1351
of Ohio school sponsorship may extend the term of the contract 1352
in the case of a school for which it has assumed sponsorship 1353
under this division as necessary to accommodate the term of the 1354
department's authorization to sponsor the school specified in 1355
this division. Community schools sponsored under this division 1356
shall not apply to the limit on directly authorized community 1357
schools under division (A) (3) of section 3314.029 of the Revised 1358
Code. However, nothing in this division shall preclude a 1359
community school affected by this division from applying for 1360
sponsorship under that section. 1361

(D) The decision of the department to disapprove an entity 1362
for sponsorship of a community school or to revoke approval for 1363
such sponsorship under division (C) of this section, may be 1364
appealed by the entity in accordance with section 119.12 of the 1365
Revised Code. 1366

(E) The department shall adopt procedures for use by a 1367
community school governing authority and sponsor when the school 1368
permanently closes and ceases operation, which shall include at 1369
least procedures for data reporting to the department, handling 1370

of student records, distribution of assets in accordance with 1371
section 3314.074 of the Revised Code, and other matters related 1372
to ceasing operation of the school. 1373

(F) (1) In lieu of revoking a sponsor's authority to 1374
sponsor community schools under division (C) of this section, if 1375
the department finds that a sponsor is not in compliance with 1376
applicable laws and administrative rules, the department shall 1377
declare in a written notice to the sponsor the specific laws or 1378
rules, or both, for which the sponsor is noncompliant. A sponsor 1379
notified under division (F) (1) of this section shall respond to 1380
the department not later than fourteen days after the 1381
notification with a proposed plan to remedy the conditions for 1382
which the sponsor was found to be noncompliant. The department 1383
shall approve or disapprove the plan not later than fourteen 1384
days after receiving it. If the plan is disapproved, the sponsor 1385
may submit a revised plan to the department not later than 1386
fourteen days after receiving notification of disapproval from 1387
the department or not later than sixty days after the date the 1388
sponsor received notification of noncompliance from the 1389
department, whichever is earlier. The department shall approve 1390
or disapprove the revised plan not later than fourteen days 1391
after receiving it or not later than sixty days after the date 1392
the sponsor received notification of noncompliance from the 1393
department, whichever is earlier. A sponsor may continue to make 1394
revisions by the deadlines prescribed in division (F) (1) of this 1395
section to any revised plan that is disapproved by the 1396
department until the sixtieth day after the date the sponsor 1397
received notification of noncompliance from the department. 1398

If a plan or a revised plan is approved, the sponsor shall 1399
implement it not later than sixty days after the date the 1400
sponsor received notification of noncompliance from the 1401

department or not later than thirty days after the plan is approved, whichever is later. If a sponsor does not respond to the department or implement an approved compliance plan by the deadlines prescribed by division (F) (1) of this section, or if a sponsor does not receive approval of a compliance plan on or before the sixtieth day after the date the sponsor received notification of noncompliance from the department, the department shall declare in written notice to the sponsor that the sponsor is in probationary status, and may limit the sponsor's ability to sponsor additional schools.

(2) A sponsor that has been placed on probationary status under division (F) (1) of this section may apply to the department for its probationary status to be lifted. The application for a sponsor's probationary status to be lifted shall include evidence, occurring after the initial notification of noncompliance, of the sponsor's compliance with applicable laws and administrative rules. Not later than fourteen days after receiving an application from the sponsor, the department shall decide whether or not to remove the sponsor's probationary status.

(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

(H) This section applies to entities that sponsor conversion community schools and new start-up schools.

Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions

(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 1432
office of Ohio school sponsorship established under section 1433
3314.029 of the Revised Code shall be rated under division (B)
of this section, but divisions (A) and (C) of this section do 1434
not apply to the office. 1435
1436

(A) An entity that sponsors a community school shall be 1437
permitted to enter into contracts under section 3314.03 of the 1438
Revised Code to sponsor additional community schools only if the 1439
entity meets both of the following criteria: 1440

(1) The entity is in compliance with all provisions of 1441
this chapter requiring sponsors of community schools to report 1442
data or information to the department of education. 1443

(2) The entity is not rated as "ineffective" under 1444
division (B) (6) of this section. 1445

(B) (1) For purposes of this section, the department shall 1446
develop and implement an evaluation system that rates each 1447
entity that sponsors a community school based on the following 1448
components: 1449

(a) Academic performance of students enrolled in community 1450
schools sponsored by the same entity; 1451

(b) Adherence by a sponsor to the quality practices 1452
prescribed by the department under division (B) (3) of this 1453
section. The department shall not include this measure in the 1454
sponsor evaluation rating system until the department prescribes 1455
quality practices and develops an instrument to measure 1456
adherence to those practices under division (B) (3) of this 1457
section. 1458

(c) Compliance with applicable laws and administrative 1459
rules by an entity that sponsors a community school. 1460

(2) In calculating an academic performance component, the department shall exclude all of the following:

(a) All community schools that have been in operation for not more than two full school years;

(b) All community schools described in division (A) (4) (b) of section 3314.35 of the Revised Code.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4) (a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B) (3) of this section.

(b) The department shall require individuals participating in peer review under division (B) (4) (a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B) (1) (c) of this section.

(6) The department annually shall rate all entities that 1490
sponsor community schools as either "exemplary," "effective," or 1491
"ineffective," based on the components prescribed by division 1492
(B) of this section, where each component is weighted equally, 1493
except that entities sponsoring community schools for the first 1494
time may be assigned the rating of "emerging" for only the first 1495
two consecutive years. 1496

The department shall publish the ratings between the first 1497
day of October and the fifteenth day of October. 1498

(7) (a) Prior to the 2014-2015 school year, student 1499
academic performance prescribed under division (B) (1) (a) of this 1500
section shall not include student academic performance data from 1501
community schools that primarily serve students enrolled in a 1502
dropout prevention and recovery program as described in division 1503
(A) (4) (a) of section 3314.35 of the Revised Code. 1504

(b) For the 2014-2015 school year and each school year 1505
thereafter, student academic performance prescribed under 1506
division (B) (1) (a) of this section shall include student 1507
academic performance data from community schools that primarily 1508
serve students enrolled in a dropout prevention and recovery 1509
program. 1510

(C) If the governing authority of a community school 1511
enters into a contract with a sponsor prior to the date on which 1512
the sponsor is prohibited from sponsoring additional schools 1513
under division (A) of this section and the school has not opened 1514
for operation as of that date, that contract shall be void and 1515
the school shall not open until the governing authority secures 1516
a new sponsor by entering into a contract with the new sponsor 1517
under section 3314.03 of the Revised Code. However, the 1518
department's office of Ohio school sponsorship, established 1519

under section 3314.029 of the Revised Code, may assume the 1520
sponsorship of the school until the earlier of the expiration of 1521
two school years or until a new sponsor is secured by the 1522
school's governing authority. A community school sponsored by 1523
the department under this division shall not be included when 1524
calculating the maximum number of directly authorized community 1525
schools permitted under division (A) (3) of section 3314.029 of 1526
the Revised Code. 1527

(D) (1) In addition to the incentives prescribed under 1528
division (D) (2) of this section, the department may establish 1529
incentives based upon the entity's overall rating. 1530

(2) Entities with an overall rating of "exemplary" may 1531
take advantage of the following incentives: 1532

(a) The ability to extend the term of the contract between 1533
the sponsoring entity and the community school beyond the term 1534
described in the written agreement with the department; 1535

(b) An exemption from the preliminary agreement and 1536
contract adoption and execution deadline requirements prescribed 1537
in division (D) of section 3314.02 of the Revised Code; 1538

(c) An exemption from the automatic contract expiration 1539
requirement, should a new community school fail to open by the 1540
thirtieth day of September of the calendar year in which the 1541
community school contract is executed. 1542

Sec. 3314.019. A community school's sponsor shall be the 1543
party responsible for communicating and meeting with the auditor 1544
of state regarding an audit of the school or the condition of 1545
financial and enrollment records of the school, regardless of 1546
whether the sponsor has entered into an agreement with another 1547
entity to perform all or part of the sponsor's oversight duties. 1548

Sec. 3314.02. (A) As used in this chapter:	1549
(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 either 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.	1550 1551 1552 1553 1554 1555 1556 1557 1558 1559
(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.	1560 1561 1562 1563
(3) "Challenged school district" means any of the following:	1564 1565
(a) A school district that is part of the pilot project area;	1566 1567
(b) A school district that meets one of the following conditions:	1568 1569
(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;	1570 1571 1572 1573
(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised	1574 1575 1576 1577

Code;	1578
(iii) For the 2015-2016 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section.	1579 1580 1581 1582 1583 1584 1585
(c) A big eight school district;	1586
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	1587 1588 1589
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	1590 1591
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	1592 1593 1594 1595
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	1596 1597 1598
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A) (17) of section 3314.03 of the Revised Code.	1599 1600 1601 1602 1603
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of	1604 1605

section 3317.02 of the Revised Code as that section existed 1606
prior to July 1, 1998. 1607

(7) "Internet- or computer-based community school" means a 1608
community school established under this chapter in which the 1609
enrolled students work primarily from their residences on 1610
assignments in nonclassroom-based learning opportunities 1611
provided via an internet- or other computer-based instructional 1612
method that does not rely on regular classroom instruction or 1613
via comprehensive instructional methods that include internet- 1614
based, other computer-based, and noncomputer-based learning 1615
opportunities. 1616

(8) "Operator" means either of the following: 1617

(a) An individual or organization that manages the daily 1618
operations of a community school pursuant to a contract between 1619
the operator and the school's governing authority; 1620

(b) A nonprofit organization that provides programmatic 1621
oversight and support to a community school under a contract 1622
with the school's governing authority and that retains the right 1623
to terminate its affiliation with the school if the school fails 1624
to meet the organization's quality standards. 1625

(9) "Alliance municipal school district" has the same 1626
meaning as in section 3311.86 of the Revised Code. 1627

(B)(1) Any person or group of individuals may initially 1628
propose under this division the conversion of all or a portion 1629
of a public school to a community school. The proposal shall be 1630
made to the board of education of the city, local, exempted 1631
village, or joint vocational school district in which the public 1632
school is proposed to be converted. 1633

(2) Any person or group of individuals may initially 1634

propose under this division the conversion of all or a portion 1635
of a building operated by an educational service center to a 1636
community school. The proposal shall be made to the governing 1637
board of the service center. 1638

A service center that proposes the establishment of a 1639
conversion community school located in a county within the 1640
territory of the service center or in a county contiguous to 1641
such county is exempt from approval from the department of 1642
education, except as provided under division (B)(4) of this 1643
section, and from the agreement required under division (B)(1) 1644
of section 3314.015 of the Revised Code. 1645

However, a service center that proposes the establishment 1646
of a conversion community school located in a county outside of 1647
the territory of the service center or a county contiguous to 1648
such county shall be subject to approval from the department of 1649
education and from the agreement required under that section. 1650

Division (B)(2) of this section does not apply to an 1651
educational service center that sponsors community schools and 1652
that is exempted under section 3314.021 or 3314.027 of the 1653
Revised Code from the requirement to be approved for sponsorship 1654
under divisions (A)(2) and (B)(1) of section 3314.015 of the 1655
Revised Code. 1656

(3) Upon receipt of a proposal, a board may enter into a 1657
preliminary agreement with the person or group proposing the 1658
conversion of the public school or service center building, 1659
indicating the intention of the board to support the conversion 1660
to a community school. A proposing person or group that has a 1661
preliminary agreement under this division may proceed to 1662
finalize plans for the school, establish a governing authority 1663
for the school, and negotiate a contract with the board. 1664

