

As Reported by the Senate Education Committee

132nd General Assembly

Regular Session

2017-2018

Sub. S. B. No. 82

Senators Williams, Lehner

Cosponsors: Senators Thomas, Yuko, Skindell, Brown, Tavares, Sykes

A BILL

To amend sections 3313.205, 3314.03, and 3326.11 1
and to enact sections 3314.13, 3321.141, and 2
3326.90 of the Revised Code to require a public 3
school, within one hundred twenty minutes of the 4
start of a school day, to notify the parent of a 5
student who fails to arrive at school and is not 6
excused from attendance. 7

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

Section 1. That sections 3313.205, 3314.03, and 3326.11 be 8
amended and sections 3314.13, 3321.141, and 3326.90 of the 9
Revised Code be enacted to read as follows: 10

Sec. 3313.205. ~~The~~ Subject to section 3321.141 of the 11
Revised Code, the board of education of each school district 12
shall adopt a written policy with respect to the notification of 13
a student's parents, parent who is the residential parent and 14
legal custodian, guardian, or legal custodian or any other 15
person responsible for the student within a reasonable time 16
after the determination that the student is absent from school. 17
The student's parents, parent who is the residential parent and 18

legal custodian, guardian, or legal custodian or any other 19
person responsible for the student shall provide the school that 20
the student attends a current address and a telephone number at 21
which the student's parents, parent who is the residential 22
parent and legal custodian, guardian, or legal custodian or any 23
other person that is responsible for the student can receive 24
notice that the student is absent from school. 25

Sec. 3314.03. A copy of every contract entered into under 26
this section shall be filed with the superintendent of public 27
instruction. The department of education shall make available on 28
its web site a copy of every approved, executed contract filed 29
with the superintendent under this section. 30

(A) Each contract entered into between a sponsor and the 31
governing authority of a community school shall specify the 32
following: 33

(1) That the school shall be established as either of the 34
following: 35

(a) A nonprofit corporation established under Chapter 36
1702. of the Revised Code, if established prior to April 8, 37
2003; 38

(b) A public benefit corporation established under Chapter 39
1702. of the Revised Code, if established after April 8, 2003. 40

(2) The education program of the school, including the 41
school's mission, the characteristics of the students the school 42
is expected to attract, the ages and grades of students, and the 43
focus of the curriculum; 44

(3) The academic goals to be achieved and the method of 45
measurement that will be used to determine progress toward those 46
goals, which shall include the statewide achievement 47

assessments;	48
(4) Performance standards, including but not limited to	49
all applicable report card measures set forth in section 3302.03	50
or 3314.017 of the Revised Code, by which the success of the	51
school will be evaluated by the sponsor;	52
(5) The admission standards of section 3314.06 of the	53
Revised Code and, if applicable, section 3314.061 of the Revised	54
Code;	55
(6) (a) Dismissal procedures;	56
(b) A requirement that the governing authority adopt an	57
attendance policy that includes a procedure for automatically	58
withdrawing a student from the school if the student without a	59
legitimate excuse fails to participate in one hundred five	60
consecutive hours of the learning opportunities offered to the	61
student.	62
(7) The ways by which the school will achieve racial and	63
ethnic balance reflective of the community it serves;	64
(8) Requirements for financial audits by the auditor of	65
state. The contract shall require financial records of the	66
school to be maintained in the same manner as are financial	67
records of school districts, pursuant to rules of the auditor of	68
state. Audits shall be conducted in accordance with section	69
117.10 of the Revised Code.	70
(9) An addendum to the contract outlining the facilities	71
to be used that contains at least the following information:	72
(a) A detailed description of each facility used for	73
instructional purposes;	74
(b) The annual costs associated with leasing each facility	75

that are paid by or on behalf of the school;	76
(c) The annual mortgage principal and interest payments	77
that are paid by the school;	78
(d) The name of the lender or landlord, identified as	79
such, and the lender's or landlord's relationship to the	80
operator, if any.	81
(10) Qualifications of teachers, including a requirement	82
that the school's classroom teachers be licensed in accordance	83
with sections 3319.22 to 3319.31 of the Revised Code, except	84
that a community school may engage noncertificated persons to	85
teach up to twelve hours per week pursuant to section 3319.301	86
of the Revised Code.	87
(11) That the school will comply with the following	88
requirements:	89
(a) The school will provide learning opportunities to a	90
minimum of twenty-five students for a minimum of nine hundred	91
twenty hours per school year.	92
(b) The governing authority will purchase liability	93
insurance, or otherwise provide for the potential liability of	94
the school.	95
(c) The school will be nonsectarian in its programs,	96
admission policies, employment practices, and all other	97
operations, and will not be operated by a sectarian school or	98
religious institution.	99
(d) The school will comply with sections 9.90, 9.91,	100
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	101
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	102
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,	103

