

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 313

Senator Schiavoni

Cosponsors: Senators Thomas, Williams, Brown, Tavares, Yuko, O'Brien, Sykes

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact sections 3313.6024 and 3333.301 of the 2
Revised Code to establish the College 3
Application Month program. 4

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 5
amended and sections 3313.6024 and 3333.301 of the Revised Code 6
be enacted to read as follows: 7

Sec. 3313.6024. (A) In October of each year, the board of 8
education of each city, local, exempted village, and joint 9
vocational school district shall organize activities to 10
encourage and assist students in grade twelve to apply for 11
admission to at least one post-secondary education institution. 12

(B) Activities organized by the district shall comply with 13
the minimum guidelines prescribed under division (B) (1) of 14
section 3333.301 of the Revised Code and shall include all of 15
the following: 16

(1) Class time in an English language arts course where an 17
instructor shall help students write college application letters 18

and personal statements; 19

(2) Class time in a computer laboratory during the school day to complete an application to at least one post-secondary education institution; 20
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(3) Distributing the information packets prescribed under division (B)(2) of section 3333.301 of the Revised Code to students. 23
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(C) As used in this section, "post-secondary education institution" has the same meaning as in section 3333.301 of the Revised Code. 26
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 29
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 34
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(1) That the school shall be established as either of the following: 37
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 39
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 42
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the 44
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focus of the curriculum;	47
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	48 49 50 51
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	52 53 54 55
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	56 57 58
(6) (a) Dismissal procedures;	59
(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.	60 61 62 63 64 65
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	66 67
(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.	68 69 70 71 72 73
(9) An addendum to the contract outlining the facilities	74

to be used that contains at least the following information:	75
(a) A detailed description of each facility used for instructional purposes;	76 77
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	78 79
(c) The annual mortgage principal and interest payments that are paid by the school;	80 81
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	82 83 84
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	85 86 87 88 89 90
(11) That the school will comply with the following requirements:	91 92
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	93 94 95
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	96 97 98
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	99 100 101 102

(d) The school will comply with sections 9.90, 9.91, 103
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 104
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 105
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 106
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 107
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 108
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 109
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 110
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 111
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 112
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 113
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 114
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 115
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 116
it were a school district and will comply with section 3301.0714 117
of the Revised Code in the manner specified in section 3314.17 118
of the Revised Code. 119

(e) The school shall comply with Chapter 102. and section 120
2921.42 of the Revised Code. 121

(f) The school will comply with sections 3313.61, 122
3313.611, and 3313.614 of the Revised Code, except that for 123
students who enter ninth grade for the first time before July 1, 124
2010, the requirement in sections 3313.61 and 3313.611 of the 125
Revised Code that a person must successfully complete the 126
curriculum in any high school prior to receiving a high school 127
diploma may be met by completing the curriculum adopted by the 128
governing authority of the community school rather than the 129
curriculum specified in Title XXXVIII of the Revised Code or any 130
rules of the state board of education. Beginning with students 131
who enter ninth grade for the first time on or after July 1, 132
2010, the requirement in sections 3313.61 and 3313.611 of the 133

Revised Code that a person must successfully complete the 134
curriculum of a high school prior to receiving a high school 135
diploma shall be met by completing the requirements prescribed 136
in division (C) of section 3313.603 of the Revised Code, unless 137
the person qualifies under division (D) or (F) of that section. 138
Each school shall comply with the plan for awarding high school 139
credit based on demonstration of subject area competency, and 140
beginning with the 2017-2018 school year, with the updated plan 141
that permits students enrolled in seventh and eighth grade to 142
meet curriculum requirements based on subject area competency 143
adopted by the state board of education under divisions (J) (1) 144
and (2) of section 3313.603 of the Revised Code. Beginning with 145
the 2018-2019 school year, the school shall comply with the 146
framework for granting units of high school credit to students 147
who demonstrate subject area competency through work-based 148
learning experiences, internships, or cooperative education 149
developed by the department under division (J) (3) of section 150
3313.603 of the Revised Code. 151

(g) The school governing authority will submit within four 152
months after the end of each school year a report of its 153
activities and progress in meeting the goals and standards of 154
divisions (A) (3) and (4) of this section and its financial 155
status to the sponsor and the parents of all students enrolled 156
in the school. 157

(h) The school, unless it is an internet- or computer- 158
based community school, will comply with section 3313.801 of the 159
Revised Code as if it were a school district. 160