Provided the proposing person or group adheres to the 1665
preliminary agreement and all provisions of this chapter, the 1666
board shall negotiate in good faith to enter into a contract in 1667
accordance with section 3314.03 of the Revised Code and division 1668
(C) of this section. 1669

(4) The sponsor of a conversion community school proposed 1670
to open in an alliance municipal school district shall be 1671
subject to approval by the department of education for 1672
sponsorship of that school using the criteria established under 1673
division (A) of section 3311.87 of the Revised Code. 1674

Division (B) (4) of this section does not apply to a 1675
sponsor that is exempted under section 3314.021 or 3314.027 of 1676
the Revised Code from the requirement to be approved for 1677
sponsorship under divisions (A) (2) and (B) (1) of section 1678
3314.015 of the Revised Code. 1679

(C) (1) Any person or group of individuals may propose 1680
under this division the establishment of a new start-up school 1681
to be located in a challenged school district. The proposal may 1682
be made to any of the following entities: 1683

(a) The board of education of the district in which the 1684
school is proposed to be located; 1685

(b) The board of education of any joint vocational school 1686
district with territory in the county in which is located the 1687
majority of the territory of the district in which the school is 1688
proposed to be located; 1689

(c) The board of education of any other city, local, or 1690
exempted village school district having territory in the same 1691
county where the district in which the school is proposed to be 1692
located has the major portion of its territory; 1693

(d) The governing board of any educational service center, 1694
regardless of the location of the proposed school, may sponsor a 1695
new start-up school in any challenged school district in the 1696
state if all of the following are satisfied: 1697

(i) If applicable, it satisfies the requirements of 1698
division (E) of section 3311.86 of the Revised Code; 1699

(ii) It is approved to do so by the department; 1700

(iii) It enters into an agreement with the department 1701
under section 3314.015 of the Revised Code. 1702

(e) A sponsoring authority designated by the board of 1703
trustees of any of the thirteen state universities listed in 1704
section 3345.011 of the Revised Code or the board of trustees 1705
itself as long as a mission of the proposed school to be 1706
specified in the contract under division (A) (2) of section 1707
3314.03 of the Revised Code and as approved by the department 1708
under division (B) (2) of section 3314.015 of the Revised Code 1709
will be the practical demonstration of teaching methods, 1710
educational technology, or other teaching practices that are 1711
included in the curriculum of the university's teacher 1712
preparation program approved by the state board of education; 1713

(f) Any qualified tax-exempt entity under section 501(c) 1714
(3) of the Internal Revenue Code as long as all of the following 1715
conditions are satisfied: 1716

(i) The entity has been in operation for at least five 1717
years prior to applying to be a community school sponsor. 1718

(ii) The entity has assets of at least five hundred 1719
thousand dollars and a demonstrated record of financial 1720
responsibility. 1721

(iii) The department has determined that the entity is an education-oriented entity under division (B) (3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

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

(2) A preliminary agreement indicates the intention of an

entity described in division (C) (1) of this section to sponsor 1752
the community school. A proposing person or group that has such 1753
a preliminary agreement may proceed to finalize plans for the 1754
school, establish a governing authority as described in division 1755
(E) of this section for the school, and negotiate a contract 1756
with the entity. Provided the proposing person or group adheres 1757
to the preliminary agreement and all provisions of this chapter, 1758
the entity shall negotiate in good faith to enter into a 1759
contract in accordance with section 3314.03 of the Revised Code. 1760

(3) A new start-up school that is established in a school 1761
district described in either division (A) (3) (b) or (d) of this 1762
section may continue in existence once the school district no 1763
longer meets the conditions described in either division, 1764
provided there is a valid contract between the school and a 1765
sponsor. 1766

(4) A copy of every preliminary agreement entered into 1767
under this division shall be filed with the superintendent of 1768
public instruction. 1769

(D) A majority vote of the board of a sponsoring entity 1770
and a majority vote of the members of the governing authority of 1771
a community school shall be required to adopt a contract and 1772
convert the public school or educational service center building 1773
to a community school or establish the new start-up school. 1774
Beginning September 29, 2005, adoption of the contract shall 1775
occur not later than the fifteenth day of March, and signing of 1776
the contract shall occur not later than the fifteenth day of 1777
May, prior to the school year in which the school will open. The 1778
governing authority shall notify the department of education 1779
when the contract has been signed. Subject to sections 3314.013 1780
and 3314.016 of the Revised Code, an unlimited number of 1781

community schools may be established in any school district 1782
provided that a contract is entered into for each community 1783
school pursuant to this chapter. 1784

(E) (1) As used in this division, "immediate relatives" are 1785
limited to spouses, children, parents, grandparents, siblings, 1786
and in-laws. 1787

Each new start-up community school established under this 1788
chapter shall be under the direction of a governing authority 1789
which shall consist of a board of not less than five 1790
individuals. 1791

No person shall serve on the governing authority or 1792
operate the community school under contract with the governing 1793
authority so long as the person owes the state any money or is 1794
in a dispute over whether the person owes the state any money 1795
concerning the operation of a community school that has closed. 1796

(2) No person shall serve on the governing authorities of 1797
more than five start-up community schools at the same time. 1798

(3) No present or former member, or immediate relative of 1799
a present or former member, of the governing authority of any 1800
community school established under this chapter shall be an 1801
owner, employee, or consultant of any sponsor or operator of a 1802
community school, unless at least one year has elapsed since the 1803
conclusion of the person's membership. 1804

(4) The governing authority of a start-up community school 1805
may provide by resolution for the compensation of its members. 1806
However, no individual who serves on the governing authority of 1807
a start-up community school shall be compensated more than four 1808
hundred twenty-five dollars per meeting of that governing 1809
authority and no such individual shall be compensated more than 1810

a total amount of five thousand dollars per year for all 1811
governing authorities upon which the individual serves. 1812

(5) No person who is the employee of a school district or 1813
educational service center shall serve on the governing 1814
authority of any community school sponsored by that school 1815
district or service center. 1816

(6) Each member of the governing authority of a community 1817
school shall annually file a disclosure statement setting forth 1818
the names of any immediate relatives or business associates 1819
employed by any of the following within the previous three 1820
years: 1821

(a) The sponsor or operator of that community school; 1822

(b) A school district or educational service center that 1823
has contracted with that community school; 1824

(c) A vendor that is currently engaged in business or has 1825
previously engaged in business with that community school. 1826

(7) No person who is a member of a school district board 1827
of education shall serve on the governing authority of any 1828
community school. 1829

(8) Each sponsor of a community school shall annually 1830
verify that a finding for recovery has not been issued by the 1831
auditor of state against any member of the governing authority 1832
of that community school. 1833

(F) (1) A new start-up school that is established prior to 1834
August 15, 2003, in an urban school district that is not also a 1835
big-eight school district may continue to operate after that 1836
date and the contract between the school's governing authority 1837
and the school's sponsor may be renewed, as provided under this 1838

chapter, after that date, but no additional new start-up schools 1839
may be established in such a district unless the district is a 1840
challenged school district as defined in this section as it 1841
exists on and after that date. 1842

(2) A community school that was established prior to June 1843
29, 1999, and is located in a county contiguous to the pilot 1844
project area and in a school district that is not a challenged 1845
school district may continue to operate after that date, 1846
provided the school complies with all provisions of this 1847
chapter. The contract between the school's governing authority 1848
and the school's sponsor may be renewed, but no additional 1849
start-up community school may be established in that district 1850
unless the district is a challenged school district. 1851

(3) Any educational service center that, on June 30, 2007, 1852
sponsors a community school that is not located in a county 1853
within the territory of the service center or in a county 1854
contiguous to such county may continue to sponsor that community 1855
school on and after June 30, 2007, and may renew its contract 1856
with the school. However, the educational service center shall 1857
not enter into a contract with any additional community school, 1858
unless the school is located in a county within the territory of 1859
the service center or in a county contiguous to such county, or 1860
unless the governing board of the service center has entered 1861
into an agreement with the department authorizing the service 1862
center to sponsor a community school in any challenged school 1863
district in the state. 1864

Sec. 3314.023. In order to provide monitoring and 1865
technical assistance, a representative of the sponsor of a 1866
community school shall meet with the governing authority or 1867
fiscal officer of the school and shall review the financial and 1868

enrollment records of the school at least once every month. Not 1869
later than ten days after each review, the sponsor shall provide 1870
the governing authority and fiscal officer with a written report 1871
regarding the review. Copies of those financial and enrollment 1872
records shall be furnished to the community school sponsor and 1873
operator, members of the governing authority, and the fiscal 1874
officer designated in section 3314.011 of the Revised Code on a 1875
monthly basis. 1876

If a community school closes or is permanently closed, the 1877
designated fiscal officer shall deliver all financial and 1878
enrollment records to the school's sponsor within thirty days of 1879
the school's closure. If the fiscal officer fails to provide the 1880
records in a timely manner, the sponsor has the right of action 1881
against the fiscal officer to compel delivery of all financial 1882
and enrollment records of the school. 1883

Sec. 3314.025. (A) Each sponsor of a community school 1884
shall annually submit a report, using the format and manner 1885
prescribed by the state board of education as set forth in 1886
division (B) of this section, describing the amount and type of 1887
expenditures made to provide oversight and technical assistance 1888
to the community schools it sponsors. The report shall also be 1889
submitted to the operator of the community school. 1890

(B) Not later than ninety days after the effective date of 1891
this section, the state board of education shall establish 1892
requirements and a reporting procedure to aide each sponsor in 1893
complying with division (A) of this section. 1894

Sec. 3314.029. This section establishes the Ohio school 1895
sponsorship program. The department of education shall establish 1896
an office of Ohio school sponsorship to perform the department's 1897
duties prescribed by this section. 1898

(A) (1) Notwithstanding anything to the contrary in this 1899
chapter, any person, group of individuals, or entity may apply 1900
to the department for direct authorization to establish a 1901
community school and, upon approval of the application, may 1902
establish the school. Notwithstanding anything to the contrary 1903
in this chapter, the governing authority of an existing 1904
community school, upon the expiration or termination of its 1905
contract with the school's sponsor entered into under section 1906
3314.03 of the Revised Code, may apply to the department for 1907
direct authorization to continue operating the school and, upon 1908
approval of the application, may continue to operate the school. 1909
The department may establish a format and deadlines for an 1910
application. 1911

Each application submitted to the department shall include 1912
the following: 1913

(a) Evidence that the applicant will be able to comply 1914
with division (C) of this section; 1915

(b) A statement indicating that the applicant agrees to 1916
comply with all applicable provisions of this chapter, including 1917
the requirement to be established as a nonprofit corporation or 1918
public benefit corporation in accordance with division (A) (1) of 1919
section 3314.03 of the Revised Code; 1920

(c) A statement attesting that no unresolved finding of 1921
recovery has been issued by the auditor of state against any 1922
person, group of individuals, or entity that is a party to the 1923
application and that no person who is party to the application 1924
has been a member of the governing authority of any community 1925
school that has permanently closed and against which an 1926
unresolved finding of recovery has been issued by the auditor of 1927
state. In the case of an application submitted by the governing 1928

authority of an existing community school, a person who is party 1929
to the application shall include each individual member of that 1930
governing authority. 1931

(d) A statement that the school will be nonsectarian in 1932
its programs, admission policies, employment practices, and all 1933
other operations, and will not be operated by a sectarian school 1934
or religious institution; 1935