3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 104
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 105
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 106
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 107
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 108
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 109
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 110
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 111
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 112
4112., 4123., 4141., and 4167. of the Revised Code as if it were 113
a school district and will comply with section 3301.0714 of the 114
Revised Code in the manner specified in section 3314.17 of the 115
Revised Code. 116

(e) The school shall comply with Chapter 102. and section 117
2921.42 of the Revised Code. 118

(f) The school will comply with sections 3313.61, 119
3313.611, and 3313.614 of the Revised Code, except that for 120
students who enter ninth grade for the first time before July 1, 121
2010, the requirement in sections 3313.61 and 3313.611 of the 122
Revised Code that a person must successfully complete the 123
curriculum in any high school prior to receiving a high school 124
diploma may be met by completing the curriculum adopted by the 125
governing authority of the community school rather than the 126
curriculum specified in Title XXXVIII of the Revised Code or any 127
rules of the state board of education. Beginning with students 128
who enter ninth grade for the first time on or after July 1, 129
2010, the requirement in sections 3313.61 and 3313.611 of the 130
Revised Code that a person must successfully complete the 131
curriculum of a high school prior to receiving a high school 132
diploma shall be met by completing the requirements prescribed 133
in division (C) of section 3313.603 of the Revised Code, unless 134

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

(g) The school governing authority will submit within four 149
months after the end of each school year a report of its 150
activities and progress in meeting the goals and standards of 151
divisions (A) (3) and (4) of this section and its financial 152
status to the sponsor and the parents of all students enrolled 153
in the school. 154

(h) The school, unless it is an internet- or computer- 155
based community school, will comply with section 3313.801 of the 156
Revised Code as if it were a school district. 157

(i) If the school is the recipient of moneys from a grant 158
awarded under the federal race to the top program, Division (A), 159
Title XIV, Sections 14005 and 14006 of the "American Recovery 160
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 161
the school will pay teachers based upon performance in 162
accordance with section 3317.141 and will comply with section 163
3319.111 of the Revised Code as if it were a school district. 164

(j) 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, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	165 166 167 168 169 170
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	171 172 173
(i) An internet- or computer-based community school;	174
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	175 176 177
(12) Arrangements for providing health and other benefits to employees;	178 179
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	180 181 182 183
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	184 185
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	186 187 188
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	189 190 191 192

(17) Whether the school is to be created by converting all	193
or part of an existing public school or educational service	194
center building or is to be a new start-up school, and if it is	195
a converted public school or service center building,	196
specification of any duties or responsibilities of an employer	197
that the board of education or service center governing board	198
that operated the school or building before conversion is	199
delegating to the governing authority of the community school	200
with respect to all or any specified group of employees provided	201
the delegation is not prohibited by a collective bargaining	202
agreement applicable to such employees;	203
(18) Provisions establishing procedures for resolving	204
disputes or differences of opinion between the sponsor and the	205
governing authority of the community school;	206
(19) A provision requiring the governing authority to	207
adopt a policy regarding the admission of students who reside	208
outside the district in which the school is located. That policy	209
shall comply with the admissions procedures specified in	210
sections 3314.06 and 3314.061 of the Revised Code and, at the	211
sole discretion of the authority, shall do one of the following:	212
(a) Prohibit the enrollment of students who reside outside	213
the district in which the school is located;	214
(b) Permit the enrollment of students who reside in	215
districts adjacent to the district in which the school is	216
located;	217
(c) Permit the enrollment of students who reside in any	218
other district in the state.	219
(20) A provision recognizing the authority of the	220
department of education to take over the sponsorship of the	221

school in accordance with the provisions of division (C) of	222
section 3314.015 of the Revised Code;	223
(21) A provision recognizing the sponsor's authority to	224
assume the operation of a school under the conditions specified	225
in division (B) of section 3314.073 of the Revised Code;	226
(22) A provision recognizing both of the following:	227
(a) The authority of public health and safety officials to	228
inspect the facilities of the school and to order the facilities	229
closed if those officials find that the facilities are not in	230
compliance with health and safety laws and regulations;	231
(b) The authority of the department of education as the	232
community school oversight body to suspend the operation of the	233
school under section 3314.072 of the Revised Code if the	234
department has evidence of conditions or violations of law at	235
the school that pose an imminent danger to the health and safety	236
of the school's students and employees and the sponsor refuses	237
to take such action.	238
(23) A description of the learning opportunities that will	239
be offered to students including both classroom-based and non-	240
classroom-based learning opportunities that is in compliance	241
with criteria for student participation established by the	242
department under division (H) (2) of section 3314.08 of the	243
Revised Code;	244
(24) The school will comply with sections 3302.04 and	245
3302.041 of the Revised Code, except that any action required to	246
be taken by a school district pursuant to those sections shall	247
be taken by the sponsor of the school. However, the sponsor	248
shall not be required to take any action described in division	249
(F) of section 3302.04 of the Revised Code.	250

