

As Reported by the House Primary and Secondary Education Committee

134th General Assembly

Regular Session

2021-2022

H. B. No. 34

Representative Ingram

Cosponsors: Representatives Miranda, Brent, Miller, A., Galonski, Crawley, Sobecki, Smith, K., West, Lightbody, Miller, J., Hillyer, Crossman, Weinstein, Lepore-Hagan, Schmidt, Callender, Kelly, Upchurch

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3319.324 of the Revised Code to 2
require that public and private schools transmit 3
a transferred student's records within five 4
school days. 5

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 6
amended and section 3319.324 of the Revised Code be enacted to 7
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 following:	17 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	40 41 42 43 44

student.	45
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	46 47
(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.	48 49 50 51 52 53
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	54 55
(a) A detailed description of each facility used for instructional purposes;	56 57
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	58 59
(c) The annual mortgage principal and interest payments that are paid by the school;	60 61
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	62 63 64
(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.	65 66 67 68 69 70
(11) That the school will comply with the following requirements:	71 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	76
insurance, or otherwise provide for the potential liability of	77
the school.	78
(c) The school will be nonsectarian in its programs,	79
admission policies, employment practices, and all other	80
operations, and will not be operated by a sectarian school or	81
religious institution.	82
(d) The school will comply with sections 9.90, 9.91,	83
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	84
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	85
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,	86
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020,	87
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661,	88
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671,	89
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718,	90
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816,	91
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073,	92
3319.321, <u>3319.324</u> , 3319.39, 3319.391, 3319.41, 3319.46,	93
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14,	94
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17,	95
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365.,	96
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if	97
it were a school district and will comply with section 3301.0714	98
of the Revised Code in the manner specified in section 3314.17	99
of the Revised Code.	100
(e) The school shall comply with Chapter 102. and section	101
2921.42 of the Revised Code.	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 XXXVIII 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.	164 165 166 167
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	168 169
(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.	170 171 172
(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;	173 174 175 176
(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;	177 178 179 180 181 182 183 184 185 186 187
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	188 189 190
(19) A provision requiring the governing authority to	191

adopt a policy regarding the admission of students who reside 192
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 records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	249 250 251 252 253 254 255
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	256 257 258
(a) An indication of what blended learning model or models will be used;	259 260
(b) A description of how student instructional needs will be determined and documented;	261 262
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	263 264
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	265 266 267
(e) A statement describing how student progress will be monitored;	268 269
(f) A statement describing how private student data will be protected;	270 271
(g) A description of the professional development activities that will be offered to teachers.	272 273
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear	274 275 276

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.	278 279 280 281 282
(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.	283 284 285 286 287
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	288 289 290
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	291 292 293
(1) The process by which the governing authority of the school will be selected in the future;	294 295
(2) The management and administration of the school;	296
(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;	297 298 299 300 301
(4) The instructional program and educational philosophy of the school;	302 303
(5) Internal financial controls.	304

When submitting the plan under this division, the school 305
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. 3319.324. When any school district or chartered 367
nonpublic school receives a request from another district or 368
school to which a student has transferred for that student's 369
school records, the district or school receiving the request 370
shall respond, within five school days after receiving the 371
request, by transmitting to the requesting district or school 372
either the student's school records as authorized under section 373
3319.321 of the Revised Code or, if the district or school has 374
no record of the student's attendance, a statement of that fact. 375

The provisions of this section are in addition to, and do 376
not affect the obligations of a school district or school to 377
comply with, the requirements of division (D) of section 378
3313.642 and section 3313.672 of the Revised Code. 379

Sec. 3326.11. Each science, technology, engineering, and 380
mathematics school established under this chapter and its 381
governing body shall comply with sections 9.90, 9.91, 109.65, 382
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 383
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 384
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 385
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 386
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 387
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 388
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 389
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 390
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 391
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 392
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 393

3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321,
3319.324, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46,
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 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 102., 117., 1347.,
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and
4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school
established under this chapter and its board of trustees shall
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712,
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021,
3313.6024, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668,
3313.7112, 3313.721, 3313.89, 3319.324, 3319.39, 3319.391,
3319.46, 3320.01, 3320.02, and 3320.03 and Chapter 3365. of the
Revised Code as if the school were a school district and the
school's board of trustees were a district board of education.

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

Section 3. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended
by the acts indicated, are the resulting versions of the
sections in effect prior to the effective date of the sections
as presented in this act:

Section 3314.03 of the Revised Code as amended by both
H.B. 164 and H.B. 166 of the 133rd General Assembly.

Section 3326.11 of the Revised Code as amended by both

H.B. 164 and H.B. 166 of the 133rd General Assembly.	423
Section 3328.24 of the Revised Code as amended by both	424
H.B. 164 and H.B. 166 of the 133rd General Assembly.	425