(e) A statement of whether the school is to be created by 1936
converting all or part of an existing public school or 1937
educational service center building or is to be a new start-up 1938
school. If it is a converted public school or service center 1939
building, the statement shall include a specification of any 1940
duties or responsibilities of an employer that the board of 1941
education or service center governing board that operated the 1942
school or building before conversion is delegating to the 1943
governing authority of the community school with respect to all 1944
or any specified group of employees, provided the delegation is 1945
not prohibited by a collective bargaining agreement applicable 1946
to such employees. 1947

(f) A statement that the school's teachers will be 1948
licensed in the manner prescribed by division (A) (10) of section 1949
3314.03 of the Revised Code; 1950

(g) A statement that the school will comply with all of 1951
the provisions of law enumerated in divisions (A) (11) (d) and (e) 1952
of section 3314.03 of the Revised Code and of division (A) (11) 1953
(h) of that section, if applicable; 1954

(h) A statement that the school's graduation and 1955
curriculum requirements will comply with division (A) (11) (f) of 1956
section 3314.03 of the Revised Code; 1957

(i) A description of each of the following:	1958
(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;	1959 1960 1961 1962
(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;	1963 1964 1965
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A) (5) and (6) of section 3314.03 of the Revised Code;	1966 1967 1968
(iv) The school's business plan, including a five-year financial forecast;	1969 1970
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	1971 1972 1973
(vi) The school's 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;	1974 1975 1976 1977
(vii) The facilities to be used by the school and their locations;	1978 1979
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code.	1980 1981 1982 1983 1984 1985

(2) (a) Subject to ~~division~~ divisions (A) (2) (b) and (A) (3) 1986
of this section, the department shall approve each application, 1987
unless, within thirty days after receipt of the application, the 1988
department determines that the application does not satisfy the 1989
requirements of division (A) (1) of this section and provides the 1990
applicant a written explanation of the reasons for the 1991
determination. In that case, the department shall grant the 1992
applicant thirty days to correct the insufficiencies in the 1993
application. If the department determines that the 1994
insufficiencies have been corrected, it shall approve the 1995
application. If the department determines that the 1996
insufficiencies have not been corrected, it shall deny the 1997
application and provide the applicant with a written explanation 1998
of the reasons for the denial. ~~The~~ 1999

(b) Not later than December 31, 2015, the state board of 2000
education may adopt rules under Chapter 119. of the Revised Code 2001
for additional criteria necessary for application approval. If 2002
the state board adopts rules for additional criteria, the 2003
automatic approval for meeting all requirements of divisions (A) 2004
(1) (a) to (h) of this section, as prescribed by division (A) (2) 2005
(a) of this section, shall cease to apply in regard to 2006
applications for direct authorization under this section on and 2007
after July 1, 2016. 2008

The department shall approve or deny each application 2009
based on the criteria adopted under division (A) (2) (b) of this 2010
section and the requirements of divisions (A) (1) (a) to (h) of 2011
this section. 2012

(c) The denial of an application under divisions (A) (2) (a) 2013
and (b) of this section may be appealed in accordance with 2014
section 119.12 of the Revised Code. 2015

(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty applications for community schools to be established or to continue operation under division (A) of this section; however, of the twenty applications that may be approved each school year, only up to five may be for the establishment of new schools.

(4) Notwithstanding division (A) (2) of this section, the department may deny an application submitted by the governing authority of an existing community school, if a previous sponsor of that school did not renew its contract or terminated its contract with the school entered into under section 3314.03 of the Revised Code.

(5) If the department receives an application for direct authorization under this section for a school to be located in an alliance municipal school district, as defined in section 3311.86 of the Revised Code, the transformation alliance of that district may offer a recommendation regarding that application. The department shall notify the transformation alliance of an application within fourteen days after receipt of the application.

(B) The department and the governing authority of each community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A) (13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with

division (E) of that section. The contract may provide for the 2046
school's governing authority to pay a fee for oversight and 2047
monitoring of the school that does not exceed three per cent of 2048
the total amount of payments for operating expenses that the 2049
school receives from the state. 2050

(C) The department may require a community school 2051
authorized under this section to post and file with the 2052
superintendent of public instruction a bond payable to the state 2053
or to file with the state superintendent a guarantee, which 2054
shall be used to pay the state any moneys owed by the community 2055
school in the event the school closes. 2056

(D) Except as otherwise provided in this section, a 2057
community school authorized under this section shall comply with 2058
all applicable provisions of this chapter. The department may 2059
take any action that a sponsor may take under this chapter to 2060
enforce the school's compliance with this division and the terms 2061
of the contract entered into under division (B) of this section. 2062

(E) Not later than December 31, 2012, and annually 2063
thereafter, the department shall issue a report on the program, 2064
including information about the number of community schools 2065
participating in the program and their compliance with the 2066
provisions of this chapter. In its fifth report, the department 2067
shall include a complete evaluation of the program and 2068
recommendations regarding the program's continuation. Each 2069
report shall be provided to the general assembly, in accordance 2070
with section 101.68 of the Revised Code, and to the governor. 2071

Sec. 3314.03. A copy of every contract entered into under 2072
this section shall be filed with the superintendent of public 2073
instruction. The department of education shall make available on 2074
its web site a copy of every approved, executed contract filed 2075

with the superintendent under this section. 2076

(A) Each contract entered into between a sponsor and the 2077
governing authority of a community school shall specify the 2078
following: 2079

(1) That the school shall be established as either of the 2080
following: 2081

(a) A nonprofit corporation established under Chapter 2082
1702. of the Revised Code, if established prior to April 8, 2083
2003; 2084

(b) A public benefit corporation established under Chapter 2085
1702. of the Revised Code, if established after April 8, 2003. 2086

(2) The education program of the school, including the 2087
school's mission, the characteristics of the students the school 2088
is expected to attract, the ages and grades of students, and the 2089
focus of the curriculum; 2090

(3) The academic goals to be achieved and the method of 2091
measurement that will be used to determine progress toward those 2092
goals, which shall include the statewide achievement 2093
assessments; 2094

(4) Performance standards, including but not limited to 2095
all applicable report card measures set forth in section 3302.03 2096
or 3314.017 of the Revised Code, by which the success of the 2097
school will be evaluated by the sponsor; 2098

(5) The admission standards of section 3314.06 of the 2099
Revised Code and, if applicable, section 3314.061 of the Revised 2100
Code; 2101

(6) (a) Dismissal procedures; 2102

(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 one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) ~~The~~ An addendum to the contract outlining the facilities to be used and their locations, that contains at least the following information:

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

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

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

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

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance

with sections 3319.22 to 3319.31 of the Revised Code, except 2131
that a community school may engage noncertificated persons to 2132
teach up to twelve hours per week pursuant to section 3319.301 2133
of the Revised Code. 2134

(11) That the school will comply with the following 2135
requirements: 2136

(a) The school will provide learning opportunities to a 2137
minimum of twenty-five students for a minimum of nine hundred 2138
twenty hours per school year. 2139

(b) The governing authority will purchase liability 2140
insurance, or otherwise provide for the potential liability of 2141
the school. 2142

(c) The school will be nonsectarian in its programs, 2143
admission policies, employment practices, and all other 2144
operations, and will not be operated by a sectarian school or 2145
religious institution. 2146

(d) The school will comply with sections 9.90, 9.91, 2147
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2148
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 2149
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 2150
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2151
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2152
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2153
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 2154
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 2155
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 2156
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 2157
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 2158
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 2159

it were a school district and will comply with section 3301.0714 2160
of the Revised Code in the manner specified in section 3314.17 2161
of the Revised Code. 2162

(e) The school shall comply with Chapter 102. and section 2163
2921.42 of the Revised Code. 2164

(f) The school will comply with sections 3313.61, 2165
3313.611, and 3313.614 of the Revised Code, except that for 2166
students who enter ninth grade for the first time before July 1, 2167
2010, the requirement in sections 3313.61 and 3313.611 of the 2168
Revised Code that a person must successfully complete the 2169
curriculum in any high school prior to receiving a high school 2170
diploma may be met by completing the curriculum adopted by the 2171
governing authority of the community school rather than the 2172
curriculum specified in Title XXXVIII of the Revised Code or any 2173
rules of the state board of education. Beginning with students 2174
who enter ninth grade for the first time on or after July 1, 2175
2010, the requirement in sections 3313.61 and 3313.611 of the 2176
Revised Code that a person must successfully complete the 2177
curriculum of a high school prior to receiving a high school 2178
diploma shall be met by completing the requirements prescribed 2179
in division (C) of section 3313.603 of the Revised Code, unless 2180
the person qualifies under division (D) or (F) of that section. 2181
Each school shall comply with the plan for awarding high school 2182
credit based on demonstration of subject area competency, 2183
adopted by the state board of education under division (J) of 2184
section 3313.603 of the Revised Code. 2185

(g) The school governing authority will submit within four 2186
months after the end of each school year a report of its 2187
activities and progress in meeting the goals and standards of 2188
divisions (A) (3) and (4) of this section and its financial 2189

status to the sponsor and the parents of all students enrolled 2190
in the school. 2191

(h) The school, unless it is an internet- or computer- 2192
based community school, will comply with section 3313.801 of the 2193
Revised Code as if it were a school district. 2194

(i) If the school is the recipient of moneys from a grant 2195
awarded under the federal race to the top program, Division (A), 2196
Title XIV, Sections 14005 and 14006 of the "American Recovery 2197
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2198
the school will pay teachers based upon performance in 2199
accordance with section 3317.141 and will comply with section 2200
3319.111 of the Revised Code as if it were a school district. 2201

(j) If the school operates a preschool program that is 2202
licensed by the department of education under sections 3301.52 2203
to 3301.59 of the Revised Code, the school shall comply with 2204
sections 3301.50 to 3301.59 of the Revised Code and the minimum 2205
standards for preschool programs prescribed in rules adopted by 2206
the state board under section 3301.53 of the Revised Code. 2207

(12) Arrangements for providing health and other benefits 2208
to employees; 2209

(13) The length of the contract, which shall begin at the 2210
beginning of an academic year. No contract shall exceed five 2211
years unless such contract has been renewed pursuant to division 2212
(E) of this section. 2213

(14) The governing authority of the school, which shall be 2214
responsible for carrying out the provisions of the contract; 2215

(15) A financial plan detailing an estimated school budget 2216
for each year of the period of the contract and specifying the 2217
total estimated per pupil expenditure amount for each such year. 2218

(16) Requirements and procedures regarding the disposition 2219
of employees of the school in the event the contract is 2220
terminated or not renewed pursuant to section 3314.07 of the 2221
Revised Code; 2222

(17) Whether the school is to be created by converting all 2223
or part of an existing public school or educational service 2224
center building or is to be a new start-up school, and if it is 2225
a converted public school or service center building, 2226
specification of any duties or responsibilities of an employer 2227
that the board of education or service center governing board 2228
that operated the school or building before conversion is 2229
delegating to the governing authority of the community school 2230
with respect to all or any specified group of employees provided 2231
the delegation is not prohibited by a collective bargaining 2232
agreement applicable to such employees; 2233

(18) Provisions establishing procedures for resolving 2234
disputes or differences of opinion between the sponsor and the 2235
governing authority of the community school; 2236

(19) A provision requiring the governing authority to 2237
adopt a policy regarding the admission of students who reside 2238
outside the district in which the school is located. That policy 2239
shall comply with the admissions procedures specified in 2240
sections 3314.06 and 3314.061 of the Revised Code and, at the 2241
sole discretion of the authority, shall do one of the following: 2242

(a) Prohibit the enrollment of students who reside outside 2243
the district in which the school is located; 2244

(b) Permit the enrollment of students who reside in 2245
districts adjacent to the district in which the school is 2246
located; 2247

