

As Introduced

134th General Assembly

Regular Session

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H. B. No. 467

Representatives Manning, Crossman

**Cosponsors: Representatives Kelly, Miranda, West, Sobecki, Lightbody,
Robinson, Patton, Smith, K., Smith, M.**

A BILL

To amend sections 117.11, 149.43, 3313.844, 1
3313.849, 3314.01, 3314.02, 3314.032, and 2
3314.05 and to enact sections 117.102, 3
3314.0111, 3314.0310, 3314.0311, and 3314.0312 4
of the Revised Code regarding the operation, 5
management, and accountability of community 6
schools. 7

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

Section 1. That sections 117.11, 149.43, 3313.844, 8
3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 be amended and 9
sections 117.102, 3314.0111, 3314.0310, 3314.0311, and 3314.0312 10
of the Revised Code be enacted to read as follows: 11

Sec. 117.102. (A) As used in this section: 12

(1) "Community school" means a school established under 13
Chapter 3314. of the Revised Code. 14

(2) "Operator" means either of the following: 15

(a) An entity described in division (A) (8) of section 16

3314.02 of the Revised Code, as it exists on and after the 17
effective date of this section; 18

(b) An individual or entity described in division (A) (8) 19
of section 3314.02 of the Revised Code, as it existed prior to 20
the effective date of this section. 21

(B) The auditor of state annually shall audit each 22
community school operator. The audit shall cover all accounts, 23
reports, records, and files regarding the operator's receipt or 24
expenditure of public funds relating to the delivery of 25
educational services to, or the management and operation of, a 26
community school. 27

Sec. 117.11. (A) Except as otherwise provided in this 28
division and in sections 117.102, 117.112, 117.113, and 117.114 29
of the Revised Code, the auditor of state shall audit each 30
public office at least once every two fiscal years. The auditor 31
of state shall audit a public office each fiscal year if that 32
public office is required to be audited on an annual basis 33
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 34
U.S.C.A. 7501 et seq., as amended. In the annual or biennial 35
audit, inquiry shall be made into the methods, accuracy, and 36
legality of the accounts, financial reports, records, files, and 37
reports of the office, whether the laws, rules, ordinances, and 38
orders pertaining to the office have been observed, and whether 39
the requirements and rules of the auditor of state have been 40
complied with. Except as otherwise provided in this division or 41
where auditing standards or procedures dictate otherwise, each 42
audit shall cover at least one fiscal year. If a public office 43
is audited only once every two fiscal years, the audit shall 44
cover both fiscal years. 45

(B) In addition to the annual or biennial audit provided 46

for in division (A) of this section or in section 117.114 of the Revised Code, the auditor of state may conduct an audit of a public office at any time when so requested by the public office or upon the auditor of state's own initiative if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C) (1) The auditor of state shall identify any public office in which the auditor of state will be unable to conduct an audit at least once every two fiscal years as required by division (A) of this section and shall provide immediate written notice to the clerk of the legislative authority or governing board of the public office so identified. Within six months of the receipt of such notice, the legislative authority or governing board may engage an independent certified public accountant to conduct an audit pursuant to section 117.12 of the Revised Code.

(2) When the chief fiscal officer of a public office notifies the auditor of state that an audit is required at a time prior to the next regularly scheduled audit by the auditor of state, the auditor of state shall either cause an earlier audit to be made by the auditor of state or authorize the legislative authority or governing board of the public office to engage an independent certified public accountant to conduct the required audit. The scope of the audit shall be as authorized by the auditor of state.

(3) The auditor of state shall approve the scope of an audit under division (C) (1) or (2) of this section as set forth in the contract for the proposed audit before the contract is executed on behalf of the public office that is to be audited. The independent accountant conducting an audit under division

(C) (1) or (2) of this section shall be paid by the public office. 77
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(4) The contract for attest services with an independent accountant employed pursuant to this section or section 117.115 of the Revised Code may include binding arbitration provisions, provisions of Chapter 2711. of the Revised Code, or any other alternative dispute resolution procedures to be followed in the event a dispute remains between the state or public office and the independent accountant concerning the terms of or services under the contract, or a breach of the contract, after the administrative provisions of the contract have been exhausted. 79
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(D) If a uniform accounting network is established under section 117.101 of the Revised Code, the auditor of state or a certified public accountant employed pursuant to this section or section 117.112 or 117.115 of the Revised Code shall, to the extent practicable, utilize services offered by the network in order to conduct efficient and economical audits of public offices. 88
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(E) The auditor of state, in accordance with division (A) (3) of section 9.65 of the Revised Code and this section, may audit an annuity program for volunteer fire fighters established by a political subdivision under section 9.65 of the Revised Code. As used in this section, "volunteer fire fighters" and "political subdivision" have the same meanings as in division (C) of section 9.65 of the Revised Code. 95
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Sec. 149.43. (A) As used in this section: 102

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records 103
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pertaining to the delivery of educational services by an 106
alternative school in this state kept by the nonprofit or for- 107
profit entity operating the alternative school pursuant to 108
section 3313.533 of the Revised Code; and records pertaining to 109
the delivery of educational services, leases, or any other 110
records regarding the management and operation of a community 111
school established under Chapter 3314. of the Revised Code that 112
are kept by the school's sponsor or governing authority or any 113
nonprofit or for-profit entity that has contracted with the 114
school or its sponsor or governing authority to provide services 115
to the school. "Public record" does not mean any of the 116
following: 117

(a) Medical records; 118

(b) Records pertaining to probation and parole 119
proceedings, to proceedings related to the imposition of 120
community control sanctions and post-release control sanctions, 121
or to proceedings related to determinations under section 122
2967.271 of the Revised Code regarding the release or maintained 123
incarceration of an offender to whom that section applies; 124

(c) Records pertaining to actions under section 2151.85 125
and division (C) of section 2919.121 of the Revised Code and to 126
appeals of actions arising under those sections; 127

(d) Records pertaining to adoption proceedings, including 128
the contents of an adoption file maintained by the department of 129
health under sections 3705.12 to 3705.124 of the Revised Code; 130

(e) Information in a record contained in the putative 131
father registry established by section 3107.062 of the Revised 132
Code, regardless of whether the information is held by the 133
department of job and family services or, pursuant to section 134

3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	135 136
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	137 138
(g) Trial preparation records;	139
(h) Confidential law enforcement investigatory records;	140
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	141 142
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	143 144
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	145 146 147 148
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	149 150 151 152
(m) Intellectual property records;	153
(n) Donor profile records;	154
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	155 156
(p) Designated public service worker residential and familial information;	157 158
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code,	159 160 161

information that constitutes a trade secret, as defined in	162
section 1333.61 of the Revised Code;	163
(r) Information pertaining to the recreational activities	164
of a person under the age of eighteen;	165
(s) In the case of a child fatality review board acting	166
under sections 307.621 to 307.629 of the Revised Code or a	167
review conducted pursuant to guidelines established by the	168
director of health under section 3701.70 of the Revised Code,	169
records provided to the board or director, statements made by	170
board members during meetings of the board or by persons	171
participating in the director's review, and all work products of	172
the board or director, and in the case of a child fatality	173
review board, child fatality review data submitted by the board	174
to the department of health or a national child death review	175
database, other than the report prepared pursuant to division	176
(A) of section 307.626 of the Revised Code;	177
(t) Records provided to and statements made by the	178
executive director of a public children services agency or a	179
prosecuting attorney acting pursuant to section 5153.171 of the	180
Revised Code other than the information released under that	181
section;	182
(u) Test materials, examinations, or evaluation tools used	183
in an examination for licensure as a nursing home administrator	184
that the board of executives of long-term services and supports	185
administers under section 4751.15 of the Revised Code or	186
contracts under that section with a private or government entity	187
to administer;	188
(v) Records the release of which is prohibited by state or	189
federal law;	190