(25) Beginning in the 2006-2007 school year, the school 251
will open for operation not later than the thirtieth day of 252
September each school year, unless the mission of the school as 253
specified under division (A)(2) of this section is solely to 254
serve dropouts. In its initial year of operation, if the school 255
fails to open by the thirtieth day of September, or within one 256
year after the adoption of the contract pursuant to division (D) 257
of section 3314.02 of the Revised Code if the mission of the 258
school is solely to serve dropouts, the contract shall be void. 259

(26) Whether the school's governing authority is planning 260
to seek designation for the school as a STEM school equivalent 261
under section 3326.032 of the Revised Code; 262

(27) That the school's attendance and participation 263
policies will be available for public inspection; 264

(28) That the school's attendance and participation 265
records shall be made available to the department of education, 266
auditor of state, and school's sponsor to the extent permitted 267
under and in accordance with the "Family Educational Rights and 268
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 269
and any regulations promulgated under that act, and section 270
3319.321 of the Revised Code; 271

(29) If a school operates using the blended learning 272
model, as defined in section 3301.079 of the Revised Code, all 273
of the following information: 274

(a) An indication of what blended learning model or models 275
will be used; 276

(b) A description of how student instructional needs will 277
be determined and documented; 278

(c) The method to be used for determining competency, 279

granting credit, and promoting students to a higher grade level;	280
(d) The school's attendance requirements, including how	281
the school will document participation in learning	282
opportunities;	283
(e) A statement describing how student progress will be	284
monitored;	285
(f) A statement describing how private student data will	286
be protected;	287
(g) A description of the professional development	288
activities that will be offered to teachers.	289
(30) A provision requiring that all moneys the school's	290
operator loans to the school, including facilities loans or cash	291
flow assistance, must be accounted for, documented, and bear	292
interest at a fair market rate;	293
(31) A provision requiring that, if the governing	294
authority contracts with an attorney, accountant, or entity	295
specializing in audits, the attorney, accountant, or entity	296
shall be independent from the operator with which the school has	297
contracted.	298
(B) The community school shall also submit to the sponsor	299
a comprehensive plan for the school. The plan shall specify the	300
following:	301
(1) The process by which the governing authority of the	302
school will be selected in the future;	303
(2) The management and administration of the school;	304
(3) If the community school is a currently existing public	305
school or educational service center building, alternative	306

arrangements for current public school students who choose not 307
to attend the converted school and for teachers who choose not 308
to teach in the school or building after conversion; 309

(4) The instructional program and educational philosophy 310
of the school; 311

(5) Internal financial controls. 312

When submitting the plan under this division, the school 313
shall also submit copies of all policies and procedures 314
regarding internal financial controls adopted by the governing 315
authority of the school. 316

(C) A contract entered into under section 3314.02 of the 317
Revised Code between a sponsor and the governing authority of a 318
community school may provide for the community school governing 319
authority to make payments to the sponsor, which is hereby 320
authorized to receive such payments as set forth in the contract 321
between the governing authority and the sponsor. The total 322
amount of such payments for monitoring, oversight, and technical 323
assistance of the school shall not exceed three per cent of the 324
total amount of payments for operating expenses that the school 325
receives from the state. 326

(D) The contract shall specify the duties of the sponsor 327
which shall be in accordance with the written agreement entered 328
into with the department of education under division (B) of 329
section 3314.015 of the Revised Code and shall include the 330
following: 331

(1) Monitor the community school's compliance with all 332
laws applicable to the school and with the terms of the 333
contract; 334

(2) Monitor and evaluate the academic and fiscal 335

performance and the organization and operation of the community	336
school on at least an annual basis;	337
(3) Report on an annual basis the results of the	338
evaluation conducted under division (D)(2) of this section to	339
the department of education and to the parents of students	340
enrolled in the community school;	341
(4) Provide technical assistance to the community school	342
in complying with laws applicable to the school and terms of the	343
contract;	344
(5) Take steps to intervene in the school's operation to	345
correct problems in the school's overall performance, declare	346
the school to be on probationary status pursuant to section	347
3314.073 of the Revised Code, suspend the operation of the	348
school pursuant to section 3314.072 of the Revised Code, or	349
terminate the contract of the school pursuant to section 3314.07	350
of the Revised Code as determined necessary by the sponsor;	351
(6) Have in place a plan of action to be undertaken in the	352
event the community school experiences financial difficulties or	353
closes prior to the end of a school year.	354
(E) Upon the expiration of a contract entered into under	355
this section, the sponsor of a community school may, with the	356
approval of the governing authority of the school, renew that	357
contract for a period of time determined by the sponsor, but not	358
ending earlier than the end of any school year, if the sponsor	359
finds that the school's compliance with applicable laws and	360
terms of the contract and the school's progress in meeting the	361
academic goals prescribed in the contract have been	362
satisfactory. Any contract that is renewed under this division	363
remains subject to the provisions of sections 3314.07, 3314.072,	364

and 3314.073 of the Revised Code. 365

(F) If a community school fails to open for operation 366
within one year after the contract entered into under this 367
section is adopted pursuant to division (D) of section 3314.02 368
of the Revised Code or permanently closes prior to the 369
expiration of the contract, the contract shall be void and the 370
school shall not enter into a contract with any other sponsor. A 371
school shall not be considered permanently closed because the 372
operations of the school have been suspended pursuant to section 373
3314.072 of the Revised Code. 374