(c) Permit the enrollment of students who reside in any other district in the state.	2248 2249
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	2250 2251 2252 2253
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	2254 2255 2256
(22) A provision recognizing both of the following:	2257
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	2258 2259 2260 2261
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	2262 2263 2264 2265 2266 2267 2268
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	2269 2270 2271 2272 2273 2274
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	2275 2276

be taken by a school district pursuant to those sections shall 2277
be taken by the sponsor of the school. However, the sponsor 2278
shall not be required to take any action described in division 2279
(F) of section 3302.04 of the Revised Code. 2280

(25) Beginning in the 2006-2007 school year, the school 2281
will open for operation not later than the thirtieth day of 2282
September each school year, unless the mission of the school as 2283
specified under division (A) (2) of this section is solely to 2284
serve dropouts. In its initial year of operation, if the school 2285
fails to open by the thirtieth day of September, or within one 2286
year after the adoption of the contract pursuant to division (D) 2287
of section 3314.02 of the Revised Code if the mission of the 2288
school is solely to serve dropouts, the contract shall be void. 2289

(26) Whether the school's governing authority is planning 2290
to seek designation for the school as a STEM school equivalent 2291
under section 3326.032 of the Revised Code; 2292

(27) That the school's attendance and participation 2293
policies and records will be available for public inspection; 2294

(28) If a school operates using the blended learning 2295
model, as defined in section 3301.079 of the Revised Code, all 2296
of the following information: 2297

(a) An indication of what blended learning model or models 2298
will be used; 2299

(b) A description of how student instructional needs will 2300
be determined and documented; 2301

(c) The method to be used for determining competency, 2302
granting credit, and promoting students to a higher grade level; 2303

(d) The school's attendance requirements, including how 2304

<u>the school will document participation in learning</u>	2305
<u>opportunities;</u>	2306
<u>(e) A statement describing how student progress will be</u>	2307
<u>monitored;</u>	2308
<u>(f) A statement describing how private student data will</u>	2309
<u>be protected;</u>	2310
<u>(g) A description of the professional development</u>	2311
<u>activities that will be offered to teachers.</u>	2312
<u>(29) A provision requiring that all moneys the school's</u>	2313
<u>operator loans to the school, including facilities loans or cash</u>	2314
<u>flow assistance, must be accounted for, documented, and bear</u>	2315
<u>interest at a fair market rate.</u>	2316
(B) The community school shall also submit to the sponsor	2317
a comprehensive plan for the school. The plan shall specify the	2318
following:	2319
(1) The process by which the governing authority of the	2320
school will be selected in the future;	2321
(2) The management and administration of the school;	2322
(3) If the community school is a currently existing public	2323
school or educational service center building, alternative	2324
arrangements for current public school students who choose not	2325
to attend the converted school and for teachers who choose not	2326
to teach in the school or building after conversion;	2327
(4) The instructional program and educational philosophy	2328
of the school;	2329
(5) Internal financial controls.	2330
<u>When submitting the plan under this division, the school</u>	2331

shall also submit copies of all policies and procedures 2332
regarding internal financial controls adopted by the governing 2333
authority of the school. 2334

(C) A contract entered into under section 3314.02 of the 2335
Revised Code between a sponsor and the governing authority of a 2336
community school may provide for the community school governing 2337
authority to make payments to the sponsor, which is hereby 2338
authorized to receive such payments as set forth in the contract 2339
between the governing authority and the sponsor. The total 2340
amount of such payments for oversight and monitoring of the 2341
school shall not exceed three per cent of the total amount of 2342
payments for operating expenses that the school receives from 2343
the state. 2344

(D) The contract shall specify the duties of the sponsor 2345
which shall be in accordance with the written agreement entered 2346
into with the department of education under division (B) of 2347
section 3314.015 of the Revised Code and shall include the 2348
following: 2349

(1) Monitor the community school's compliance with all 2350
laws applicable to the school and with the terms of the 2351
contract; 2352

(2) Monitor and evaluate the academic and fiscal 2353
performance and the organization and operation of the community 2354
school on at least an annual basis; 2355

(3) Report on an annual basis the results of the 2356
evaluation conducted under division (D) (2) of this section to 2357
the department of education and to the parents of students 2358
enrolled in the community school; 2359

(4) Provide technical assistance to the community school 2360

in complying with laws applicable to the school and terms of the 2361
contract; 2362

(5) Take steps to intervene in the school's operation to 2363
correct problems in the school's overall performance, declare 2364
the school to be on probationary status pursuant to section 2365
3314.073 of the Revised Code, suspend the operation of the 2366
school pursuant to section 3314.072 of the Revised Code, or 2367
terminate the contract of the school pursuant to section 3314.07 2368
of the Revised Code as determined necessary by the sponsor; 2369

(6) Have in place a plan of action to be undertaken in the 2370
event the community school experiences financial difficulties or 2371
closes prior to the end of a school year. 2372

(E) Upon the expiration of a contract entered into under 2373
this section, the sponsor of a community school may, with the 2374
approval of the governing authority of the school, renew that 2375
contract for a period of time determined by the sponsor, but not 2376
ending earlier than the end of any school year, if the sponsor 2377
finds that the school's compliance with applicable laws and 2378
terms of the contract and the school's progress in meeting the 2379
academic goals prescribed in the contract have been 2380
satisfactory. Any contract that is renewed under this division 2381
remains subject to the provisions of sections 3314.07, 3314.072, 2382
and 3314.073 of the Revised Code. 2383

(F) If a community school fails to open for operation 2384
within one year after the contract entered into under this 2385
section is adopted pursuant to division (D) of section 3314.02 2386
of the Revised Code or permanently closes prior to the 2387
expiration of the contract, the contract shall be void and the 2388
school shall not enter into a contract with any other sponsor. A 2389
school shall not be considered permanently closed because the 2390

operations of the school have been suspended pursuant to section 2391
3314.072 of the Revised Code. 2392

Sec. 3314.031. (A) Beginning December 31, 2015, the 2393
department of education shall do the following: 2394

(1) Maintain an accurate record of the names and 2395
identifying information of all entities that have entered into a 2396
contract with the governing authority of a community school to 2397
manage or operate that school; 2398

(2) Receive from the governing authority of each community 2399
school a copy of the contract between a governing authority and 2400
its operator. A copy of each contract shall be made available on 2401
the department's web site. 2402

(B) Not later than July 1, 2016, the department shall 2403
develop and publish an annual performance report for all 2404
operators of community schools in the state. The report shall be 2405
made available on the department's web site. 2406

(C) The department shall include the performance report 2407
obtained pursuant to division (B) of this section in the 2408
department's annual report required by division (A) (4) of 2409
section 3314.015 of the Revised Code. 2410

(D) For purposes of this section, "operator" has the same 2411
meaning as in division (A) (8) of section 3314.02 of the Revised 2412
Code. 2413

Sec. 3314.032. (A) On and after the effective date of this 2414
section, any new or renewed contract between the governing 2415
authority of a community school and an operator shall include at 2416
least the following: 2417

(1) Criteria to be used for early termination of the 2418

<u>operator contract;</u>	2419
<u>(2) Required notification procedures and timeline for</u>	2420
<u>early termination or nonrenewal of the operator contract;</u>	2421
<u>(3) A stipulation of which entity owns all community</u>	2422
<u>school facilities and property including, but not limited to,</u>	2423
<u>equipment, furniture, fixtures, instructional materials and</u>	2424
<u>supplies, computers, printers, and other digital devices</u>	2425
<u>purchased by the governing authority or operator.</u>	2426
<u>(B) The operator with which the governing authority of a</u>	2427
<u>community school contracts for services shall not lease any</u>	2428
<u>parcel of real property to that community school for an amount</u>	2429
<u>that exceeds the fair market rental value of that property by</u>	2430
<u>more than five per cent. For each lease of a parcel of real</u>	2431
<u>property that is entered into by the operator of a community</u>	2432
<u>school on or after the effective date of this section, the</u>	2433
<u>sponsor of the school shall verify that the lease does not</u>	2434
<u>exceed the fair market rental value of that property by more</u>	2435
<u>than five per cent.</u>	2436
<u>Sec. 3314.034. On and after December 31, 2015, any</u>	2437
<u>community school that has had more than one sponsor in the</u>	2438
<u>previous five years and to which either of the following</u>	2439
<u>conditions apply shall first receive approval from the</u>	2440
<u>department of education before it may enter into a contract with</u>	2441
<u>a new sponsor:</u>	2442
<u>(A) The community school has received a grade of "D" or</u>	2443
<u>"F" for the performance index score, under division (C) (1) (b) of</u>	2444
<u>section 3302.03 of the Revised Code, and an overall grade of "D"</u>	2445
<u>or "F" for the value-added progress dimension or another measure</u>	2446
<u>of student academic progress if adopted by the state board,</u>	2447

under division (C)(1)(e) of that section, on the most recent 2448
report card issued for the school pursuant to that section. 2449

(B) The community school is one in which a majority of the 2450
students are enrolled in a dropout prevention and recovery 2451
program, and it has received a rating of "does not meet 2452
standards" for the annual student growth measure and combined 2453
graduation rates on the most recent report card issued for the 2454
school under section 3314.017 of the Revised Code. 2455

Sec. 3314.035. Each community school shall post on the 2456
school's web site the name of each member of the school's 2457
governing authority. Each community school also shall provide, 2458
upon request, the name and address of each member of the 2459
governing authority to the sponsor of the school and the 2460
department of education. 2461

Sec. 3314.036. The governing authority of a community 2462
school shall employ an attorney, who shall be independent from 2463
the school's sponsor or the operator with which the school has 2464
contracted, for any services related to the negotiation of the 2465
community school's contract with the sponsor or the school's 2466
contract with the operator. 2467

Sec. 3314.037. The members of the governing authority of a 2468
community school, the designated fiscal officer of the school, 2469
the chief administrative officer and other administrative 2470
employees of the school, and all individuals performing 2471
supervisory or administrative services for the school under a 2472
contract with the operator of the school shall complete training 2473
on an annual basis on the public records and open meetings laws, 2474
so that they may comply with those laws as prescribed by 2475
division (A)(11)(d) of section 3314.03 of the Revised Code. 2476

Sec. 3314.038. Each community school shall annually submit 2477
to the department of education and auditor of state a report of 2478
each instance under which a student who is enrolled in that 2479
community school resides in a children's residential center as 2480
defined under section 5103.05 of the Revised Code. 2481

Sec. 3314.039. Notwithstanding anything in the Revised 2482
Code to the contrary, beginning on the effective date of this 2483
section, no community school shall change sponsors within its 2484
first four years of operation, unless the department of 2485
education authorizes the school to do so. 2486

Sec. 3314.06. The governing authority of each community 2487
school established under this chapter shall adopt admission 2488
procedures that specify the following: 2489

(A) That, except as otherwise provided in this section, 2490
admission to the school shall be open to any individual age five 2491
to twenty-two entitled to attend school pursuant to section 2492
3313.64 or 3313.65 of the Revised Code in a school district in 2493
the state. 2494

Additionally, except as otherwise provided in this 2495
section, admission to the school may be open on a tuition basis 2496
to any individual age five to twenty-two who is not a resident 2497
of this state. The school shall not receive state funds under 2498
section 3314.08 of the Revised Code for any student who is not a 2499
resident of this state. 2500

An individual younger than five years of age may be 2501
admitted to the school in accordance with division (A) (2) of 2502
section 3321.01 of the Revised Code. The school shall receive 2503
funds for an individual admitted under that division in the 2504
manner provided under section 3314.08 of the Revised Code. 2505