(w) Proprietary information of or relating to any person	191
that is submitted to or compiled by the Ohio venture capital	192
authority created under section 150.01 of the Revised Code;	193
(x) Financial statements and data any person submits for	194
any purpose to the Ohio housing finance agency or the	195
controlling board in connection with applying for, receiving, or	196
accounting for financial assistance from the agency, and	197
information that identifies any individual who benefits directly	198
or indirectly from financial assistance from the agency;	199
(y) Records listed in section 5101.29 of the Revised Code;	200
(z) Discharges recorded with a county recorder under	201
section 317.24 of the Revised Code, as specified in division (B)	202
(2) of that section;	203
(aa) Usage information including names and addresses of	204
specific residential and commercial customers of a municipally	205
owned or operated public utility;	206
(bb) Records described in division (C) of section 187.04	207
of the Revised Code that are not designated to be made available	208
to the public as provided in that division;	209
(cc) Information and records that are made confidential,	210
privileged, and not subject to disclosure under divisions (B)	211
and (C) of section 2949.221 of the Revised Code;	212
(dd) Personal information, as defined in section 149.45 of	213
the Revised Code;	214
(ee) The confidential name, address, and other personally	215
identifiable information of a program participant in the address	216
confidentiality program established under sections 111.41 to	217
111.47 of the Revised Code, including the contents of any	218

application for absent voter's ballots, absent voter's ballot 219
identification envelope statement of voter, or provisional 220
ballot affirmation completed by a program participant who has a 221
confidential voter registration record, and records or portions 222
of records pertaining to that program that identify the number 223
of program participants that reside within a precinct, ward, 224
township, municipal corporation, county, or any other geographic 225
area smaller than the state. As used in this division, 226
"confidential address" and "program participant" have the 227
meaning defined in section 111.41 of the Revised Code. 228

(ff) Orders for active military service of an individual 229
serving or with previous service in the armed forces of the 230
United States, including a reserve component, or the Ohio 231
organized militia, except that, such order becomes a public 232
record on the day that is fifteen years after the published date 233
or effective date of the call to order; 234

(gg) The name, address, contact information, or other 235
personal information of an individual who is less than eighteen 236
years of age that is included in any record related to a traffic 237
accident involving a school vehicle in which the individual was 238
an occupant at the time of the accident; 239

(hh) Protected health information, as defined in 45 C.F.R. 240
160.103, that is in a claim for payment for a health care 241
product, service, or procedure, as well as any other health 242
claims data in another document that reveals the identity of an 243
individual who is the subject of the data or could be used to 244
reveal that individual's identity; 245

(ii) Any depiction by photograph, film, videotape, or 246
printed or digital image under either of the following 247
circumstances: 248

(i) The depiction is that of a victim of an offense the	249
release of which would be, to a reasonable person of ordinary	250
sensibilities, an offensive and objectionable intrusion into the	251
victim's expectation of bodily privacy and integrity.	252
(ii) The depiction captures or depicts the victim of a	253
sexually oriented offense, as defined in section 2950.01 of the	254
Revised Code, at the actual occurrence of that offense.	255
(jj) Restricted portions of a body-worn camera or	256
dashboard camera recording;	257
(kk) In the case of a fetal-infant mortality review board	258
acting under sections 3707.70 to 3707.77 of the Revised Code,	259
records, documents, reports, or other information presented to	260
the board or a person abstracting such materials on the board's	261
behalf, statements made by review board members during board	262
meetings, all work products of the board, and data submitted by	263
the board to the department of health or a national infant death	264
review database, other than the report prepared pursuant to	265
section 3707.77 of the Revised Code.	266
(ll) Records, documents, reports, or other information	267
presented to the pregnancy-associated mortality review board	268
established under section 3738.01 of the Revised Code,	269
statements made by board members during board meetings, all work	270
products of the board, and data submitted by the board to the	271
department of health, other than the biennial reports prepared	272
under section 3738.08 of the Revised Code;	273
(mm) Telephone numbers for a victim, as defined in section	274
2930.01 of the Revised Code, a witness to a crime, or a party to	275
a motor vehicle accident subject to the requirements of section	276
5502.11 of the Revised Code that are listed on any law	277

enforcement record or report, other than when requested by an 278
insurer or insurance agent investigating an insurance claim 279
resulting from a motor vehicle accident. 280

A record that is not a public record under division (A) (1) 281
of this section and that, under law, is permanently retained 282
becomes a public record on the day that is seventy-five years 283
after the day on which the record was created, except for any 284
record protected by the attorney-client privilege, a trial 285
preparation record as defined in this section, a statement 286
prohibiting the release of identifying information signed under 287
section 3107.083 of the Revised Code, a denial of release form 288
filed pursuant to section 3107.46 of the Revised Code, or any 289
record that is exempt from release or disclosure under section 290
149.433 of the Revised Code. If the record is a birth 291
certificate and a biological parent's name redaction request 292
form has been accepted under section 3107.391 of the Revised 293
Code, the name of that parent shall be redacted from the birth 294
certificate before it is released under this paragraph. If any 295
other section of the Revised Code establishes a time period for 296
disclosure of a record that conflicts with the time period 297
specified in this section, the time period in the other section 298
prevails. 299

(2) "Confidential law enforcement investigatory record" 300
means any record that pertains to a law enforcement matter of a 301
criminal, quasi-criminal, civil, or administrative nature, but 302
only to the extent that the release of the record would create a 303
high probability of disclosure of any of the following: 304

(a) The identity of a suspect who has not been charged 305
with the offense to which the record pertains, or of an 306
information source or witness to whom confidentiality has been 307

reasonably promised; 308

(b) Information provided by an information source or 309
witness to whom confidentiality has been reasonably promised, 310
which information would reasonably tend to disclose the source's 311
or witness's identity; 312

(c) Specific confidential investigatory techniques or 313
procedures or specific investigatory work product; 314

(d) Information that would endanger the life or physical 315
safety of law enforcement personnel, a crime victim, a witness, 316
or a confidential information source. 317

(3) "Medical record" means any document or combination of 318
documents, except births, deaths, and the fact of admission to 319
or discharge from a hospital, that pertains to the medical 320
history, diagnosis, prognosis, or medical condition of a patient 321
and that is generated and maintained in the process of medical 322
treatment. 323

(4) "Trial preparation record" means any record that 324
contains information that is specifically compiled in reasonable 325
anticipation of, or in defense of, a civil or criminal action or 326
proceeding, including the independent thought processes and 327
personal trial preparation of an attorney. 328

(5) "Intellectual property record" means a record, other 329
than a financial or administrative record, that is produced or 330
collected by or for faculty or staff of a state institution of 331
higher learning in the conduct of or as a result of study or 332
research on an educational, commercial, scientific, artistic, 333
technical, or scholarly issue, regardless of whether the study 334
or research was sponsored by the institution alone or in 335
conjunction with a governmental body or private concern, and 336

that has not been publicly released, published, or patented.	337
(6) "Donor profile record" means all records about donors	338
or potential donors to a public institution of higher education	339
except the names and reported addresses of the actual donors and	340
the date, amount, and conditions of the actual donation.	341
(7) "Designated public service worker" means a peace	342
officer, parole officer, probation officer, bailiff, prosecuting	343
attorney, assistant prosecuting attorney, correctional employee,	344
county or multicounty corrections officer, community-based	345
correctional facility employee, youth services employee,	346
firefighter, EMT, medical director or member of a cooperating	347
physician advisory board of an emergency medical service	348
organization, state board of pharmacy employee, investigator of	349
the bureau of criminal identification and investigation, judge,	350
magistrate, or federal law enforcement officer.	351
(8) "Designated public service worker residential and	352
familial information" means any information that discloses any	353
of the following about a designated public service worker:	354
(a) The address of the actual personal residence of a	355
designated public service worker, except for the following	356
information:	357
(i) The address of the actual personal residence of a	358
prosecuting attorney or judge; and	359
(ii) The state or political subdivision in which a	360
designated public service worker resides.	361
(b) Information compiled from referral to or participation	362
in an employee assistance program;	363
(c) The social security number, the residential telephone	364

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

(d) The name of any beneficiary of employment benefits,
including, but not limited to, life insurance benefits, provided
to a designated public service worker by the designated public
service worker's employer;

(e) The identity and amount of any charitable or
employment benefit deduction made by the designated public
service worker's employer from the designated public service
worker's compensation, unless the amount of the deduction is
required by state or federal law;

(f) The name, the residential address, the name of the
employer, the address of the employer, the social security
number, the residential telephone number, any bank account,
debit card, charge card, or credit card number, or the emergency
telephone number of the spouse, a former spouse, or any child of
a designated public service worker;

(g) A photograph of a peace officer who holds a position
or has an assignment that may include undercover or plain
clothes positions or assignments as determined by the peace
officer's appointing authority.

