

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 200

**Senators Lehner, Brenner
Cosponsor: Senator Thomas**

A BILL

To amend sections 3314.03, 3323.11, 3326.11, and 1
3328.24 and to enact sections 3319.077 and 2
3319.078 of the Revised Code with regard to 3
professional development for screening and 4
intervention for children with dyslexia. 5

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

Section 1. That sections 3314.03, 3323.11, 3326.11, and 6
3328.24 be amended and sections 3319.077 and 3319.078 of the 7
Revised Code be enacted to read as follows: 8

Sec. 3314.03. A copy of every contract entered into under 9
this section shall be filed with the superintendent of public 10
instruction. The department of education shall make available on 11
its web site a copy of every approved, executed contract filed 12
with the superintendent under this section. 13

(A) Each contract entered into between a sponsor and the 14
governing authority of a community school shall specify the 15
following: 16

(1) That the school shall be established as either of the 17
following: 18

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	19 20 21
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	22 23
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	24 25 26 27
(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;	28 29 30 31
(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;	32 33 34 35
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	36 37 38
(6) (a) Dismissal procedures;	39
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	40 41 42 43 44 45
(7) The ways by which the school will achieve racial and	46

ethnic balance reflective of the community it serves; 47

(8) Requirements for financial audits by the auditor of 48
state. The contract shall require financial records of the 49
school to be maintained in the same manner as are financial 50
records of school districts, pursuant to rules of the auditor of 51
state. Audits shall be conducted in accordance with section 52
117.10 of the Revised Code. 53

(9) An addendum to the contract outlining the facilities 54
to be used that contains at least the following information: 55

(a) A detailed description of each facility used for 56
instructional purposes; 57

(b) The annual costs associated with leasing each facility 58
that are paid by or on behalf of the school; 59

(c) The annual mortgage principal and interest payments 60
that are paid by the school; 61

(d) The name of the lender or landlord, identified as 62
such, and the lender's or landlord's relationship to the 63
operator, if any. 64

(10) Qualifications of teachers, including a requirement 65
that the school's classroom teachers be licensed in accordance 66
with sections 3319.22 to 3319.31 of the Revised Code, except 67
that a community school may engage noncertificated persons to 68
teach up to twelve hours per week pursuant to section 3319.301 69
of the Revised Code. 70

(11) That the school will comply with the following 71
requirements: 72

(a) The school will provide learning opportunities to a 73
minimum of twenty-five students for a minimum of nine hundred 74

twenty hours per school year.	75
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	76 77 78
(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.	79 80 81 82
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, <u>3319.077, 3319.078,</u> 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	101 102
(f) The school will comply with sections 3313.61,	103

3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 104
Revised Code, except that for students who enter ninth grade for 105
the first time before July 1, 2010, the requirement in sections 106
3313.61 and 3313.611 of the Revised Code that a person must 107
successfully complete the curriculum in any high school prior to 108
receiving a high school diploma may be met by completing the 109
curriculum adopted by the governing authority of the community 110
school rather than the curriculum specified in Title XXXIII of 111
the Revised Code or any rules of the state board of education. 112
Beginning with students who enter ninth grade for the first time 113
on or after July 1, 2010, the requirement in sections 3313.61 114
and 3313.611 of the Revised Code that a person must successfully 115
complete the curriculum of a high school prior to receiving a 116
high school diploma shall be met by completing the requirements 117
prescribed in division (C) of section 3313.603 of the Revised 118
Code, unless the person qualifies under division (D) or (F) of 119
that section. Each school shall comply with the plan for 120
awarding high school credit based on demonstration of subject 121
area competency, and beginning with the 2017-2018 school year, 122
with the updated plan that permits students enrolled in seventh 123
and eighth grade to meet curriculum requirements based on 124
subject area competency adopted by the state board of education 125
under divisions (J)(1) and (2) of section 3313.603 of the 126
Revised Code. Beginning with the 2018-2019 school year, the 127
school shall comply with the framework for granting units of 128
high school credit to students who demonstrate subject area 129
competency through work-based learning experiences, internships, 130
or cooperative education developed by the department under 131
division (J)(3) of section 3313.603 of the Revised Code. 132