(i) If the school is the recipient of moneys from a grant 161
awarded under the federal race to the top program, Division (A), 162
Title XIV, Sections 14005 and 14006 of the "American Recovery 163

and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 164
the school will pay teachers based upon performance in 165
accordance with section 3317.141 and will comply with section 166
3319.111 of the Revised Code as if it were a school district. 167

(j) If the school operates a preschool program that is 168
licensed by the department of education under sections 3301.52 169
to 3301.59 of the Revised Code, the school shall comply with 170
sections 3301.50 to 3301.59 of the Revised Code and the minimum 171
standards for preschool programs prescribed in rules adopted by 172
the state board under section 3301.53 of the Revised Code. 173

(k) The school will comply with sections 3313.6021 and 174
3313.6023 of the Revised Code as if it were a school district 175
unless it is either of the following: 176

(i) An internet- or computer-based community school; 177

(ii) A community school in which a majority of the 178
enrolled students are children with disabilities as described in 179
division (A) (4) (b) of section 3314.35 of the Revised Code. 180

(12) Arrangements for providing health and other benefits 181
to employees; 182

(13) The length of the contract, which shall begin at the 183
beginning of an academic year. No contract shall exceed five 184
years unless such contract has been renewed pursuant to division 185
(E) of this section. 186

(14) The governing authority of the school, which shall be 187
responsible for carrying out the provisions of the contract; 188

(15) A financial plan detailing an estimated school budget 189
for each year of the period of the contract and specifying the 190
total estimated per pupil expenditure amount for each such year. 191

(16) Requirements and procedures regarding the disposition	192
of employees of the school in the event the contract is	193
terminated or not renewed pursuant to section 3314.07 of the	194
Revised Code;	195
(17) Whether the school is to be created by converting all	196
or part of an existing public school or educational service	197
center building or is to be a new start-up school, and if it is	198
a converted public school or service center building,	199
specification of any duties or responsibilities of an employer	200
that the board of education or service center governing board	201
that operated the school or building before conversion is	202
delegating to the governing authority of the community school	203
with respect to all or any specified group of employees provided	204
the delegation is not prohibited by a collective bargaining	205
agreement applicable to such employees;	206
(18) Provisions establishing procedures for resolving	207
disputes or differences of opinion between the sponsor and the	208
governing authority of the community school;	209
(19) A provision requiring the governing authority to	210
adopt a policy regarding the admission of students who reside	211
outside the district in which the school is located. That policy	212
shall comply with the admissions procedures specified in	213
sections 3314.06 and 3314.061 of the Revised Code and, at the	214
sole discretion of the authority, shall do one of the following:	215
(a) Prohibit the enrollment of students who reside outside	216
the district in which the school is located;	217
(b) Permit the enrollment of students who reside in	218
districts adjacent to the district in which the school is	219
located;	220

(c) Permit the enrollment of students who reside in any other district in the state.	221 222
(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;	223 224 225 226
(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;	227 228 229
(22) A provision recognizing both of the following:	230
(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;	231 232 233 234
(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.	235 236 237 238 239 240 241
(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;	242 243 244 245 246 247
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	248 249

be taken by a school district pursuant to those sections shall 250
be taken by the sponsor of the school. However, the sponsor 251
shall not be required to take any action described in division 252
(F) of section 3302.04 of the Revised Code. 253

(25) Beginning in the 2006-2007 school year, the school 254
will open for operation not later than the thirtieth day of 255
September each school year, unless the mission of the school as 256
specified under division (A) (2) of this section is solely to 257
serve dropouts. In its initial year of operation, if the school 258
fails to open by the thirtieth day of September, or within one 259
year after the adoption of the contract pursuant to division (D) 260
of section 3314.02 of the Revised Code if the mission of the 261
school is solely to serve dropouts, the contract shall be void. 262

(26) Whether the school's governing authority is planning 263
to seek designation for the school as a STEM school equivalent 264
under section 3326.032 of the Revised Code; 265

(27) That the school's attendance and participation 266
policies will be available for public inspection; 267

(28) That the school's attendance and participation 268
records shall be made available to the department of education, 269
auditor of state, and school's sponsor to the extent permitted 270
under and in accordance with the "Family Educational Rights and 271
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 272
and any regulations promulgated under that act, and section 273
3319.321 of the Revised Code; 274

(29) If a school operates using the blended learning 275
model, as defined in section 3301.079 of the Revised Code, all 276
of the following information: 277