(9) As used in divisions (A) (7) and (15) to (17) of this
section:

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 394
the authority of, and perform the duties of the sheriff. 395

"Correctional employee" means any employee of the 396
department of rehabilitation and correction who in the course of 397
performing the employee's job duties has or has had contact with 398
inmates and persons under supervision. 399

"County or multicounty corrections officer" means any 400
corrections officer employed by any county or multicounty 401
correctional facility. 402

"Youth services employee" means any employee of the 403
department of youth services who in the course of performing the 404
employee's job duties has or has had contact with children 405
committed to the custody of the department of youth services. 406

"Firefighter" means any regular, paid or volunteer, member 407
of a lawfully constituted fire department of a municipal 408
corporation, township, fire district, or village. 409

"EMT" means EMTs-basic, EMTs-I, and paramedics that 410
provide emergency medical services for a public emergency 411
medical service organization. "Emergency medical service 412
organization," "EMT-basic," "EMT-I," and "paramedic" have the 413
meanings defined in section 4765.01 of the Revised Code. 414

"Investigator of the bureau of criminal identification and 415
investigation" has the meaning defined in section 2903.11 of the 416
Revised Code. 417

"Federal law enforcement officer" has the meaning defined 418
in section 9.88 of the Revised Code. 419

(10) "Information pertaining to the recreational 420
activities of a person under the age of eighteen" means 421

information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured

person's guardian has been obtained; 479

(e) An act of severe violence against a person that 480
results in serious physical harm to the person, unless the act 481
and injury was effected by a peace officer or, subject to 482
division (H) (1) of this section, the consent of the injured 483
person or the injured person's guardian has been obtained; 484

(f) Grievous bodily harm to a peace officer, firefighter, 485
paramedic, or other first responder, occurring while the injured 486
person was engaged in the performance of official duties, 487
unless, subject to division (H) (1) of this section, the consent 488
of the injured person or the injured person's guardian has been 489
obtained; 490

(g) An act of severe violence resulting in serious 491
physical harm against a peace officer, firefighter, paramedic, 492
or other first responder, occurring while the injured person was 493
engaged in the performance of official duties, unless, subject 494
to division (H) (1) of this section, the consent of the injured 495
person or the injured person's guardian has been obtained; 496

(h) A person's nude body, unless, subject to division (H) 497
(1) of this section, the person's consent has been obtained; 498

(i) Protected health information, the identity of a person 499
in a health care facility who is not the subject of a law 500
enforcement encounter, or any other information in a health care 501
facility that could identify a person who is not the subject of 502
a law enforcement encounter; 503

(j) Information that could identify the alleged victim of 504
a sex offense, menacing by stalking, or domestic violence; 505

(k) Information, that does not constitute a confidential 506
law enforcement investigatory record, that could identify a 507

person who provides sensitive or confidential information to a 508
law enforcement agency when the disclosure of the person's 509
identity or the information provided could reasonably be 510
expected to threaten or endanger the safety or property of the 511
person or another person; 512

(l) Personal information of a person who is not arrested, 513
cited, charged, or issued a written warning by a peace officer; 514

(m) Proprietary police contingency plans or tactics that 515
are intended to prevent crime and maintain public order and 516
safety; 517

(n) A personal conversation unrelated to work between 518
peace officers or between a peace officer and an employee of a 519
law enforcement agency; 520

(o) A conversation between a peace officer and a member of 521
the public that does not concern law enforcement activities; 522

(p) The interior of a residence, unless the interior of a 523
residence is the location of an adversarial encounter with, or a 524
use of force by, a peace officer; 525

(q) Any portion of the interior of a private business that 526
is not open to the public, unless an adversarial encounter with, 527
or a use of force by, a peace officer occurs in that location. 528

As used in division (A) (17) of this section: 529

"Grievous bodily harm" has the same meaning as in section 530
5924.120 of the Revised Code. 531

"Health care facility" has the same meaning as in section 532
1337.11 of the Revised Code. 533

"Protected health information" has the same meaning as in 534

45 C.F.R. 160.103.	535
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	536 537
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	538 539 540 541
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	542 543
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	544 545
(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.	546 547
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the	548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563

redaction plainly visible. A redaction shall be deemed a denial 564
of a request to inspect or copy the redacted information, except 565
if federal or state law authorizes or requires a public office 566
to make the redaction. 567

(2) To facilitate broader access to public records, a 568
public office or the person responsible for public records shall 569
organize and maintain public records in a manner that they can 570
be made available for inspection or copying in accordance with 571
division (B) of this section. A public office also shall have 572
available a copy of its current records retention schedule at a 573
location readily available to the public. If a requester makes 574
an ambiguous or overly broad request or has difficulty in making 575
a request for copies or inspection of public records under this 576
section such that the public office or the person responsible 577
for the requested public record cannot reasonably identify what 578
public records are being requested, the public office or the 579
person responsible for the requested public record may deny the 580
request but shall provide the requester with an opportunity to 581
revise the request by informing the requester of the manner in 582
which records are maintained by the public office and accessed 583
in the ordinary course of the public office's or person's 584
duties. 585

(3) If a request is ultimately denied, in part or in 586
whole, the public office or the person responsible for the 587
requested public record shall provide the requester with an 588
explanation, including legal authority, setting forth why the 589
request was denied. If the initial request was provided in 590
writing, the explanation also shall be provided to the requester 591
in writing. The explanation shall not preclude the public office 592
or the person responsible for the requested public record from 593
relying upon additional reasons or legal authority in defending 594

an action commenced under division (C) of this section. 595

(4) Unless specifically required or authorized by state or 596
federal law or in accordance with division (B) of this section, 597
no public office or person responsible for public records may 598
limit or condition the availability of public records by 599
requiring disclosure of the requester's identity or the intended 600
use of the requested public record. Any requirement that the 601
requester disclose the requester's identity or the intended use 602
of the requested public record constitutes a denial of the 603
request. 604

(5) A public office or person responsible for public 605
records may ask a requester to make the request in writing, may 606
ask for the requester's identity, and may inquire about the 607
intended use of the information requested, but may do so only 608
after disclosing to the requester that a written request is not 609
mandatory, that the requester may decline to reveal the 610
requester's identity or the intended use, and when a written 611
request or disclosure of the identity or intended use would 612
benefit the requester by enhancing the ability of the public 613
office or person responsible for public records to identify, 614
locate, or deliver the public records sought by the requester. 615

(6) If any person requests a copy of a public record in 616
accordance with division (B) of this section, the public office 617
or person responsible for the public record may require that 618
person to pay in advance the cost involved in providing the copy 619
of the public record in accordance with the choice made by the 620
person requesting the copy under this division. The public 621
office or the person responsible for the public record shall 622
permit that person to choose to have the public record 623
duplicated upon paper, upon the same medium upon which the 624

public office or person responsible for the public record keeps 625
it, or upon any other medium upon which the public office or 626
person responsible for the public record determines that it 627
reasonably can be duplicated as an integral part of the normal 628
operations of the public office or person responsible for the 629
public record. When the person requesting the copy makes a 630
choice under this division, the public office or person 631
responsible for the public record shall provide a copy of it in 632
accordance with the choice made by that person. Nothing in this 633
section requires a public office or person responsible for the 634
public record to allow the person requesting a copy of the 635
public record to make the copies of the public record. 636