(g) The school governing authority will submit within four 133
months after the end of each school year a report of its 134

activities and progress in meeting the goals and standards of 135
divisions (A) (3) and (4) of this section and its financial 136
status to the sponsor and the parents of all students enrolled 137
in the school. 138

(h) The school, unless it is an internet- or computer- 139
based community school, will comply with section 3313.801 of the 140
Revised Code as if it were a school district. 141

(i) If the school is the recipient of moneys from a grant 142
awarded under the federal race to the top program, Division (A), 143
Title XIV, Sections 14005 and 14006 of the "American Recovery 144
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 145
the school will pay teachers based upon performance in 146
accordance with section 3317.141 and will comply with section 147
3319.111 of the Revised Code as if it were a school district. 148

(j) If the school operates a preschool program that is 149
licensed by the department of education under sections 3301.52 150
to 3301.59 of the Revised Code, the school shall comply with 151
sections 3301.50 to 3301.59 of the Revised Code and the minimum 152
standards for preschool programs prescribed in rules adopted by 153
the state board under section 3301.53 of the Revised Code. 154

(k) The school will comply with sections 3313.6021 and 155
3313.6023 of the Revised Code as if it were a school district 156
unless it is either of the following: 157

(i) An internet- or computer-based community school; 158

(ii) A community school in which a majority of the 159
enrolled students are children with disabilities as described in 160
division (A) (4) (b) of section 3314.35 of the Revised Code. 161

(12) Arrangements for providing health and other benefits 162
to employees; 163

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

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

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

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

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

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

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

outside the district in which the school is located. That policy	193
shall comply with the admissions procedures specified in	194
sections 3314.06 and 3314.061 of the Revised Code and, at the	195
sole discretion of the authority, shall do one of the following:	196
(a) Prohibit the enrollment of students who reside outside	197
the district in which the school is located;	198
(b) Permit the enrollment of students who reside in	199
districts adjacent to the district in which the school is	200
located;	201
(c) Permit the enrollment of students who reside in any	202
other district in the state.	203
(20) A provision recognizing the authority of the	204
department of education to take over the sponsorship of the	205
school in accordance with the provisions of division (C) of	206
section 3314.015 of the Revised Code;	207
(21) A provision recognizing the sponsor's authority to	208
assume the operation of a school under the conditions specified	209
in division (B) of section 3314.073 of the Revised Code;	210
(22) A provision recognizing both of the following:	211
(a) The authority of public health and safety officials to	212
inspect the facilities of the school and to order the facilities	213
closed if those officials find that the facilities are not in	214
compliance with health and safety laws and regulations;	215
(b) The authority of the department of education as the	216
community school oversight body to suspend the operation of the	217
school under section 3314.072 of the Revised Code if the	218
department has evidence of conditions or violations of law at	219
the school that pose an imminent danger to the health and safety	220

of the school's students and employees and the sponsor refuses 221
to take such action. 222

(23) A description of the learning opportunities that will 223
be offered to students including both classroom-based and non- 224
classroom-based learning opportunities that is in compliance 225
with criteria for student participation established by the 226
department under division (H) (2) of section 3314.08 of the 227
Revised Code; 228

(24) The school will comply with sections 3302.04 and 229
3302.041 of the Revised Code, except that any action required to 230
be taken by a school district pursuant to those sections shall 231
be taken by the sponsor of the school. However, the sponsor 232
shall not be required to take any action described in division 233
(F) of section 3302.04 of the Revised Code. 234

(25) Beginning in the 2006-2007 school year, the school 235
will open for operation not later than the thirtieth day of 236
September each school year, unless the mission of the school as 237
specified under division (A) (2) of this section is solely to 238
serve dropouts. In its initial year of operation, if the school 239
fails to open by the thirtieth day of September, or within one 240
year after the adoption of the contract pursuant to division (D) 241
of section 3314.02 of the Revised Code if the mission of the 242
school is solely to serve dropouts, the contract shall be void. 243