Sec. 3314.13. A community school, community school 375
governing authority, or community school employee is not liable 376
in damages in a civil action for injury, death, or loss to 377
person or property allegedly arising from a community school 378
employee's action or inaction in good faith compliance with 379
section 3321.141 of the Revised Code. This section does not 380
eliminate, limit, or reduce any other immunity or defense that a 381
community school, community school governing authority, or 382
community school employee may be entitled to under Chapter 2744. 383
or any other provision of the Revised Code or under the common 384
law of this state. 385

Sec. 3321.141. (A) (1) Within one hundred twenty minutes 386
after the beginning of each school day, the attendance officer, 387
attendance officer's assistant for each individual school 388
building, or other person the attendance officer designates to 389
take attendance for each school building shall make at least one 390
attempt to contact, in accordance with division (A) (2) of this 391
section, the parent, guardian, or other person having care of 392
any student who was absent without legitimate excuse from the 393
school the student is required to attend as of the beginning of 394

<u>that school day.</u>	395
<u>(2) An attempt to contact a student's parent, guardian, or other person having care of the student shall be made through one of the following methods:</u>	396 397 398
<u>(a) A telephone call placed in person;</u>	399
<u>(b) An automated telephone call via a system that includes verification that each call was actually placed, and either the call was answered by its intended recipient or a voice mail message was left by the automated system relaying the required information;</u>	400 401 402 403 404
<u>(c) A notification sent through the school's automated student information system;</u>	405 406
<u>(d) A text-based communication sent to the parent's, guardian's, or other person's electronic wireless communications device, as defined in division (G)(1) of section 4511.204 of the Revised Code;</u>	407 408 409 410
<u>(e) A notification sent to the electronic mail address of the parent, guardian, or other person;</u>	411 412
<u>(f) A visit, in person, to the student's residence of record;</u>	413 414
<u>(g) Any other notification procedure that has been adopted by resolution of the board of education of a school district.</u>	415 416
<u>(B) If the parent, guardian, or other person having care of a student initiates a telephone call or other communication notifying the school or building administration of the student's excused or unexcused absence within one hundred twenty minutes after the beginning of the school day, the school is under no further obligation with respect to the requirement prescribed in</u>	417 418 419 420 421 422

division (A) of this section. 423

(C) A school district, or any officer, director, employee, 424
or member of the school district board of education is not 425
liable in damages in a civil action for injury, death, or loss 426
to person or property allegedly arising from an employee's 427
action or inaction in good faith compliance with this section. 428
This section does not eliminate, limit, or reduce any other 429
immunity or defense that a person may be entitled to under 430
Chapter 2744. or any other provision of the Revised Code or 431
under the common law of this state. 432

(D) This section does not apply to either of the 433
following: 434

(1) Students who are in home-based, online, or internet- 435
or computer-based instruction; 436

(2) Instances where a student was not expected to be in 437
attendance at a particular school building due to that student's 438
participation in off-campus activities, including but not 439
limited to participation in the college credit plus program 440
established under Chapter 3365. of the Revised Code. 441

Sec. 3326.11. Each science, technology, engineering, and 442
mathematics school established under this chapter and its 443
governing body shall comply with sections 9.90, 9.91, 109.65, 444
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 445
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 446
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 447
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 448
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 449
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 450
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 451

3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 452
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 453
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 454
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 455
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 456
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 457
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 458
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 459
4112., 4123., 4141., and 4167. of the Revised Code as if it were 460
a school district. 461

Sec. 3326.90. A STEM school, member of a STEM school 462
governing body, or STEM school employee is not liable in damage 463
in a civil action for injury, death, or loss to person or 464
property allegedly arising from a STEM school employee's action 465
or inaction in good faith compliance with section 3321.141 of 466
the Revised Code. This section does not eliminate, limit, or 467
reduce any other immunity or defense that a STEM school, member 468
of a STEM school governing body, or STEM school employee may be 469
entitled to under Chapter 2744. or any other provision of the 470
Revised Code or under the common law of this state. 471

Section 2. That existing sections 3313.205, 3314.03, and 472
3326.11 of the Revised Code are hereby repealed. 473