(7) (a) Upon a request made in accordance with division (B) 637
of this section and subject to division (B) (6) of this section, 638
a public office or person responsible for public records shall 639
transmit a copy of a public record to any person by United 640
States mail or by any other means of delivery or transmission 641
within a reasonable period of time after receiving the request 642
for the copy. The public office or person responsible for the 643
public record may require the person making the request to pay 644
in advance the cost of postage if the copy is transmitted by 645
United States mail or the cost of delivery if the copy is 646
transmitted other than by United States mail, and to pay in 647
advance the costs incurred for other supplies used in the 648
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650
that it will follow in transmitting, within a reasonable period 651
of time after receiving a request, copies of public records by 652
United States mail or by any other means of delivery or 653
transmission pursuant to division (B) (7) of this section. A 654
public office that adopts a policy and procedures under division 655

(B) (7) of this section shall comply with them in performing its 656
duties under that division. 657

(c) In any policy and procedures adopted under division 658
(B) (7) of this section: 659

(i) A public office may limit the number of records 660
requested by a person that the office will physically deliver by 661
United States mail or by another delivery service to ten per 662
month, unless the person certifies to the office in writing that 663
the person does not intend to use or forward the requested 664
records, or the information contained in them, for commercial 665
purposes; 666

(ii) A public office that chooses to provide some or all 667
of its public records on a web site that is fully accessible to 668
and searchable by members of the public at all times, other than 669
during acts of God outside the public office's control or 670
maintenance, and that charges no fee to search, access, 671
download, or otherwise receive records provided on the web site, 672
may limit to ten per month the number of records requested by a 673
person that the office will deliver in a digital format, unless 674
the requested records are not provided on the web site and 675
unless the person certifies to the office in writing that the 676
person does not intend to use or forward the requested records, 677
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B) (7) of this section, 679
"commercial" shall be narrowly construed and does not include 680
reporting or gathering news, reporting or gathering information 681
to assist citizen oversight or understanding of the operation or 682
activities of government, or nonprofit educational research. 683

(8) A public office or person responsible for public 684

records is not required to permit a person who is incarcerated 685
pursuant to a criminal conviction or a juvenile adjudication to 686
inspect or to obtain a copy of any public record concerning a 687
criminal investigation or prosecution or concerning what would 688
be a criminal investigation or prosecution if the subject of the 689
investigation or prosecution were an adult, unless the request 690
to inspect or to obtain a copy of the record is for the purpose 691
of acquiring information that is subject to release as a public 692
record under this section and the judge who imposed the sentence 693
or made the adjudication with respect to the person, or the 694
judge's successor in office, finds that the information sought 695
in the public record is necessary to support what appears to be 696
a justiciable claim of the person. 697

(9) (a) Upon written request made and signed by a 698
journalist, a public office, or person responsible for public 699
records, having custody of the records of the agency employing a 700
specified designated public service worker shall disclose to the 701
journalist the address of the actual personal residence of the 702
designated public service worker and, if the designated public 703
service worker's spouse, former spouse, or child is employed by 704
a public office, the name and address of the employer of the 705
designated public service worker's spouse, former spouse, or 706
child. The request shall include the journalist's name and title 707
and the name and address of the journalist's employer and shall 708
state that disclosure of the information sought would be in the 709
public interest. 710

(b) Division (B) (9) (a) of this section also applies to 711
journalist requests for: 712

(i) Customer information maintained by a municipally owned 713
or operated public utility, other than social security numbers 714

and any private financial information such as credit reports, 715
payment methods, credit card numbers, and bank account 716
information; 717

(ii) Information about minors involved in a school vehicle 718
accident as provided in division (A)(1)(gg) of this section, 719
other than personal information as defined in section 149.45 of 720
the Revised Code. 721

(c) As used in division (B)(9) of this section, 722
"journalist" means a person engaged in, connected with, or 723
employed by any news medium, including a newspaper, magazine, 724
press association, news agency, or wire service, a radio or 725
television station, or a similar medium, for the purpose of 726
gathering, processing, transmitting, compiling, editing, or 727
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729
or victim's representative, as that term is used in section 730
2930.02 of the Revised Code, a public office or person 731
responsible for public records shall transmit a copy of a 732
depiction of the victim as described in division (A)(1)(ii) of 733
this section to the victim, victim's attorney, or victim's 734
representative. 735

(C)(1) If a person allegedly is aggrieved by the failure 736
of a public office or the person responsible for public records 737
to promptly prepare a public record and to make it available to 738
the person for inspection in accordance with division (B) of 739
this section or by any other failure of a public office or the 740
person responsible for public records to comply with an 741
obligation in accordance with division (B) of this section, the 742
person allegedly aggrieved may do only one of the following, and 743
not both: 744

(a) File a complaint with the clerk of the court of claims 745
or the clerk of the court of common pleas under section 2743.75 746
of the Revised Code; 747

(b) Commence a mandamus action to obtain a judgment that 748
orders the public office or the person responsible for the 749
public record to comply with division (B) of this section, that 750
awards court costs and reasonable attorney's fees to the person 751
that instituted the mandamus action, and, if applicable, that 752
includes an order fixing statutory damages under division (C) (2) 753
of this section. The mandamus action may be commenced in the 754
court of common pleas of the county in which division (B) of 755
this section allegedly was not complied with, in the supreme 756
court pursuant to its original jurisdiction under Section 2 of 757
Article IV, Ohio Constitution, or in the court of appeals for 758
the appellate district in which division (B) of this section 759
allegedly was not complied with pursuant to its original 760
jurisdiction under Section 3 of Article IV, Ohio Constitution. 761

(2) If a requester transmits a written request by hand 762
delivery, electronic submission, or certified mail to inspect or 763
receive copies of any public record in a manner that fairly 764
describes the public record or class of public records to the 765
public office or person responsible for the requested public 766
records, except as otherwise provided in this section, the 767
requester shall be entitled to recover the amount of statutory 768
damages set forth in this division if a court determines that 769
the public office or the person responsible for public records 770
failed to comply with an obligation in accordance with division 771
(B) of this section. 772

The amount of statutory damages shall be fixed at one 773
hundred dollars for each business day during which the public 774

office or person responsible for the requested public records 775
failed to comply with an obligation in accordance with division 776
(B) of this section, beginning with the day on which the 777
requester files a mandamus action to recover statutory damages, 778
up to a maximum of one thousand dollars. The award of statutory 779
damages shall not be construed as a penalty, but as compensation 780
for injury arising from lost use of the requested information. 781
The existence of this injury shall be conclusively presumed. The 782
award of statutory damages shall be in addition to all other 783
remedies authorized by this section. 784

The court may reduce an award of statutory damages or not 785
award statutory damages if the court determines both of the 786
following: 787

(a) That, based on the ordinary application of statutory 788
law and case law as it existed at the time of the conduct or 789
threatened conduct of the public office or person responsible 790
for the requested public records that allegedly constitutes a 791
failure to comply with an obligation in accordance with division 792
(B) of this section and that was the basis of the mandamus 793
action, a well-informed public office or person responsible for 794
the requested public records reasonably would believe that the 795
conduct or threatened conduct of the public office or person 796
responsible for the requested public records did not constitute 797
a failure to comply with an obligation in accordance with 798
division (B) of this section; 799

(b) That a well-informed public office or person 800
responsible for the requested public records reasonably would 801
believe that the conduct or threatened conduct of the public 802
office or person responsible for the requested public records 803
would serve the public policy that underlies the authority that 804

is asserted as permitting that conduct or threatened conduct. 805

(3) In a mandamus action filed under division (C)(1) of 806
this section, the following apply: 807

(a)(i) If the court orders the public office or the person 808
responsible for the public record to comply with division (B) of 809
this section, the court shall determine and award to the relator 810
all court costs, which shall be construed as remedial and not 811
punitive. 812

(ii) If the court makes a determination described in 813
division (C)(3)(b)(iii) of this section, the court shall 814
determine and award to the relator all court costs, which shall 815
be construed as remedial and not punitive. 816

(b) If the court renders a judgment that orders the public 817
office or the person responsible for the public record to comply 818
with division (B) of this section or if the court determines any 819
of the following, the court may award reasonable attorney's fees 820
to the relator, subject to division (C)(4) of this section: 821