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age, but the school shall not receive funds under this chapter for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B) (1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B) (1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to

residents of other districts, as provided in the policy adopted 2536
pursuant to the contract. 2537

(D) (1) That there will be no discrimination in the 2538
admission of students to the school on the basis of race, creed, 2539
color, disability, or sex except that: 2540

(a) The governing authority may do either of the following 2541
for the purpose described in division (G) of this section: 2542

(i) Establish a single-gender school for either sex; 2543

(ii) Establish single-gender schools for each sex under 2544
the same contract, provided substantially equal facilities and 2545
learning opportunities are offered for both boys and girls. Such 2546
facilities and opportunities may be offered for each sex at 2547
separate locations. 2548

(b) The governing authority may establish a school that 2549
simultaneously serves a group of students identified as autistic 2550
and a group of students who are not disabled, as authorized in 2551
section 3314.061 of the Revised Code. However, unless the total 2552
capacity established for the school has been filled, no student 2553
with any disability shall be denied admission on the basis of 2554
that disability. 2555

(2) That upon admission of any student with a disability, 2556
the community school will comply with all federal and state laws 2557
regarding the education of students with disabilities. 2558

(E) That the school may not limit admission to students on 2559
the basis of intellectual ability, measures of achievement or 2560
aptitude, or athletic ability, except that a school may limit 2561
its enrollment to students as described in division (B) of this 2562
section. 2563

(F) That the community school will admit the number of 2564
students that does not exceed the capacity of the school's 2565
programs, classes, grade levels, or facilities. 2566

(G) That the purpose of single-gender schools that are 2567
established shall be to take advantage of the academic benefits 2568
some students realize from single-gender instruction and 2569
facilities and to offer students and parents residing in the 2570
district the option of a single-gender education. 2571

(H) That, except as otherwise provided under division (B) 2572
of this section or section 3314.061 of the Revised Code, if the 2573
number of applicants exceeds the capacity restrictions of 2574
division (F) of this section, students shall be admitted by lot 2575
from all those submitting applications, except preference shall 2576
be given to students attending the school the previous year and 2577
to students who reside in the district in which the school is 2578
located. Preference may be given to siblings of students 2579
attending the school the previous year. 2580

Notwithstanding divisions (A) to (H) of this section, in 2581
the event the racial composition of the enrollment of the 2582
community school is violative of a federal desegregation order, 2583
the community school shall take any and all corrective measures 2584
to comply with the desegregation order. 2585

Sec. 3314.07. (A) The expiration of the contract for a 2586
community school between a sponsor and a school shall be the 2587
date provided in the contract. A successor contract may be 2588
entered into pursuant to division (E) of section 3314.03 of the 2589
Revised Code unless the contract is terminated or not renewed 2590
pursuant to this section. 2591

(B) (1) A sponsor may choose not to renew a contract at its 2592

expiration or may choose to terminate a contract prior to its	2593
expiration for any of the following reasons:	2594
(a) Failure to meet student performance requirements	2595
stated in the contract;	2596
(b) Failure to meet generally accepted standards of fiscal	2597
management;	2598
(c) Violation of any provision of the contract or	2599
applicable state or federal law;	2600
(d) Other good cause.	2601
(2) A sponsor may choose to terminate a contract prior to	2602
its expiration if the sponsor has suspended the operation of the	2603
contract under section 3314.072 of the Revised Code.	2604
(3) Not later than the first day of February <u>December</u> in	2605
the year in which the sponsor intends to terminate or take	2606
actions not to renew the community school's contract, the	2607
sponsor shall notify the school of the proposed action in	2608
writing. The notice shall include the reasons for the proposed	2609
action in detail, the effective date of the termination or	2610
nonrenewal, and a statement that the school may, within fourteen	2611
days of receiving the notice, request an informal hearing before	2612
the sponsor. Such request must be in writing. The informal	2613
hearing shall be held within fourteen days of the receipt of a	2614
request for the hearing. Not later than fourteen days after the	2615
informal hearing, the sponsor shall issue a written decision	2616
either affirming or rescinding the decision to terminate or not	2617
renew the contract.	2618
(4) A decision by the sponsor to terminate a contract may	2619
be appealed to the state board of education. The notice of	2620
appeal shall be filed with the state board not later than	2621

fourteen days following receipt of the sponsor's written 2622
decision to terminate the contract. Within sixty days of receipt 2623
of the notice of appeal, the state board shall conduct a hearing 2624
and issue a written decision on the appeal. The written decision 2625
of the state board shall include the reasons for affirming or 2626
rescinding the decision of the sponsor. The decision by the 2627
state board pertaining to an appeal under this division is 2628
final. If the sponsor is the state board, its decision to 2629
terminate a contract under division (B) (3) of this section shall 2630
be final. 2631

(5) The termination of a contract under this section shall 2632
be effective upon the occurrence of the later of the following 2633
events: 2634

(a) The date the sponsor notifies the school of its 2635
decision to terminate the contract as prescribed in division (B) 2636
(3) of this section; 2637

(b) If an informal hearing is requested under division (B) 2638
(3) of this section and as a result of that hearing the sponsor 2639
affirms its decision to terminate the contract, the effective 2640
date of the termination specified in the notice issued under 2641
division (B) (3) of this section, or if that decision is appealed 2642
to the state board under division (B) (4) of this section and the 2643
state board affirms that decision, the date established in the 2644
resolution of the state board affirming the sponsor's decision. 2645

(6) Any community school whose contract is terminated 2646
under division (B) of this section shall close permanently at 2647
the end of the current school year or on a date specified in the 2648
notification of termination under division (B) (3) of this 2649
section. Any community school whose contract is terminated under 2650
this division shall not enter into a contract with any other 2651

sponsor. 2652

(C) A child attending a community school whose contract 2653
has been terminated, nonrenewed, or suspended or that closes for 2654
any reason shall be admitted to the schools of the district in 2655
which the child is entitled to attend under section 3313.64 or 2656
3313.65 of the Revised Code. Any deadlines established for the 2657
purpose of admitting students under section 3313.97 or 3313.98 2658
of the Revised Code shall be waived for students to whom this 2659
division pertains. 2660

(D) If a community school does not intend to renew a 2661
contract with its sponsor, the community school shall notify its 2662
sponsor in writing of that fact at least one hundred eighty days 2663
prior to the expiration of the contract. Such a community school 2664
may enter into a contract with a new sponsor in accordance with 2665
section 3314.03 of the Revised Code upon the expiration of the 2666
previous contract. 2667

(E) A sponsor of a community school and the officers, 2668
directors, or employees of such a sponsor are immune from civil 2669
liability for any action authorized under this chapter or the 2670
contract entered into with the school under section 3314.03 of 2671
the Revised Code that is taken to fulfill the sponsor's 2672
responsibility to oversee and monitor the school. The sponsor 2673
and its officers, directors, or employees are not liable in 2674
damages in a tort or other civil action for harm allegedly 2675
arising from either of the following: 2676

(1) A failure of the community school or any of its 2677
officers, directors, or employees to perform any statutory or 2678
common law duty or responsibility or any other legal obligation; 2679

(2) An action or omission of the community school or any 2680

of its officers, directors, or employees that results in harm.	2681
(F) As used in this section:	2682
(1) "Harm" means injury, death, or loss to person or property.	2683 2684
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.	2685 2686 2687 2688
Sec. 3314.074. Divisions (A) and (B) of this section apply only to the extent permitted under Chapter 1702. of the Revised Code.	2689 2690 2691
(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation, and then any remaining funds shall be paid to the department of education for redistribution to the school districts in which the students who were enrolled in the school at the time it ceased operation were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount distributed to each school district shall be proportional to the district's share of the total enrollment in the community school.	2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703
(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the former Ohio SchoolNet commission or the former eTech Ohio commission, such hardware or software shall be turned over to the department of education, which shall redistribute the hardware and software, to the extent such	2704 2705 2706 2707 2708 2709

redistribution is possible, to school districts in conformance 2710
with the provisions of the programs as they were operated and 2711
administered by the former eTech Ohio commission. 2712

(C) If the assets of the school are insufficient to pay 2713
all persons or entities to whom compensation is owed, the 2714
prioritization of the distribution of the assets to individual 2715
persons or entities within each class of payees may be 2716
determined by decree of a court in accordance with this section 2717
and Chapter 1702. of the Revised Code. 2718

(D) A community school that engages in a merger or 2719
consolidation pursuant to division (B) of section 1702.41 of the 2720
Revised Code and becomes a single public benefit corporation 2721
shall not be required to distribute assets pursuant to divisions 2722
(A), (B), and (C) of this section, provided that the governing 2723
authority of the community school created by the merger or 2724
consolidation enters into a contract for sponsorship under 2725
section 3314.03 of the Revised Code with an entity rated as 2726
"exemplary" by the department of education pursuant to section 2727
3314.016 of the Revised Code. 2728

Sec. 3314.08. (A) As used in this section: 2729

(1) (a) "Category one career-technical education student" 2730
means a student who is receiving the career-technical education 2731
services described in division (A) of section 3317.014 of the 2732
Revised Code. 2733

(b) "Category two career-technical student" means a 2734
student who is receiving the career-technical education services 2735
described in division (B) of section 3317.014 of the Revised 2736
Code. 2737

(c) "Category three career-technical student" means a 2738

student who is receiving the career-technical education services	2739
described in division (C) of section 3317.014 of the Revised	2740
Code.	2741
(d) "Category four career-technical student" means a	2742
student who is receiving the career-technical education services	2743
described in division (D) of section 3317.014 of the Revised	2744
Code.	2745
(e) "Category five career-technical education student"	2746
means a student who is receiving the career-technical education	2747
services described in division (E) of section 3317.014 of the	2748
Revised Code.	2749
(2) (a) "Category one limited English proficient student"	2750
means a limited English proficient student described in division	2751
(A) of section 3317.016 of the Revised Code.	2752
(b) "Category two limited English proficient student"	2753
means a limited English proficient student described in division	2754
(B) of section 3317.016 of the Revised Code.	2755
(c) "Category three limited English proficient student"	2756
means a limited English proficient student described in division	2757
(C) of section 3317.016 of the Revised Code.	2758
(3) (a) "Category one special education student" means a	2759
student who is receiving special education services for a	2760
disability specified in division (A) of section 3317.013 of the	2761
Revised Code.	2762
(b) "Category two special education student" means a	2763
student who is receiving special education services for a	2764
disability specified in division (B) of section 3317.013 of the	2765
Revised Code.	2766

(c) "Category three special education student" means a 2767
student who is receiving special education services for a 2768
disability specified in division (C) of section 3317.013 of the 2769
Revised Code. 2770

(d) "Category four special education student" means a 2771
student who is receiving special education services for a 2772
disability specified in division (D) of section 3317.013 of the 2773
Revised Code. 2774

(e) "Category five special education student" means a 2775
student who is receiving special education services for a 2776
disability specified in division (E) of section 3317.013 of the 2777
Revised Code. 2778

(f) "Category six special education student" means a 2779
student who is receiving special education services for a 2780
disability specified in division (F) of section 3317.013 of the 2781
Revised Code. 2782

(4) "Formula amount" has the same meaning as in section 2783
3317.02 of the Revised Code. 2784

(5) "IEP" has the same meaning as in section 3323.01 of 2785
the Revised Code. 2786

(6) "Resident district" means the school district in which 2787
a student is entitled to attend school under section 3313.64 or 2788
3313.65 of the Revised Code. 2789

(7) "State education aid" has the same meaning as in 2790
section 5751.20 of the Revised Code. 2791