(a) An indication of what blended learning model or models 278

will be used;	279
(b) A description of how student instructional needs will	280
be determined and documented;	281
(c) The method to be used for determining competency,	282
granting credit, and promoting students to a higher grade level;	283
(d) The school's attendance requirements, including how	284
the school will document participation in learning	285
opportunities;	286
(e) A statement describing how student progress will be	287
monitored;	288
(f) A statement describing how private student data will	289
be protected;	290
(g) A description of the professional development	291
activities that will be offered to teachers.	292
(30) A provision requiring that all moneys the school's	293
operator loans to the school, including facilities loans or cash	294
flow assistance, must be accounted for, documented, and bear	295
interest at a fair market rate;	296
(31) A provision requiring that, if the governing	297
authority contracts with an attorney, accountant, or entity	298
specializing in audits, the attorney, accountant, or entity	299
shall be independent from the operator with which the school has	300
contracted.	301
(B) The community school shall also submit to the sponsor	302
a comprehensive plan for the school. The plan shall specify the	303
following:	304
(1) The process by which the governing authority of the	305

school will be selected in the future;	306
(2) The management and administration of the school;	307
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	308 309 310 311 312
(4) The instructional program and educational philosophy of the school;	313 314
(5) Internal financial controls.	315
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	316 317 318 319
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	320 321 322 323 324 325 326 327 328 329
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	330 331 332 333 334

(1) Monitor the community school's compliance with all	335
laws applicable to the school and with the terms of the	336
contract;	337
(2) Monitor and evaluate the academic and fiscal	338
performance and the organization and operation of the community	339
school on at least an annual basis;	340
(3) Report on an annual basis the results of the	341
evaluation conducted under division (D) (2) of this section to	342
the department of education and to the parents of students	343
enrolled in the community school;	344
(4) Provide technical assistance to the community school	345
in complying with laws applicable to the school and terms of the	346
contract;	347
(5) Take steps to intervene in the school's operation to	348
correct problems in the school's overall performance, declare	349
the school to be on probationary status pursuant to section	350
3314.073 of the Revised Code, suspend the operation of the	351
school pursuant to section 3314.072 of the Revised Code, or	352
terminate the contract of the school pursuant to section 3314.07	353
of the Revised Code as determined necessary by the sponsor;	354
(6) Have in place a plan of action to be undertaken in the	355
event the community school experiences financial difficulties or	356
closes prior to the end of a school year.	357
(E) Upon the expiration of a contract entered into under	358
this section, the sponsor of a community school may, with the	359
approval of the governing authority of the school, renew that	360
contract for a period of time determined by the sponsor, but not	361
ending earlier than the end of any school year, if the sponsor	362
finds that the school's compliance with applicable laws and	363

terms of the contract and the school's progress in meeting the 364
academic goals prescribed in the contract have been 365
satisfactory. Any contract that is renewed under this division 366
remains subject to the provisions of sections 3314.07, 3314.072, 367
and 3314.073 of the Revised Code. 368

(F) If a community school fails to open for operation 369
within one year after the contract entered into under this 370
section is adopted pursuant to division (D) of section 3314.02 371
of the Revised Code or permanently closes prior to the 372
expiration of the contract, the contract shall be void and the 373
school shall not enter into a contract with any other sponsor. A 374
school shall not be considered permanently closed because the 375
operations of the school have been suspended pursuant to section 376
3314.072 of the Revised Code. 377

Sec. 3326.11. Each science, technology, engineering, and 378
mathematics school established under this chapter and its 379
governing body shall comply with sections 9.90, 9.91, 109.65, 380
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 381
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 382
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 383
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 384
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 385
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 386
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 387
3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 388
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 389
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 390
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 391
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 392
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 393
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 394

Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 395
4112., 4123., 4141., and 4167. of the Revised Code as if it were 396
a school district. 397

Sec. 3328.24. A college-preparatory boarding school 398
established under this chapter and its board of trustees shall 399
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 400
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 401
3313.6024, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 402
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 403
if the school were a school district and the school's board of 404
trustees were a district board of education. 405

Sec. 3333.301. (A) The chancellor of higher education shall 406
establish the college application month program. The college 407
application month program shall help public schools organize 408
activities in October of each year to encourage and assist 409
students in grade twelve with completing the application process 410
for at least one post-secondary education institution. 411

(B) The chancellor, in collaboration with the department 412
of education, shall do all of the following: 413

(1) Develop minimum guidelines for the activities 414
organized by public schools under division (B) of section 415
3313.6024 of the Revised Code; 416

(2) Develop information packets for students that contain 417
information about all of the following: 418