(i) The public office or the person responsible for the 822
public records failed to respond affirmatively or negatively to 823
the public records request in accordance with the time allowed 824
under division (B) of this section. 825

(ii) The public office or the person responsible for the 826
public records promised to permit the relator to inspect or 827
receive copies of the public records requested within a 828
specified period of time but failed to fulfill that promise 829
within that specified period of time. 830

(iii) The public office or the person responsible for the 831
public records acted in bad faith when the office or person 832
voluntarily made the public records available to the relator for 833

the first time after the relator commenced the mandamus action, 834
but before the court issued any order concluding whether or not 835
the public office or person was required to comply with division 836
(B) of this section. No discovery may be conducted on the issue 837
of the alleged bad faith of the public office or person 838
responsible for the public records. This division shall not be 839
construed as creating a presumption that the public office or 840
the person responsible for the public records acted in bad faith 841
when the office or person voluntarily made the public records 842
available to the relator for the first time after the relator 843
commenced the mandamus action, but before the court issued any 844
order described in this division. 845

(c) The court shall not award attorney's fees to the 846
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848
law and case law as it existed at the time of the conduct or 849
threatened conduct of the public office or person responsible 850
for the requested public records that allegedly constitutes a 851
failure to comply with an obligation in accordance with division 852
(B) of this section and that was the basis of the mandamus 853
action, a well-informed public office or person responsible for 854
the requested public records reasonably would believe that the 855
conduct or threatened conduct of the public office or person 856
responsible for the requested public records did not constitute 857
a failure to comply with an obligation in accordance with 858
division (B) of this section; 859

(ii) That a well-informed public office or person 860
responsible for the requested public records reasonably would 861
believe that the conduct or threatened conduct of the public 862
office or person responsible for the requested public records 863

would serve the public policy that underlies the authority that 864
is asserted as permitting that conduct or threatened conduct. 865

(4) All of the following apply to any award of reasonable 866
attorney's fees awarded under division (C) (3) (b) of this 867
section: 868

(a) The fees shall be construed as remedial and not 869
punitive. 870

(b) The fees awarded shall not exceed the total of the 871
reasonable attorney's fees incurred before the public record was 872
made available to the relator and the fees described in division 873
(C) (4) (c) of this section. 874

(c) Reasonable attorney's fees shall include reasonable 875
fees incurred to produce proof of the reasonableness and amount 876
of the fees and to otherwise litigate entitlement to the fees. 877

(d) The court may reduce the amount of fees awarded if the 878
court determines that, given the factual circumstances involved 879
with the specific public records request, an alternative means 880
should have been pursued to more effectively and efficiently 881
resolve the dispute that was subject to the mandamus action 882
filed under division (C) (1) of this section. 883

(5) If the court does not issue a writ of mandamus under 884
division (C) of this section and the court determines at that 885
time that the bringing of the mandamus action was frivolous 886
conduct as defined in division (A) of section 2323.51 of the 887
Revised Code, the court may award to the public office all court 888
costs, expenses, and reasonable attorney's fees, as determined 889
by the court. 890

(D) Chapter 1347. of the Revised Code does not limit the 891
provisions of this section. 892

(E) (1) To ensure that all employees of public offices are 893
appropriately educated about a public office's obligations under 894
division (B) of this section, all elected officials or their 895
appropriate designees shall attend training approved by the 896
attorney general as provided in section 109.43 of the Revised 897
Code. A future official may satisfy the requirements of this 898
division by attending the training before taking office, 899
provided that the future official may not send a designee in the 900
future official's place. 901

(2) All public offices shall adopt a public records policy 902
in compliance with this section for responding to public records 903
requests. In adopting a public records policy under this 904
division, a public office may obtain guidance from the model 905
public records policy developed and provided to the public 906
office by the attorney general under section 109.43 of the 907
Revised Code. Except as otherwise provided in this section, the 908
policy may not limit the number of public records that the 909
public office will make available to a single person, may not 910
limit the number of public records that it will make available 911
during a fixed period of time, and may not establish a fixed 912
period of time before it will respond to a request for 913
inspection or copying of public records, unless that period is 914
less than eight hours. 915

The public office shall distribute the public records 916
policy adopted by the public office under this division to the 917
employee of the public office who is the records custodian or 918
records manager or otherwise has custody of the records of that 919
office. The public office shall require that employee to 920
acknowledge receipt of the copy of the public records policy. 921
The public office shall create a poster that describes its 922
public records policy and shall post the poster in a conspicuous 923

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 954
gives assurance to the bureau that the person making the request 955
does not intend to use or forward the requested copies for 956
surveys, marketing, solicitation, or resale for commercial 957
purposes. 958

(c) "Commercial" means profit-seeking production, buying, 959
or selling of any good, service, or other product. 960

(d) "Special extraction costs" means the cost of the time 961
spent by the lowest paid employee competent to perform the task, 962
the actual amount paid to outside private contractors employed 963
by the bureau, or the actual cost incurred to create computer 964
programs to make the special extraction. "Special extraction 965
costs" include any charges paid to a public agency for computer 966
or records services. 967

(3) For purposes of divisions (F) (1) and (2) of this 968
section, "surveys, marketing, solicitation, or resale for 969
commercial purposes" shall be narrowly construed and does not 970
include reporting or gathering news, reporting or gathering 971
information to assist citizen oversight or understanding of the 972
operation or activities of government, or nonprofit educational 973
research. 974

(G) A request by a defendant, counsel of a defendant, or 975
any agent of a defendant in a criminal action that public 976
records related to that action be made available under this 977
section shall be considered a demand for discovery pursuant to 978
the Criminal Rules, except to the extent that the Criminal Rules 979
plainly indicate a contrary intent. The defendant, counsel of 980
the defendant, or agent of the defendant making a request under 981
this division shall serve a copy of the request on the 982
prosecuting attorney, director of law, or other chief legal 983

officer responsible for prosecuting the action. 984

(H) (1) Any portion of a body-worn camera or dashboard 985
camera recording described in divisions (A) (17) (b) to (h) of 986
this section may be released by consent of the subject of the 987
recording or a representative of that person, as specified in 988
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992
criminal proceeding that was dismissed or for which a judgment 993
has been entered pursuant to Rule 32 of the Rules of Criminal 994
Procedure, and will not be used again in connection with any 995
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997
restricted portion of a body-worn camera or dashboard camera 998
recording, as defined in division (A) (17) of this section, any 999
person may file a mandamus action pursuant to this section or a 1000
complaint with the clerk of the court of claims pursuant to 1001
section 2743.75 of the Revised Code, requesting the court to 1002
order the release of all or portions of the recording. If the 1003
court considering the request determines that the filing 1004
articulates by clear and convincing evidence that the public 1005
interest in the recording substantially outweighs privacy 1006
interests and other interests asserted to deny release, the 1007
court shall order the public office to release the recording. 1008

Sec. 3313.844. The governing authority of a community 1009
school established under Chapter 3314. of the Revised Code and 1010
the governing board of an educational service center may enter 1011
into an agreement, through adoption of identical resolutions, 1012

under which the service center board will provide services to 1013
the community school. Services provided under the agreement and 1014
the amount and manner in which the community school will pay for 1015
such services shall be mutually agreed to by the school's 1016
governing authority and the service center board, and shall be 1017
specified in the service agreement. If specified in the 1018
agreement as the manner of payment, the department of education 1019
shall pay the service center the amount due to it under the 1020
agreement and shall deduct that amount from the payments made to 1021
the community school under Chapter 3314. of the Revised Code. 1022
Any agreement entered into under this section shall be valid 1023
only if a copy is filed with the department. 1024

This section does not affect the authority of the 1025
governing board of an educational service center to provide 1026
operator or sponsor services to a community school as described 1027
in division (A) (8) of section 3314.02 of the Revised Code. 1028