(B) The state board of education shall adopt rules 2792
requiring both of the following: 2793

(1) The board of education of each city, exempted village, 2794

and local school district to annually report the number of	2795
students entitled to attend school in the district who are	2796
enrolled in each grade kindergarten through twelve in a	2797
community school established under this chapter, and for each	2798
child, the community school in which the child is enrolled.	2799
(2) The governing authority of each community school	2800
established under this chapter to annually report all of the	2801
following:	2802
(a) The number of students enrolled in grades one through	2803
twelve and the full-time equivalent number of students enrolled	2804
in kindergarten in the school who are not receiving special	2805
education and related services pursuant to an IEP;	2806
(b) The number of enrolled students in grades one through	2807
twelve and the full-time equivalent number of enrolled students	2808
in kindergarten, who are receiving special education and related	2809
services pursuant to an IEP;	2810
(c) The number of students reported under division (B) (2)	2811
(b) of this section receiving special education and related	2812
services pursuant to an IEP for a disability described in each	2813
of divisions (A) to (F) of section 3317.013 of the Revised Code;	2814
(d) The full-time equivalent number of students reported	2815
under divisions (B) (2) (a) and (b) of this section who are	2816
enrolled in career-technical education programs or classes	2817
described in each of divisions (A) to (E) of section 3317.014 of	2818
the Revised Code that are provided by the community school;	2819
(e) The number of students reported under divisions (B) (2)	2820
(a) and (b) of this section who are not reported under division	2821
(B) (2) (d) of this section but who are enrolled in career-	2822
technical education programs or classes described in each of	2823

divisions (A) to (E) of section 3317.014 of the Revised Code at 2824
a joint vocational school district or another district in the 2825
career-technical planning district to which the school is 2826
assigned; 2827

(f) The number of students reported under divisions (B) (2) 2828
(a) and (b) of this section who are category one to three 2829
limited English proficient students described in each of 2830
divisions (A) to (C) of section 3317.016 of the Revised Code; 2831

(g) The number of students reported under divisions (B) (2) 2832
(a) and (b) who are economically disadvantaged, as defined by 2833
the department. A student shall not be categorically excluded 2834
from the number reported under division (B) (2) (g) of this 2835
section based on anything other than family income. 2836

(h) For each student, the city, exempted village, or local 2837
school district in which the student is entitled to attend 2838
school under section 3313.64 or 3313.65 of the Revised Code; 2839

(i) The number of students enrolled in a preschool program 2840
operated by the school that is licensed by the department of 2841
education under sections 3301.52 to 3301.59 of the Revised Code 2842
who are not receiving special education and related services 2843
pursuant to an IEP. 2844

A school district board and a community school governing 2845
authority shall include in their respective reports under 2846
division (B) of this section any child admitted in accordance 2847
with division (A) (2) of section 3321.01 of the Revised Code. 2848

A governing authority of a community school shall not 2849
include in its report under ~~division (B) (2)~~ divisions (B) (2) (a) 2850
to (h) of this section any student for whom tuition is charged 2851
under division (F) of this section. 2852

(C) (1) Except as provided in division (C) (2) of this section, and subject to divisions (C) (3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section

3317.013 of the Revised Code;	2882
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	2883 2884 2885
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	2886 2887 2888
(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015;	2889 2890 2891
(e) If the student is economically disadvantaged, an additional amount equal to the following:	2892 2893
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015)	2894
X (the resident district's economically disadvantaged index)	2895
(f) Limited English proficiency funds as follows:	2896
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	2897 2898 2899
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	2900 2901 2902
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	2903 2904 2905
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	2906 2907
(i) If the student is a category one career-technical	2908

education student, the amount specified in division (A) of	2909
section 3317.014 of the Revised Code;	2910
(ii) If the student is a category two career-technical	2911
education student, the amount specified in division (B) of	2912
section 3317.014 of the Revised Code;	2913
(iii) If the student is a category three career-technical	2914
education student, the amount specified in division (C) of	2915
section 3317.014 of the Revised Code;	2916
(iv) If the student is a category four career-technical	2917
education student, the amount specified in division (D) of	2918
section 3317.014 of the Revised Code;	2919
(v) If the student is a category five career-technical	2920
education student, the amount specified in division (E) of	2921
section 3317.014 of the Revised Code.	2922
Deduction and payment of funds under division (C) (1) (g) of	2923
this section is subject to approval by the lead district of a	2924
career-technical planning district or the department of	2925
education under section 3317.161 of the Revised Code.	2926
(2) When deducting from the state education aid of a	2927
student's resident district for students enrolled in an	2928
internet- or computer-based community school and making payments	2929
to such school under this section, the department shall make the	2930
deductions and payments described in only divisions (C) (1) (a),	2931
(c), and (g) of this section.	2932
No deductions or payments shall be made for a student	2933
enrolled in such school under division (C) (1) (b), (d), (e), or	2934
(f) of this section.	2935
(3) (a) If a community school's costs for a fiscal year for	2936

a student receiving special education and related services 2937
pursuant to an IEP for a disability described in divisions (B) 2938
to (F) of section 3317.013 of the Revised Code exceed the 2939
threshold catastrophic cost for serving the student as specified 2940
in division (B) of section 3317.0214 of the Revised Code, the 2941
school may submit to the superintendent of public instruction 2942
documentation, as prescribed by the superintendent, of all its 2943
costs for that student. Upon submission of documentation for a 2944
student of the type and in the manner prescribed, the department 2945
shall pay to the community school an amount equal to the 2946
school's costs for the student in excess of the threshold 2947
catastrophic costs. 2948

(b) The community school shall report under division (C) 2949
(3) (a) of this section, and the department shall pay for, only 2950
the costs of educational expenses and the related services 2951
provided to the student in accordance with the student's 2952
individualized education program. Any legal fees, court costs, 2953
or other costs associated with any cause of action relating to 2954
the student may not be included in the amount. 2955

(4) In any fiscal year, a community school receiving funds 2956
under division (C) (1) (g) of this section shall spend those funds 2957
only for the purposes that the department designates as approved 2958
for career-technical education expenses. Career-technical 2959
education expenses approved by the department shall include only 2960
expenses connected to the delivery of career-technical 2961
programming to career-technical students. The department shall 2962
require the school to report data annually so that the 2963
department may monitor the school's compliance with the 2964
requirements regarding the manner in which funding received 2965
under division (C) (1) (g) of this section may be spent. 2966

(5) All funds received under division (C) (1) (g) of this section shall be spent in the following manner: 2967
2968

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 2969
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(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 2979
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(6) A community school shall spend the funds it receives under division (C) (1) (e) of this section in accordance with section 3317.25 of the Revised Code. 2981
2982
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(7) If the sum of the payments computed under divisions (C) (1) and (8) (a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district. 2984
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(8) (a) Subject to division (C) (7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an 2993
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amount equal to the following: 2996

(The number of students reported by the community school 2997
under division (B) (2) (e) of this section X the formula amount 2998
X .20) 2999

(b) For each payment made to a community school under 3000
division (C) (8) (a) of this section, the department shall deduct 3001
from the state education aid of each city, local, and exempted 3002
village school district and, if necessary, from the payment made 3003
to the district under sections 321.24 and 323.156 of the Revised 3004
Code an amount equal to the following: 3005

(The number of the district's students reported by the 3006
community school under division (B) (2) (e) of this section X the 3007
formula amount X .20) 3008

(D) A board of education sponsoring a community school may 3009
utilize local funds to make enhancement grants to the school or 3010
may agree, either as part of the contract or separately, to 3011
provide any specific services to the community school at no cost 3012
to the school. 3013

(E) A community school may not levy taxes or issue bonds 3014
secured by tax revenues. 3015

(F) No community school shall charge tuition for the 3016
enrollment of any student who is a resident of this state. A 3017
community school may charge tuition for the enrollment of any 3018
student who is not a resident of this state. 3019

(G) (1) (a) A community school may borrow money to pay any 3020
necessary and actual expenses of the school in anticipation of 3021
the receipt of any portion of the payments to be received by the 3022
school pursuant to division (C) of this section. The school may 3023
issue notes to evidence such borrowing. The proceeds of the 3024

notes shall be used only for the purposes for which the 3025
anticipated receipts may be lawfully expended by the school. 3026

(b) A school may also borrow money for a term not to 3027
exceed fifteen years for the purpose of acquiring facilities. 3028

(2) Except for any amount guaranteed under section 3318.50 3029
of the Revised Code, the state is not liable for debt incurred 3030
by the governing authority of a community school. 3031

(H) The department of education shall adjust the amounts 3032
subtracted and paid under division (C) of this section to 3033
reflect any enrollment of students in community schools for less 3034
than the equivalent of a full school year. The state board of 3035
education within ninety days after April 8, 2003, shall adopt in 3036
accordance with Chapter 119. of the Revised Code rules governing 3037
the payments to community schools under this section including 3038
initial payments in a school year and adjustments and reductions 3039
made in subsequent periodic payments to community schools and 3040
corresponding deductions from school district accounts as 3041
provided under division (C) of this section. For purposes of 3042
this section: 3043

(1) A student shall be considered enrolled in the 3044
community school for any portion of the school year the student 3045
is participating at a college under Chapter 3365. of the Revised 3046
Code. 3047

(2) A student shall be considered to be enrolled in a 3048
community school for the period of time beginning on the later 3049
of the date on which the school both has received documentation 3050
of the student's enrollment from a parent and the student has 3051
commenced participation in learning opportunities as defined in 3052
the contract with the sponsor, or thirty days prior to the date 3053

on which the student is entered into the education management 3054
information system established under section 3301.0714 of the 3055
Revised Code. For purposes of applying this division and 3056
divisions (H) (3) and (4) of this section to a community school 3057
student, "learning opportunities" shall be defined in the 3058
contract, which shall describe both classroom-based and non- 3059
classroom-based learning opportunities and shall be in 3060
compliance with criteria and documentation requirements for 3061
student participation which shall be established by the 3062
department. Any student's instruction time in non-classroom- 3063
based learning opportunities shall be certified by an employee 3064
of the community school. A student's enrollment shall be 3065
considered to cease on the date on which any of the following 3066
occur: 3067

(a) The community school receives documentation from a 3068
parent terminating enrollment of the student. 3069

(b) The community school is provided documentation of a 3070
student's enrollment in another public or private school. 3071

(c) The community school ceases to offer learning 3072
opportunities to the student pursuant to the terms of the 3073
contract with the sponsor or the operation of any provision of 3074
this chapter. 3075

Except as otherwise specified in this paragraph, beginning 3076
in the 2011-2012 school year, any student who completed the 3077
prior school year in an internet- or computer-based community 3078
school shall be considered to be enrolled in the same school in 3079
the subsequent school year until the student's enrollment has 3080
ceased as specified in division (H) (2) of this section. The 3081
department shall continue subtracting and paying amounts for the 3082
student under division (C) of this section without interruption 3083

at the start of the subsequent school year. However, if the 3084
student without a legitimate excuse fails to participate in the 3085
first one hundred five consecutive hours of learning 3086
opportunities offered to the student in that subsequent school 3087
year, the student shall be considered not to have re-enrolled in 3088
the school for that school year and the department shall 3089
recalculate the payments to the school for that school year to 3090
account for the fact that the student is not enrolled. 3091