(26) Whether the school's governing authority is planning 244
to seek designation for the school as a STEM school equivalent 245
under section 3326.032 of the Revised Code; 246

(27) That the school's attendance and participation 247
policies will be available for public inspection; 248

(28) That the school's attendance and participation 249

records shall be made available to the department of education, 250
auditor of state, and school's sponsor to the extent permitted 251
under and in accordance with the "Family Educational Rights and 252
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 253
and any regulations promulgated under that act, and section 254
3319.321 of the Revised Code; 255

(29) If a school operates using the blended learning 256
model, as defined in section 3301.079 of the Revised Code, all 257
of the following information: 258

(a) An indication of what blended learning model or models 259
will be used; 260

(b) A description of how student instructional needs will 261
be determined and documented; 262

(c) The method to be used for determining competency, 263
granting credit, and promoting students to a higher grade level; 264

(d) The school's attendance requirements, including how 265
the school will document participation in learning 266
opportunities; 267

(e) A statement describing how student progress will be 268
monitored; 269

(f) A statement describing how private student data will 270
be protected; 271

(g) A description of the professional development 272
activities that will be offered to teachers. 273

(30) A provision requiring that all moneys the school's 274
operator loans to the school, including facilities loans or cash 275
flow assistance, must be accounted for, documented, and bear 276
interest at a fair market rate; 277

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

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

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

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

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

(2) The management and administration of the school;

(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;

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

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 306
regarding internal financial controls adopted by the governing 307
authority of the school. 308

(C) A contract entered into under section 3314.02 of the 309
Revised Code between a sponsor and the governing authority of a 310
community school may provide for the community school governing 311
authority to make payments to the sponsor, which is hereby 312
authorized to receive such payments as set forth in the contract 313
between the governing authority and the sponsor. The total 314
amount of such payments for monitoring, oversight, and technical 315
assistance of the school shall not exceed three per cent of the 316
total amount of payments for operating expenses that the school 317
receives from the state. 318

(D) The contract shall specify the duties of the sponsor 319
which shall be in accordance with the written agreement entered 320
into with the department of education under division (B) of 321
section 3314.015 of the Revised Code and shall include the 322
following: 323

(1) Monitor the community school's compliance with all 324
laws applicable to the school and with the terms of the 325
contract; 326

(2) Monitor and evaluate the academic and fiscal 327
performance and the organization and operation of the community 328
school on at least an annual basis; 329

(3) Report on an annual basis the results of the 330
evaluation conducted under division (D) (2) of this section to 331
the department of education and to the parents of students 332
enrolled in the community school; 333

(4) Provide technical assistance to the community school 334

in complying with laws applicable to the school and terms of the 335
contract; 336

(5) Take steps to intervene in the school's operation to 337
correct problems in the school's overall performance, declare 338
the school to be on probationary status pursuant to section 339
3314.073 of the Revised Code, suspend the operation of the 340
school pursuant to section 3314.072 of the Revised Code, or 341
terminate the contract of the school pursuant to section 3314.07 342
of the Revised Code as determined necessary by the sponsor; 343

(6) Have in place a plan of action to be undertaken in the 344
event the community school experiences financial difficulties or 345
closes prior to the end of a school year. 346

(E) Upon the expiration of a contract entered into under 347
this section, the sponsor of a community school may, with the 348
approval of the governing authority of the school, renew that 349
contract for a period of time determined by the sponsor, but not 350
ending earlier than the end of any school year, if the sponsor 351
finds that the school's compliance with applicable laws and 352
terms of the contract and the school's progress in meeting the 353
academic goals prescribed in the contract have been 354
satisfactory. Any contract that is renewed under this division 355
remains subject to the provisions of sections 3314.07, 3314.072, 356
and 3314.073 of the Revised Code. 357