Sec. 3313.849. The governing bodies of two or more city, 1029
exempted village, local, or joint vocational school districts, 1030
community schools established under Chapter 3314. of the Revised 1031
Code, or STEM schools established under Chapter 3326. of the 1032
Revised Code, may mutually agree to share supervisory, 1033
curriculum, teaching, special education, professional 1034
development, or any other services offered by an educational 1035
service center and may pool their funding to pay the cost of 1036
receiving those services. Each of the governing bodies of the 1037
districts or schools participating in shared services pursuant 1038
to this section shall specify in its service agreement with the 1039
service center under section 3313.843, 3313.844, 3313.845, or 1040
3326.45 of the Revised Code which services that the participants 1041
have agreed to share, any other districts or schools 1042
participating in the shared services, and the amount of funds 1043

that the governing body will contribute toward the total cost of 1044
the shared services. Each governing body's funding contribution 1045
shall be paid to the service center in accordance with section 1046
3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code, as 1047
applicable. 1048

The authority granted under this section is in addition to 1049
the authority granted to school district boards of education 1050
under section 3313.841 of the Revised Code. 1051

This section does not affect the authority of the 1052
governing board of an educational service center to provide 1053
operator or sponsor services to a community school as described 1054
in division (A) (8) of section 3314.02 of the Revised Code. 1055

Sec. 3314.01. (A) (1) A board of education may permit all 1056
or part of any of the schools under its control, upon request of 1057
a proposing person or group and provided the person or group 1058
meets the requirements of this chapter, to become a community 1059
school. 1060

(2) Any person or group of individuals may propose the 1061
creation of a community school pursuant to the provisions of 1062
this chapter. No nonpublic chartered or nonchartered school in 1063
existence on January 1, 1997, is eligible to become a community 1064
school under this chapter. 1065

(B) (1) A community school created under this chapter is a 1066
public school, independent of any school district, and is part 1067
of the state's program of education. 1068

(2) Notwithstanding division (B) (1) of this section, on or 1069
after July 1, 2024, a community school with a for-profit 1070
operator shall no longer qualify as a public school under this 1071
chapter. Except for this division and for the restriction on 1072

for-profit operators prescribed in sections 3314.02 and 3314.032 1073
of the Revised Code, such a school shall no longer be amenable 1074
to the provisions of this chapter. 1075

(C) A community school may sue and be sued, acquire 1076
facilities as needed, contract for any services necessary for 1077
the operation of the school, and enter into contracts with a 1078
sponsor pursuant to this chapter. The governing authority of a 1079
community school may carry out any act and ensure the 1080
performance of any function that is in compliance with the Ohio 1081
Constitution, this chapter, other statutes applicable to 1082
community schools, and the contract entered into under this 1083
chapter establishing the school. 1084

Sec. 3314.0111. Not later than January 1, 2023, a for- 1085
profit operator or management company of a community school 1086
shall notify the governing authority of each community school 1087
with which the operator has a contract regarding its decision to 1088
comply with the requirement under division (A)(8) of section 1089
3314.02 of the Revised Code to become a nonprofit organization 1090
by July 1, 2024. If a for-profit operator or management company 1091
does not comply with this requirement: 1092

(A) The governing authority shall identify an educational 1093
service center to act as the new operator of the community 1094
school not later than July 1, 2023, and notify the school's 1095
sponsor of this decision. 1096

(B) The governing authority shall notify the parents of 1097
current and prospective students regarding the new operator. 1098

If a governing authority fails to identify an educational 1099
service center to act as the new operator of the community 1100
school by July 1, 2023, the school shall close by the end of the 1101

<u>2023-2024 school year.</u>	1102
Sec. 3314.02. (A) As used in this chapter:	1103
(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.	1104 1105 1106 1107 1108 1109 1110 1111 1112 1113
(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	1114 1115 1116 1117
(3) "Challenged school district" means any of the following:	1118 1119
(a) A school district that is part of the pilot project area;	1120 1121
(b) A school district that meets one of the following conditions:	1122 1123
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	1124 1125 1126 1127
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or	1128 1129

"F" for the performance index score and a grade of "F" for the 1130
value-added progress dimension under section 3302.03 of the 1131
Revised Code; 1132

(iii) For the 2016-2017 school year and for any school 1133
year thereafter, the district has received an overall grade of 1134
"D" or "F" under division (C) (3) of section 3302.03 of the 1135
Revised Code, or, for at least two of the three most recent 1136
school years, the district received a grade of "F" for the 1137
value-added progress dimension under division (C) (1) (e) of that 1138
section. 1139

(c) A big eight school district; 1140

(d) A school district ranked in the lowest five per cent 1141
of school districts according to performance index score under 1142
section 3302.21 of the Revised Code. 1143

(4) "Big eight school district" means a school district 1144
that for fiscal year 1997 had both of the following: 1145

(a) A percentage of children residing in the district and 1146
participating in the predecessor of Ohio works first greater 1147
than thirty per cent, as reported pursuant to section 3317.10 of 1148
the Revised Code; 1149

(b) An average daily membership greater than twelve 1150
thousand, as reported pursuant to former division (A) of section 1151
3317.03 of the Revised Code. 1152

(5) "New start-up school" means a community school other 1153
than one created by converting all or part of an existing public 1154
school or educational service center building, as designated in 1155
the school's contract pursuant to division (A) (17) of section 1156
3314.03 of the Revised Code. 1157

(6) "Urban school district" means one of the state's 1158
twenty-one urban school districts as defined in division (O) of 1159
section 3317.02 of the Revised Code as that section existed 1160
prior to July 1, 1998. 1161

(7) "Internet- or computer-based community school" means a 1162
community school established under this chapter in which the 1163
enrolled students work primarily from their residences on 1164
assignments in nonclassroom-based learning opportunities 1165
provided via an internet- or other computer-based instructional 1166
method that does not rely on regular classroom instruction or 1167
via comprehensive instructional methods that include internet- 1168
based, other computer-based, and noncomputer-based learning 1169
opportunities unless a student receives career-technical 1170
education under section 3314.086 of the Revised Code. 1171

A community school that operates mainly as an internet- or 1172
computer-based community school and provides career-technical 1173
education under section 3314.086 of the Revised Code shall be 1174
considered an internet- or computer-based community school, even 1175
if it provides some classroom-based instruction, so long as it 1176
provides instruction via the methods described in this division. 1177

(8) "Operator" or "management company" means ~~either of the~~ 1178
~~following:~~ 1179

~~(a) An individual or a nonprofit organization or governing~~ 1180
~~board of an educational service center that manages does either~~ 1181
~~of the following:~~ 1182

(a) Manages the daily operations of a community school 1183
pursuant to a contract between the operator or management 1184
company and the school's governing authority; 1185

~~(b) A nonprofit organization that provides~~ Provides 1186

programmatic oversight and support to a community school under a 1187
contract with the school's governing authority and that retains 1188
the right to terminate its affiliation with the school if the 1189
school fails to meet the ~~organization's~~ operator's or management 1190
company's quality standards. 1191

An educational service center shall not act as both the 1192
operator and sponsor of the same community school. 1193

(9) "Alliance municipal school district" has the same 1194
meaning as in section 3311.86 of the Revised Code. 1195

(B) (1) Any person or group of individuals may initially 1196
propose under this division the conversion of all or a portion 1197
of a public school to a community school. The proposal shall be 1198
made to the board of education of the city, local, exempted 1199
village, or joint vocational school district in which the public 1200
school is proposed to be converted. 1201

(2) Any person or group of individuals may initially 1202
propose under this division the conversion of all or a portion 1203
of a building operated by an educational service center to a 1204
community school. The proposal shall be made to the governing 1205
board of the service center. 1206

On or after July 1, 2017, except as provided in section 1207
3314.027 of the Revised Code, any educational service center 1208
that sponsors a community school shall be approved by and enter 1209
into a written agreement with the department as described in 1210
section 3314.015 of the Revised Code. 1211