(3) The department shall determine each community school 3092
student's percentage of full-time equivalency based on the 3093
percentage of learning opportunities offered by the community 3094
school to that student, reported either as number of hours or 3095
number of days, is of the total learning opportunities offered 3096
by the community school to a student who attends for the 3097
school's entire school year. However, no internet- or computer- 3098
based community school shall be credited for any time a student 3099
spends participating in learning opportunities beyond ten hours 3100
within any period of twenty-four consecutive hours. Whether it 3101
reports hours or days of learning opportunities, each community 3102
school shall offer not less than nine hundred twenty hours of 3103
learning opportunities during the school year. 3104

(4) With respect to the calculation of full-time 3105
equivalency under division (H) (3) of this section, the 3106
department shall waive the number of hours or days of learning 3107
opportunities not offered to a student because the community 3108
school was closed during the school year due to disease 3109
epidemic, hazardous weather conditions, law enforcement 3110
emergencies, inoperability of school buses or other equipment 3111
necessary to the school's operation, damage to a school 3112
building, or other temporary circumstances due to utility 3113
failure rendering the school building unfit for school use, so 3114

long as the school was actually open for instruction with 3115
students in attendance during that school year for not less than 3116
the minimum number of hours required by this chapter. The 3117
department shall treat the school as if it were open for 3118
instruction with students in attendance during the hours or days 3119
waived under this division. 3120

(I) The department of education shall reduce the amounts 3121
paid under this section to reflect payments made to colleges 3122
under section 3365.07 of the Revised Code. 3123

(J) (1) No student shall be considered enrolled in any 3124
internet- or computer-based community school or, if applicable 3125
to the student, in any community school that is required to 3126
provide the student with a computer pursuant to division (C) of 3127
section 3314.22 of the Revised Code, unless both of the 3128
following conditions are satisfied: 3129

(a) The student possesses or has been provided with all 3130
required hardware and software materials and all such materials 3131
are operational so that the student is capable of fully 3132
participating in the learning opportunities specified in the 3133
contract between the school and the school's sponsor as required 3134
by division (A) (23) of section 3314.03 of the Revised Code; 3135

(b) The school is in compliance with division (A) of 3136
section 3314.22 of the Revised Code, relative to such student. 3137

(2) In accordance with policies adopted jointly by the 3138
superintendent of public instruction and the auditor of state, 3139
the department shall reduce the amounts otherwise payable under 3140
division (C) of this section to any community school that 3141
includes in its program the provision of computer hardware and 3142
software materials to any student, if such hardware and software 3143

materials have not been delivered, installed, and activated for 3144
each such student in a timely manner or other educational 3145
materials or services have not been provided according to the 3146
contract between the individual community school and its 3147
sponsor. 3148

The superintendent of public instruction and the auditor 3149
of state shall jointly establish a method for auditing any 3150
community school to which this division pertains to ensure 3151
compliance with this section. 3152

The superintendent, auditor of state, and the governor 3153
shall jointly make recommendations to the general assembly for 3154
legislative changes that may be required to assure fiscal and 3155
academic accountability for such schools. 3156

(K) (1) If the department determines that a review of a 3157
community school's enrollment is necessary, such review shall be 3158
completed and written notice of the findings shall be provided 3159
to the governing authority of the community school and its 3160
sponsor within ninety days of the end of the community school's 3161
fiscal year, unless extended for a period not to exceed thirty 3162
additional days for one of the following reasons: 3163

(a) The department and the community school mutually agree 3164
to the extension. 3165

(b) Delays in data submission caused by either a community 3166
school or its sponsor. 3167

(2) If the review results in a finding that additional 3168
funding is owed to the school, such payment shall be made within 3169
thirty days of the written notice. If the review results in a 3170
finding that the community school owes moneys to the state, the 3171
following procedure shall apply: 3172

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.	3173 3174 3175
(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.	3176 3177 3178 3179
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.	3180 3181 3182 3183 3184
(d) Any decision made by the board under this division is final.	3185 3186
(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.	3187 3188 3189 3190
(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:	3191 3192 3193 3194
(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;	3195 3196
(2) Any student who is not a resident of the state;	3197
(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did	3198 3199 3200

not take one or more of the assessments required by that section 3201
and was not excused pursuant to division (C) (1) or (3) of that 3202
section, unless the superintendent of public instruction grants 3203
the student a waiver from the requirement to take the assessment 3204
and a parent is not paying tuition for the student pursuant to 3205
section 3314.26 of the Revised Code. The superintendent may 3206
grant a waiver only for good cause in accordance with rules 3207
adopted by the state board of education. 3208

(4) Any student who has attained the age of twenty-two 3209
years, except for veterans of the armed services whose 3210
attendance was interrupted before completing the recognized 3211
twelve-year course of the public schools by reason of induction 3212
or enlistment in the armed forces and who apply for enrollment 3213
in a community school not later than four years after 3214
termination of war or their honorable discharge. If, however, 3215
any such veteran elects to enroll in special courses organized 3216
for veterans for whom tuition is paid under federal law, or 3217
otherwise, the department shall not subtract from a school 3218
district's state aid account and shall not pay to a community 3219
school under division (C) of this section any amount for that 3220
veteran. 3221

Sec. 3314.19. The sponsor of each community school 3222
annually shall provide the following assurances in writing to 3223
the department of education not later than ten business days 3224
prior to the opening of the school: 3225

(A) That a current copy of the contract between the 3226
sponsor and the governing authority of the school entered into 3227
under section 3314.03 of the Revised Code has been filed with 3228
the department and that any subsequent modifications to that 3229
contract will be filed with the department; 3230

(B) That the school has submitted to the sponsor a plan 3231
for providing special education and related services to students 3232
with disabilities and has demonstrated the capacity to provide 3233
those services in accordance with Chapter 3323. of the Revised 3234
Code and federal law; 3235

(C) That the school has a plan and procedures for 3236
administering the achievement and diagnostic assessments 3237
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 3238
the Revised Code; 3239

(D) That school personnel have the necessary training, 3240
knowledge, and resources to properly use and submit information 3241
to all databases maintained by the department for the collection 3242
of education data, including the education management 3243
information system established under section 3301.0714 of the 3244
Revised Code in accordance with methods and timelines 3245
established under section 3314.17 of the Revised Code; 3246

(E) That all required information about the school has 3247
been submitted to the Ohio education directory system or any 3248
successor system; 3249

(F) That the school will enroll at least the minimum 3250
number of students required by division (A) (11) (a) of section 3251
3314.03 of the Revised Code in the school year for which the 3252
assurances are provided; 3253

(G) That all classroom teachers are licensed in accordance 3254
with sections 3319.22 to 3319.31 of the Revised Code, except for 3255
noncertificated persons engaged to teach up to twelve hours per 3256
week pursuant to section 3319.301 of the Revised Code; 3257

(H) That the school's fiscal officer is in compliance with 3258
section 3314.011 of the Revised Code; 3259

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	3260 3261 3262 3263
(J) That the school holds all of the following:	3264
(1) Proof of property ownership or a lease for the facilities used by the school;	3265 3266
(2) A certificate of occupancy;	3267
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	3268 3269 3270 3271
(4) A satisfactory health and safety inspection;	3272
(5) A satisfactory fire inspection;	3273
(6) A valid food permit, if applicable.	3274
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	3275 3276 3277
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	3278 3279 3280 3281
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	3282 3283 3284
<u>(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised</u>	3285 3286

<u>Code, the sponsor has reviewed the following information,</u>	3287
<u>submitted by the school:</u>	3288
<u>(1) An indication of what blended learning model or models</u>	3289
<u>will be used;</u>	3290
<u>(2) A description of how student instructional needs will</u>	3291
<u>be determined and documented;</u>	3292
<u>(3) The method to be used for determining competency,</u>	3293
<u>granting credit, and promoting students to a higher grade level;</u>	3294
<u>(4) The school's attendance requirements, including how</u>	3295
<u>the school will document participation in learning</u>	3296
<u>opportunities;</u>	3297
<u>(5) A statement describing how student progress will be</u>	3298
<u>monitored;</u>	3299
<u>(6) A statement describing how private student data will</u>	3300
<u>be protected;</u>	3301
<u>(7) A description of the professional development</u>	3302
<u>activities that will be offered to teachers.</u>	3303
Sec. 3314.23. (A) Subject to division (B) of this section,	3304
each internet- or computer-based community school shall do the	3305
applicable one of the following:	3306
(1) If the general assembly has enacted standards for the	3307
operation of internet- or computer-based community schools by	3308
January 1, 2013, comply with the standards so enacted;	3309
(2) If the general assembly has not enacted such standards	3310
by that date, comply with the standards developed by the	3311
international association for K-12 online learning.	3312
(B) Each internet- or computer-based community school that	3313

initially opens for operation on or after January 1, 2013, shall 3314
comply with the standards required by division (A) of this 3315
section at the time it opens. Each internet- or computer-based 3316
community school that initially opened for operation prior to 3317
January 1, 2013, shall comply with the standards required by 3318
division (A) of this section not later than July 1, 2013. 3319

(C) The sponsor of each internet- or computer-based 3320
community school shall be responsible for monitoring and 3321
ensuring compliance with the online learning standards described 3322
in divisions (A) and (B) of this section and shall report a 3323
school's failure to comply with these standards to the 3324
department of education in the manner prescribed by the 3325
department. 3326

Sec. 3314.46. As used in this section, "sponsor" includes 3327
any officer, director, employee, agent, representative, 3328
subsidiary, or independent contractor of the sponsor of a 3329
community school. 3330

(A) Except as provided in division (B) of this section, no 3331
sponsor of a community school shall sell any goods or services 3332
to any community school it sponsors. 3333

(B) If the sponsor of a community school entered into a 3334
contract prior to the effective date of this section that 3335
involves the sale of goods or services to a community school it 3336
sponsors, the sponsor shall not be required to comply with 3337
division (A) of this section with respect to that school until 3338
the expiration of the contract. 3339

Section 2. That existing sections 3301.52, 3301.53, 3340
3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3341
3314.015, 3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3342

3314.06, 3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 and 3343
section 3314.026 of the Revised Code are hereby repealed. 3344

Section 3. Not later than December 31, 2015, the State 3345
Board of Education shall make recommendations to the General 3346
Assembly, in accordance with section 101.68 of the Revised Code, 3347
and the Governor regarding the following: 3348

(A) Performance standards for community schools in which a 3349
majority of the enrolled students are children with disabilities 3350
receiving special education and related services in accordance 3351
with Chapter 3323. of the Revised Code; 3352

(B) The feasibility of removal of the exemption from 3353
permanent closure, prescribed by division (A) (4) (b) of section 3354
3314.35 of the Revised Code, for schools described in division 3355
(A) of this section. 3356

Section 4. For fiscal years 2016 and 2017, the Department 3357
of Education shall distribute funds appropriated for early 3358
childhood education in accordance with this section. The 3359
Department shall distribute such funds directly to qualifying 3360
providers. 3361

(A) As used in this section: 3362

(1) "Provider" means a city, local, exempted village, or 3363
joint vocational school district; an educational service center; 3364
a community school sponsored by an exemplary sponsor; a 3365
chartered nonpublic school; an early childhood education child 3366
care provider licensed under Chapter 5104. of the Revised Code 3367
that participates in and meets at least the third highest tier 3368
of the tiered quality rating and improvement system described in 3369
section 5104.30 of the Revised Code; or a combination of 3370
entities described in this paragraph. 3371

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means any of the following:

(a) A community school established under Chapter 3314. of the Revised Code after the effective date of this section that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with 3401
sections 3301.50 to 3301.59 of the Revised Code. 3402

(iii) It did not receive state funding for Early Childhood 3403
Education in the previous fiscal year. 3404