(a) College and career options available to students; 419

(b) Any supports available to families in completing the 420
free application for federal student aid; 421

(c) Other information that the chancellor and department 422

determine necessary. 423

(3) Distribute the minimum guidelines and information 424
packets developed under this division to all public schools; 425

(4) Provide any other assistance, including additional 426
resources, materials, support, and training, to public schools 427
that the chancellor and department determine necessary. 428

(C) Prior to October of each year, the chancellor shall 429
notify each post-secondary education institution about the 430
college application month program and offer each institution the 431
opportunity to participate. Any post-secondary education 432
institution may participate in the program, provided that the 433
institution waives any application or registration fees during 434
the upcoming October for students participating in activities 435
organized by public schools under division (B) of section 436
3313.6024 of the Revised Code. The chancellor shall compile a 437
list of participating post-secondary education institutions and 438
post that list on the chancellor's web site. 439

(D) Subject to available funds, the department of 440
education shall determine a method to cover the cost of any 441
application or registration fees incurred by high-achieving 442
students or low-income students applying to an apprenticeship 443
program or trade school during each October under section 444
3313.6024 of the Revised Code if that apprenticeship program or 445
trade school does not waive fees under division (C) of this 446
section. 447

(E) The chancellor, in administering the college 448
application month program, may collaborate with other entities, 449
such as the American college application campaign. 450

(F) The chancellor shall adopt rules as necessary to 451

<u>implement this section.</u>	452
<u>(G) As used in this section:</u>	453
<u>(1) "Apprenticeship program or trade school" means all of</u>	454
<u>the following:</u>	455
<u>(a) An institution holding a certificate of registration</u>	456
<u>from the state board of career colleges under Chapter 3332. of</u>	457
<u>the Revised Code;</u>	458
<u>(b) An Ohio technical center that provides adult technical</u>	459
<u>education services and is recognized by the chancellor;</u>	460
<u>(c) A private institution exempt from regulation under</u>	461
<u>Chapter 3332. of the Revised Code as prescribed in section</u>	462
<u>3333.046 of the Revised Code;</u>	463
<u>(d) A program registered with the apprenticeship council</u>	464
<u>established under Chapter 4139. of the Revised Code.</u>	465
<u>(2) "High-achieving student" means a student who attained</u>	466
<u>a high-performing score, as determined by the department of</u>	467
<u>education, on the nationally standardized assessments prescribed</u>	468
<u>under division (B) (1) of section 3301.0712 of the Revised Code.</u>	469
<u>(3) "Low-income student" shall be defined by the</u>	470
<u>department of education.</u>	471
<u>(4) "Post-secondary education institution" means all of</u>	472
<u>the following:</u>	473
<u>(a) A state institution of higher education, as defined in</u>	474
<u>section 3345.011 of the Revised Code;</u>	475
<u>(b) A nonprofit institution holding a certificate of</u>	476
<u>authorization pursuant to Chapter 1713. of the Revised Code;</u>	477
<u>(c) An institution holding a certificate of registration</u>	478

from the state board of career colleges under Chapter 3332. of 479
the Revised Code; 480

(d) A private institution exempt from regulation under 481
Chapter 3332. of the Revised Code as prescribed in section 482
3333.046 of the Revised Code; 483

(e) A program registered with the apprenticeship council 484
established under Chapter 4139. of the Revised Code; 485

(f) An Ohio technical center that provides adult technical 486
education services and is recognized by the chancellor. 487

(5) "Public schools" means all of the following: 488

(a) The board of education of each city, local, exempted 489
village, and joint vocational school district; 490

(b) The governing authority of any community school 491
established under Chapter 3314. of the Revised Code that serves 492
students in grade twelve; 493

(c) The governing body of any STEM school established 494
under Chapter 3326. of the Revised Code that serves students in 495
grade twelve; 496

(d) The board of trustees of any college-preparatory 497
boarding school established under Chapter 3328. of the Revised 498
Code that serves students in grade twelve. 499

Section 2. That existing sections 3314.03, 3326.11, and 500
3328.24 of the Revised Code are hereby repealed. 501

Section 3. Section 3328.24 of the Revised Code is 502
presented in this act as a composite of the section as amended 503
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 504
Assembly. The General Assembly, applying the principle stated in 505

division (B) of section 1.52 of the Revised Code that amendments	506
are to be harmonized if reasonably capable of simultaneous	507
operation, finds that the composite is the resulting version of	508
the section in effect prior to the effective date of the section	509
as presented in this act.	510