(3) Upon receipt of a proposal, and after an agreement has 1212
been entered into pursuant to section 3314.015 of the Revised 1213
Code, a board may enter into a preliminary agreement with the 1214
person or group proposing the conversion of the public school or 1215

service center building, indicating the intention of the board 1216
to support the conversion to a community school. A proposing 1217
person or group that has a preliminary agreement under this 1218
division may proceed to finalize plans for the school, establish 1219
a governing authority for the school, and negotiate a contract 1220
with the board. Provided the proposing person or group adheres 1221
to the preliminary agreement and all provisions of this chapter, 1222
the board shall negotiate in good faith to enter into a contract 1223
in accordance with section 3314.03 of the Revised Code and 1224
division (C) of this section. 1225

(4) The sponsor of a conversion community school proposed 1226
to open in an alliance municipal school district shall be 1227
subject to approval by the department of education for 1228
sponsorship of that school using the criteria established under 1229
division (A) of section 3311.87 of the Revised Code. 1230

Division (B) (4) of this section does not apply to a 1231
sponsor that, on or before September 29, 2015, was exempted 1232
under section 3314.021 or 3314.027 of the Revised Code from the 1233
requirement to be approved for sponsorship under divisions (A) 1234
(2) and (B) (1) of section 3314.015 of the Revised Code. 1235

(5) A school established in accordance with division (B) 1236
of this section that later enters into a sponsorship contract 1237
with an entity that is not a school district or educational 1238
service center shall, at the time of entering into the new 1239
contract, be deemed a community school established in accordance 1240
with division (C) of this section. 1241

(C) (1) Any person or group of individuals may propose 1242
under this division the establishment of a new start-up school 1243
to be located in a challenged school district. The proposal may 1244
be made to any of the following entities: 1245

(a) The board of education of the district in which the school is proposed to be located; 1246
1247

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 1248
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1250
1251

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 1252
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1255

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 1256
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1259

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 1260
1261

(ii) It is approved to do so by the department; 1262

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 1263
1264

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher 1265
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preparation program approved by the state board of education; 1275

(f) Any qualified tax-exempt entity under section 501(c) 1276
(3) of the Internal Revenue Code as long as all of the following 1277
conditions are satisfied: 1278

(i) The entity has been in operation for at least five 1279
years prior to applying to be a community school sponsor. 1280

(ii) The entity has assets of at least five hundred 1281
thousand dollars and a demonstrated record of financial 1282
responsibility. 1283

(iii) The department has determined that the entity is an 1284
education-oriented entity under division (B) (4) of section 1285
3314.015 of the Revised Code and the entity has a demonstrated 1286
record of successful implementation of educational programs. 1287

(iv) The entity is not a community school. 1288

(g) The mayor of a city in which the majority of the 1289
territory of a school district to which section 3311.60 of the 1290
Revised Code applies is located, regardless of whether that 1291
district has created the position of independent auditor as 1292
prescribed by that section. The mayor's sponsorship authority 1293
under this division is limited to community schools that are 1294
located in that school district. Such mayor may sponsor 1295
community schools only with the approval of the city council of 1296
that city, after establishing standards with which community 1297
schools sponsored by the mayor must comply, and after entering 1298
into a sponsor agreement with the department as prescribed under 1299
section 3314.015 of the Revised Code. The mayor shall establish 1300
the standards for community schools sponsored by the mayor not 1301
later than one hundred eighty days after July 15, 2013, and 1302
shall submit them to the department upon their establishment. 1303

The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section may enter into a preliminary agreement pursuant to division (C) (2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

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

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

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of

public instruction. 1334

(D) A majority vote of the board of a sponsoring entity 1335
and a majority vote of the members of the governing authority of 1336
a community school shall be required to adopt a contract and 1337
convert the public school or educational service center building 1338
to a community school or establish the new start-up school. 1339
Beginning September 29, 2005, adoption of the contract shall 1340
occur not later than the fifteenth day of March, and signing of 1341
the contract shall occur not later than the fifteenth day of 1342
May, prior to the school year in which the school will open. The 1343
governing authority shall notify the department of education 1344
when the contract has been signed. Subject to sections 3314.013 1345
and 3314.016 of the Revised Code, an unlimited number of 1346
community schools may be established in any school district 1347
provided that a contract is entered into for each community 1348
school pursuant to this chapter. 1349

(E) (1) As used in this division, "immediate relatives" are 1350
limited to spouses, children, parents, grandparents, and 1351
siblings, as well as in-laws residing in the same household as 1352
the person serving on the governing authority. 1353

Each new start-up community school established under this 1354
chapter shall be under the direction of a governing authority 1355
which shall consist of a board of not less than five 1356
individuals. 1357

(2) (a) No person shall serve on the governing authority or 1358
operate the community school under contract with the governing 1359
authority under any of the following circumstances: 1360

(i) The person owes the state any money or is in a dispute 1361
over whether the person owes the state any money concerning the 1362

operation of a community school that has closed. 1363

(ii) The person would otherwise be subject to division (B) 1364
of section 3319.31 of the Revised Code with respect to refusal, 1365
limitation, or revocation of a license to teach, if the person 1366
were a licensed educator. 1367

(iii) The person has pleaded guilty to or been convicted 1368
of theft in office under section 2921.41 of the Revised Code, or 1369
has pleaded guilty to or been convicted of a substantially 1370
similar offense in another state. 1371

(b) No person shall serve on the governing authority or 1372
engage in the financial day-to-day management of the community 1373
school under contract with the governing authority unless and 1374
until that person has submitted to a criminal records check in 1375
the manner prescribed by section 3319.39 of the Revised Code. 1376

(c) Each sponsor of a community school shall annually 1377
verify that a finding for recovery has not been issued by the 1378
auditor of state against any individual or individuals who 1379
propose to create a community school or any member of the 1380
governing authority, the operator, or any employee of each 1381
community school with responsibility for fiscal operations or 1382
authorization to expend money on behalf of the school. 1383

(3) No person shall serve on the governing authorities of 1384
more than five start-up community schools at the same time 1385
unless both of the following apply: 1386

(a) The person serves in a volunteer capacity and receives 1387
no compensation under division (E)(5) of this section from any 1388
governing authority on which the person serves. 1389

(b) For any school that has an operator, the operator is a 1390
nonprofit organization. 1391

(4) (a) For a community school established under this 1392
chapter that is not sponsored by a school district or an 1393
educational service center, no present or former member, or 1394
immediate relative of a present or former member, of the 1395
governing authority shall be an owner, employee, or consultant 1396
of the community school's sponsor or operator, unless at least 1397
one year has elapsed since the conclusion of the person's 1398
membership on the governing authority. 1399

(b) For a community school established under this chapter 1400
that is sponsored by a school district or an educational service 1401
center, no present or former member, or immediate relative of a 1402
present or former member, of the governing authority shall: 1403

(i) Be an officer of the district board or service center 1404
governing board that serves as the community school's sponsor, 1405
unless at least one year has elapsed since the conclusion of the 1406
person's membership on the governing authority; 1407

(ii) Serve as an employee of, or a consultant for, the 1408
department, division, or section of the sponsoring district or 1409
service center that is directly responsible for sponsoring 1410
community schools, or have supervisory authority over such a 1411
department, division, or section, unless at least one year has 1412
elapsed since the conclusion of the person's membership on the 1413
governing authority. 1414

(5) The governing authority of a start-up or conversion 1415
community school may provide by resolution for the compensation 1416
of its members. However, no individual who serves on the 1417
governing authority of a start-up or conversion community school 1418
shall be compensated more than one hundred twenty-five dollars 1419
per meeting of that governing authority and no such individual 1420
shall be compensated more than a total amount of five thousand 1421

dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

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

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

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

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

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

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

(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority

and the school's sponsor may be renewed, as provided under this 1451
chapter, after that date, but no additional new start-up schools 1452
may be established in such a district unless the district is a 1453
challenged school district as defined in this section as it 1454
exists on and after that date. 1455

(2) A community school that was established prior to June 1456
29, 1999, and is located in a county contiguous to the pilot 1457
project area and in a school district that is not a challenged 1458
school district may continue to operate after that date, 1459
provided the school complies with all provisions of this 1460
chapter. The contract between the school's governing authority 1461
and the school's sponsor may be renewed, but no additional 1462
start-up community school may be established in that district 1463
unless the district is a challenged school district. 1464