(F) If a community school fails to open for operation 358
within one year after the contract entered into under this 359
section is adopted pursuant to division (D) of section 3314.02 360
of the Revised Code or permanently closes prior to the 361
expiration of the contract, the contract shall be void and the 362
school shall not enter into a contract with any other sponsor. A 363
school shall not be considered permanently closed because the 364

operations of the school have been suspended pursuant to section 365
3314.072 of the Revised Code. 366

Sec. 3319.077. (A) As used in this section: 367

(1) "Dyslexia" has the same meaning as in section 3323.25 368
of the Revised Code. 369

(2) "Special education" has the same meaning as in section 370
3323.01 of the Revised Code. 371

(B) The department of education, in consultation with the 372
international dyslexia association in Ohio, shall develop 373
guidelines regarding the best practices for universal screening 374
and intervention for children with dyslexia or children 375
displaying dyslexic characteristics and tendencies. 376

(C) (1) The department, in consultation with the 377
international dyslexia association in Ohio, shall maintain a 378
list of courses that fulfill the professional development 379
requirements prescribed in division (D) of this section. The 380
list may consist of online or classroom learning models. 381

(2) Each approved course shall align with the guidelines 382
developed under division (B) of this section, be evidence-based, 383
and require instruction and training for identifying 384
characteristics of dyslexia and understanding the pedagogy for 385
instructing students with dyslexia. 386

(D) Beginning in the 2020-2021 school year, both of the 387
following shall apply: 388

(1) Each new teacher employed by a local, city, or 389
exempted village school district who provides instruction for 390
students in any of grades kindergarten through twelve, including 391
those providing special education instruction, shall complete an 392

initial professional development course approved under division 393
(C) of this section. 394

(2) Each district board of education shall require 395
teachers or specialists providing instruction in special 396
education, English language arts, or literacy to complete 397
professional development courses approved under division (C) of 398
this section on a regular basis, as determined by the district 399
board. 400

Sec. 3319.078. (A) Beginning in the 2020-2021 school year, 401
each city, local, and exempted village school district shall 402
establish a structured literacy certification process for 403
teachers providing instruction for students in grades 404
kindergarten through five employed by the district. Each process 405
shall align with the guidelines developed under division (B) of 406
section 3319.077 of the Revised Code and shall require 407
completion of a practicum. 408

(B) (1) Not later than the end of the 2022-2023 school 409
year, each district shall have at least one teacher certified 410
under the structured literacy process per every two hundred 411
students in grades kindergarten through five. 412

(2) Not later than the end of the 2023-2024 school year, 413
each district shall have at least one teacher certified under 414
the structured literacy process per every one hundred fifty 415
students in grades kindergarten through five. 416

(3) Not later than the end of the 2024-2025 school year, 417
each district shall have at least one teacher certified under 418
the structured literacy process per every one hundred students 419
in grades kindergarten through five. 420

Sec. 3323.11. Each school district shall employ, as 421

necessary, the personnel to meet the needs of the children with 422
disabilities enrolled in its schools. Personnel shall possess 423
appropriate qualifications and certificates or licenses as 424
prescribed in section 3319.077 of the Revised Code and in rules 425
of the state board of education. 426

Sec. 3326.11. Each science, technology, engineering, and 427
mathematics school established under this chapter and its 428
governing body shall comply with sections 9.90, 9.91, 109.65, 429
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 430
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 431
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 432
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 433
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 434
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 435
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 436
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 437
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 438
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 439
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 440
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 441
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 442
3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 443
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 444
and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 445
3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 446
Revised Code as if it were a school district. 447

Sec. 3328.24. A college-preparatory boarding school 448
established under this chapter and its board of trustees shall 449
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 450
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 451
3313.6024, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 452

3313.7112, 3313.721, 3313.89, 3319.077, 3319.078, 3319.39, 453
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 454
if the school were a school district and the school's board of 455
trustees were a district board of education. 456

Section 2. That existing sections 3314.03, 3323.11, 457
3326.11, and 3328.24 of the Revised Code are hereby repealed. 458