(c) A community school established under Chapter 3314. of 3405
the Revised Code that is sponsored by a municipal school 3406
district and operates a program that uses the Montessori method 3407
endorsed by the American Montessori Society, the Montessori 3408
Accreditation Council for Teacher Education, or the Association 3409
Montessori Internationale as its primary method of instruction, 3410
as authorized by division (A) of section 3314.06 of the Revised 3411
Code, that did not receive state funding for Early Childhood 3412
Education in the previous year or demonstrates a need for early 3413
childhood programs as defined in division (D) of this section. 3414

(4) "Eligible child," between July 1, 2015, and June 30, 3415
2016, means a child who is at least three years of age as of the 3416
district entry date for kindergarten, is not of the age to be 3417
eligible for kindergarten, and whose family earns not more than 3418
two hundred per cent of the federal poverty guidelines as 3419
defined in division (A) (3) of section 5101.46 of the Revised 3420
Code. Children with an Individualized Education Program and 3421
where the Early Childhood Education program is the least 3422
restrictive environment may be enrolled on their third birthday. 3423

(5) "Eligible child," beginning July 1, 2016, means a 3424
child who is at least four years of age as of the district entry 3425
date for kindergarten, is not of the age to be eligible for 3426
kindergarten, and whose family earns not more than two hundred 3427
per cent of the federal poverty guidelines as defined in 3428
division (A) (3) of section 5101.46 of the Revised Code. Children 3429
with an Individualized Education Program and where the Early 3430

Childhood Education program is the least restrictive environment 3431
may be enrolled on their fourth birthday. 3432

(6) "Early learning program standards" means early 3433
learning program standards for school readiness developed by the 3434
Department of Education to assess the operation of early 3435
learning programs. 3436

(B) In each fiscal year, up to two per cent of the total 3437
appropriation for early childhood education may be used by the 3438
Department for program support and technical assistance. The 3439
Department shall distribute the remainder of the appropriation 3440
in each fiscal year to serve eligible children. 3441

(C) The Department shall provide an annual report to the 3442
Governor, the Speaker of the House of Representatives, and the 3443
President of the Senate and post the report to the Department's 3444
web site, regarding early childhood education programs operated 3445
under this section and the early learning program standards. 3446

(D) After setting aside the amounts to make payments due 3447
from the previous fiscal year, in fiscal year 2016, the 3448
Department shall distribute funds first to recipients of funds 3449
for early childhood education programs under Section 263.20 of 3450
Am. Sub. H.B. 59 of the 130th General Assembly in the previous 3451
fiscal year and the balance to new eligible providers of early 3452
childhood education programs under this section or to existing 3453
providers to serve more eligible children or for purposes of 3454
program expansion, improvement, or special projects to promote 3455
quality and innovation. 3456

After setting aside the amounts to make payments due from 3457
the previous fiscal year, in fiscal year 2017, the Department 3458
shall distribute funds first to providers of early childhood 3459

education programs under this section in the previous fiscal 3460
year and the balance to new eligible providers or to existing 3461
providers to serve more eligible children as outlined under 3462
division (E) of this section or for purposes of program 3463
expansion, improvement, or special projects to promote quality 3464
and innovation. 3465

(E) The Department shall distribute any new or remaining 3466
funding to existing providers of early childhood education 3467
programs or any new eligible providers in an effort to invest in 3468
high quality early childhood programs where there is a need as 3469
determined by the Department. The Department shall distribute 3470
the new or remaining funds to existing providers of early 3471
childhood education programs or any new eligible providers to 3472
serve additional eligible children based on community economic 3473
disadvantage, limited access to high quality preschool or 3474
childcare services, and demonstration of high quality preschool 3475
services as determined by the Department using new metrics 3476
developed pursuant to Ohio's Race to the Top—Early Learning 3477
Challenge Grant, awarded to the Department in December 2011. 3478

Awards under divisions (D) and (E) of this section shall 3479
be distributed on a per-pupil basis, and in accordance with 3480
division (I) of this section. The Department may adjust the per- 3481
pupil amount so that the per-pupil amount multiplied by the 3482
number of eligible children enrolled and receiving services on 3483
the first day of December or the business day closest to that 3484
date equals the amount allocated under this section. 3485

(F) Costs for developing and administering an early 3486
childhood education program may not exceed fifteen per cent of 3487
the total approved costs of the program. 3488

All providers shall maintain such fiscal control and 3489

accounting procedures as may be necessary to ensure the 3490
disbursement of, and accounting for, these funds. The control of 3491
funds provided in this program, and title to property obtained, 3492
shall be under the authority of the approved provider for 3493
purposes provided in the program unless, as described in 3494
division (K) of this section, the program waives its right for 3495
funding or a program's funding is eliminated or reduced due to 3496
its inability to meet financial or early learning program 3497
standards. The approved provider shall administer and use such 3498
property and funds for the purposes specified. 3499

(G) The Department may examine a provider's financial and 3500
program records. If the financial practices of the program are 3501
not in accordance with standard accounting principles or do not 3502
meet financial standards outlined under division (F) of this 3503
section, or if the program fails to substantially meet the early 3504
learning program standards, meet a quality rating level in the 3505
tiered quality rating and improvement system developed under 3506
section 5104.30 of the Revised Code as prescribed by the 3507
Department, or exhibits below average performance as measured 3508
against the standards, the early childhood education program 3509
shall propose and implement a corrective action plan that has 3510
been approved by the Department. The approved corrective action 3511
plan shall be signed by the chief executive officer and the 3512
executive of the official governing body of the provider. The 3513
corrective action plan shall include a schedule for monitoring 3514
by the Department. Such monitoring may include monthly reports, 3515
inspections, a timeline for correction of deficiencies, and 3516
technical assistance to be provided by the Department or 3517
obtained by the early childhood education program. The 3518
Department may withhold funding pending corrective action. If an 3519
early childhood education program fails to satisfactorily 3520

complete a corrective action plan, the Department may deny 3521
expansion funding to the program or withdraw all or part of the 3522
funding to the program and establish a new eligible provider 3523
through a selection process established by the Department. 3524

(H) (1) If the early childhood education program is 3525
licensed by the Department of Education and is not highly rated, 3526
as determined by the Director of Job and Family Services, under 3527
the tiered quality rating and improvement system described in 3528
section 5104.30 of the Revised Code, the program shall do all of 3529
the following: 3530

(a) Meet teacher qualification requirements prescribed by 3531
section 3301.311 of the Revised Code; 3532

(b) Align curriculum to the early learning content 3533
standards developed by the Department; 3534

(c) Meet any child or program assessment requirements 3535
prescribed by the Department; 3536

(d) Require teachers, except teachers enrolled and working 3537
to obtain a degree pursuant to section 3301.311 of the Revised 3538
Code, to attend a minimum of twenty hours every two years of 3539
professional development as prescribed by the Department; 3540

(e) Document and report child progress as prescribed by 3541
the Department; 3542

(f) Meet and report compliance with the early learning 3543
program standards as prescribed by the Department; 3544

(g) Participate in the tiered quality rating and 3545
improvement system developed under section 5104.30 of the 3546
Revised Code. Effective July 1, 2016, all programs shall be 3547
rated through the system. 3548

(2) If the program is highly rated, as determined by the 3549
Director of Job and Family Services, under the tiered quality 3550
rating and improvement system developed under section 5104.30 of 3551
the Revised Code, the program shall comply with the requirements 3552
of that system. 3553

(I) Per-pupil funding for programs subject to this section 3554
shall be sufficient to provide eligible children with services 3555
for a standard early childhood schedule which shall be defined 3556
in this section as a minimum of twelve and one-half hours per 3557
school week as defined in section 3313.62 of the Revised Code 3558
for the minimum school year as defined in sections 3313.48, 3559
3313.481, and 3313.482 of the Revised Code. Nothing in this 3560
section shall be construed to prohibit program providers from 3561
utilizing other funds to serve eligible children in programs 3562
that exceed the twelve and one-half hours per week or that 3563
exceed the minimum school year. For any provider for which a 3564
standard early childhood education schedule creates a hardship 3565
or for which the provider shows evidence that the provider is 3566
working in collaboration with a preschool special education 3567
program, the provider may submit a waiver to the Department 3568
requesting an alternate schedule. If the Department approves a 3569
waiver for an alternate schedule that provides services for less 3570
time than the standard early childhood education schedule, the 3571
Department may reduce the provider's annual allocation 3572
proportionately. Under no circumstances shall an annual 3573
allocation be increased because of the approval of an alternate 3574
schedule. 3575

(J) For fiscal year 2016, each provider shall develop a 3576
sliding fee scale based on family incomes and shall charge 3577
families who earn more than two hundred per cent of the federal 3578
poverty guidelines, as defined in division (A) (3) of section 3579

5101.46 of the Revised Code, for the early childhood education 3580
program. 3581

The Department shall conduct an annual survey of each 3582
provider to determine whether the provider charges families 3583
tuition or fees, the amount families are charged relative to 3584
family income levels, and the number of families and students 3585
charged tuition and fees for the Early Childhood Education 3586
Program. 3587

(K) If an early childhood education program voluntarily 3588
waives its right for funding, or has its funding eliminated for 3589
not meeting financial standards or the early learning program 3590
standards, the provider shall transfer control of title to 3591
property, equipment, and remaining supplies obtained through the 3592
program to providers designated by the Department and return any 3593
unexpended funds to the Department along with any reports 3594
prescribed by the Department. The funding made available from a 3595
program that waives its right for funding or has its funding 3596
eliminated or reduced may be used by the Department for new 3597
grant awards or expansion grants. The Department may award new 3598
grants or expansion grants to eligible providers who apply. The 3599
eligible providers who apply must do so in accordance with the 3600
selection process established by the Department. 3601

(L) Eligible expenditures for the Early Childhood 3602
Education Program shall be claimed each fiscal year to help meet 3603
the state's TANF maintenance of effort requirement. The 3604
Superintendent of Public Instruction and the Director of Job and 3605
Family Services shall enter into an interagency agreement to 3606
carry out the requirements under this division, which shall 3607
include developing reporting guidelines for these expenditures. 3608

(M) (1) For fiscal year 2017, the Department of Education 3609

and the Department of Job and Family Services shall establish 3610
the following in common between early childhood education 3611
programs and publicly funded child care: 3612

(a) An application; 3613

(b) Program eligibility; 3614

(c) Funding; 3615

(d) An attendance policy; 3616

(e) An attendance tracking system. 3617

(2) Beginning July 1, 2016, in accordance with section 3618
5104.34 of the Revised Code, eligible families may receive 3619
publicly funded child care beyond the standard early childhood 3620
schedule defined in division (I) of this section. 3621

(3) All providers, agencies, and school districts 3622
participating in the Early Childhood Education Program or 3623
providing care to eligible families beyond the standard early 3624
childhood schedule shall follow the common policies established 3625
under this division. 3626

Section 5. Section 3301.57 of the Revised Code is 3627
presented in this act as a composite of the section as amended 3628
by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General 3629
Assembly. The General Assembly, applying the principle stated in 3630
division (B) of section 1.52 of the Revised Code that amendments 3631
are to be harmonized if reasonably capable of simultaneous 3632
operation, finds that the composite is the resulting version of 3633
the section in effect prior to the effective date of the section 3634
as presented in this act. 3635

Section 6. Section 3314.08 of the Revised Code is 3636
presented in this act as a composite of the section as amended 3637

by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th 3638
General Assembly. The General Assembly, applying the principle 3639
stated in division (B) of section 1.52 of the Revised Code that 3640
amendments are to be harmonized if reasonably capable of 3641
simultaneous operation, finds that the composite is the 3642
resulting version of the section in effect prior to the 3643
effective date of the section as presented in this act. 3644