(3) Any educational service center that, on June 30, 2007, 1465
sponsors a community school that is not located in a county 1466
within the territory of the service center or in a county 1467
contiguous to such county may continue to sponsor that community 1468
school on and after June 30, 2007, and may renew its contract 1469
with the school. However, the educational service center shall 1470
not enter into a contract with any additional community school, 1471
unless the governing board of the service center has entered 1472
into an agreement with the department authorizing the service 1473
center to sponsor a community school in any challenged school 1474
district in the state. 1475

Sec. 3314.032. ~~(A)~~ On and after the effective date of this 1476
amendment, only an operator or management company as defined in 1477
division (A) (8) of section 3314.02 of the Revised Code, as it 1478
exists on or after the effective date of this amendment, may 1479
enter into or renew a contract to manage the daily operations 1480

of, or provide programmatic oversight and support to, a 1481
community school. Contracts entered into or renewed prior to the 1482
effective date of this amendment may continue in effect for the 1483
term provided in the contract, subject to division (B) (2) of 1484
section 3314.01 of the Revised Code. 1485

(A) On and after the effective date of this section 1486
February 1, 2016, any new or renewed contract between the 1487
governing authority of a community school and an operator shall 1488
include at least the following: 1489

(1) Criteria to be used for early termination of the 1490
operator contract; 1491

(2) Required notification procedures and timeline for 1492
early termination or nonrenewal of the operator contract; 1493

(3) A stipulation of which entity owns all community 1494
school facilities and property including, but not limited to, 1495
equipment, furniture, fixtures, instructional materials and 1496
supplies, computers, printers, and other digital devices 1497
purchased by the governing authority or operator. Any 1498
stipulation regarding property ownership shall comply with the 1499
requirements of section 3314.0210 of the Revised Code. 1500

(B) (1) The operator with which the governing authority of 1501
a community school contracts for services shall not lease any 1502
parcel of real property to that community school until an 1503
independent professional in the real estate field verifies via 1504
addendum that at the time the lease was agreed to, the lease was 1505
commercially reasonable. 1506

(2) The independent professional described in division (B) 1507
(1) of this section shall be immune from civil liability for any 1508
decision rendered pursuant to this section. 1509

(C) Beginning with the 2016-2017 school year, the governing authority of a community school, with the assistance of the school's designated fiscal officer, shall adopt an annual budget by the thirty-first day of October of each year.

~~Not later than ninety days after the effective date of this section, the~~ The department of education shall develop a format for annual budgets of community schools. The format shall prescribe inclusion of the following information in a school's budget:

(1) Administrative costs for the community school as a whole;

(2) Instructional services costs for each category of service provided directly to students, compiled and reported in terms of average expenditure per pupil receiving the service;

(3) The cost of instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students;

(4) The cost of administrative support services, such as the cost of personnel that develop the curriculum and the cost of personnel supervising or coordinating the delivery of the instructional services;

(5) The cost of support or extracurricular services costs for services directly provided to students;

(6) The cost of services provided directly to students by a nonlicensed employee related to support or extracurricular services, such as janitorial services, cafeteria services, or services of a sports trainer;

(7) The cost of administrative services related to support 1538
or extracurricular services, such as the cost of any licensed or 1539
unlicensed employees that develop, supervise, coordinate, or 1540
otherwise are involved in administrating or aiding the delivery 1541
of services. 1542

(D) The governing authority of a community school shall be 1543
the sole entity responsible for the adoption of the school's 1544
annual budget, but the governing authority shall adopt such 1545
budget with the assistance of the school's designated fiscal 1546
officer. 1547

Sec. 3314.0310. Each nonprofit or for-profit entity and 1548
each individual that contracts with a community school to 1549
provide management or operation services shall comply with 1550
section 121.22 of the Revised Code with respect to all matters 1551
pertaining to the delivery of educational services by, and the 1552
management and operation of, the school as if it were a public 1553
office. This provision applies to all nonprofit and for-profit 1554
entities, regardless of whether the contract for services was 1555
entered into or renewed prior to the effective date of this 1556
section. 1557

Sec. 3314.0311. On and after the effective date of this 1558
section, any profit realized through payments from a community 1559
school to an individual or organization described in division 1560
(A) (8) (a) of section 3313.02 of the Revised Code, as it existed 1561
prior to the effective date of this section, shall not exceed 1562
five per cent of the total amount of payments that the school 1563
receives from the state. 1564

Sec. 3314.0312. At the end of each fiscal year for which 1565
an operator's contract to provide management, operation, 1566
programmatic oversight, or support services is in effect, the 1567

governing authority of a community school may require the 1568
operator of the school to apply any unexpended and unobligated 1569
funds paid by the school to the operator to any payment the 1570
school will owe to the operator during the next fiscal year. At 1571
the end of the fiscal year in which an operator's contract 1572
expires, the operator shall remit any unexpended and unobligated 1573
funds to the school. The treasurer of the community school shall 1574
report to the department of education and the auditor of state 1575
the amount of any funds retained or remitted by an operator. 1576

Sec. 3314.05. (A) The contract between the community 1577
school and the sponsor shall specify the facilities to be used 1578
for the community school and the method of acquisition. Except 1579
as provided in divisions (B) (3) and (4) of this section, no 1580
community school shall be established in more than one school 1581
district under the same contract. 1582

(B) Division (B) of this section shall not apply to 1583
internet- or computer-based community schools. 1584

(1) A community school may be located in multiple 1585
facilities under the same contract only if the limitations on 1586
availability of space prohibit serving all the grade levels 1587
specified in the contract in a single facility or division (B) 1588
(2), (3), or (4) of this section applies to the school. The 1589
school shall not offer the same grade level classrooms in more 1590
than one facility. 1591

(2) A community school may be located in multiple 1592
facilities under the same contract and, notwithstanding division 1593
(B) (1) of this section, may assign students in the same grade 1594
level to multiple facilities, as long as all of the following 1595
apply: 1596

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code, as it existed prior to the effective date of this amendment.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

- (b) Either of the following conditions are satisfied: 1655
- (i) The community school is sponsored by a board of 1656
education of a city, local, or exempted village school district 1657
having territory in the same county where the facilities of the 1658
community school are located; 1659
- (ii) The community school is managed by an operator. 1660
- In the case of a community school to which division (B) (4) 1661
of this section applies and that maintains facilities in more 1662
than one school district, the school's governing authority shall 1663
designate one of those districts to be considered the school's 1664
primary location and the district in which the school is located 1665
for the purposes of division (A) (19) of section 3314.03 and 1666
divisions (C) and (H) of section 3314.06 of the Revised Code and 1667
for all other purposes of this chapter and shall notify the 1668
department of that designation. 1669
- (5) Any facility used for a community school shall meet 1670
all health and safety standards established by law for school 1671
buildings. 1672
- (C) In the case where a community school is proposed to be 1673
located in a facility owned by a school district or educational 1674
service center, the facility may not be used for such community 1675
school unless the district or service center board owning the 1676
facility enters into an agreement for the community school to 1677
utilize the facility. Use of the facility may be under any terms 1678
and conditions agreed to by the district or service center board 1679
and the school. 1680
- (D) Two or more separate community schools may be located 1681
in the same facility. 1682
- (E) In the case of a community school that is located in 1683

multiple facilities, beginning July 1, 2012, the department 1684
shall assign a unique identification number to the school and to 1685
each facility maintained by the school. Each number shall be 1686
used for identification purposes only. Nothing in this division 1687
shall be construed to require the department to calculate the 1688
amount of funds paid under this chapter, or to compute any data 1689
required for the report cards issued under section 3314.012 of 1690
the Revised Code, for each facility separately. The department 1691
shall make all such calculations or computations for the school 1692
as a whole. 1693

Section 2. That existing sections 117.11, 149.43, 1694
3313.844, 3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 of 1695
the Revised Code are hereby repealed. 1696