

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 156

Representatives Roegner, Patterson

A BILL

To amend sections 3302.03, 3314.011, 3314.015, 1
3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 2
3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3
3314.35, 3314.351, and 3321.19, to enact 4
sections 3313.413, 3314.019, 3314.031, 3314.032, 5
3314.034, 3314.035, 3314.037, 3314.038, 6
3314.251, 3314.271, 3314.46, and 3318.53, and to 7
repeal sections 3314.021, 3314.026, and 3314.027 8
of the Revised Code to make changes to the law 9
regarding governance, operation, and management 10
of community schools, and to make an 11
appropriation. 12

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

Section 1. That sections 3302.03, 3314.011, 3314.015, 13
3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3314.03, 14
3314.074, 3314.08, 3314.23, 3314.27, 3314.35, 3314.351, and 15
3321.19 be amended and sections 3313.413, 3314.019, 3314.031, 16
3314.032, 3314.034, 3314.035, 3314.037, 3314.038, 3314.251, 17
3314.271, 3314.46, and 3318.53 of the Revised Code be enacted to 18
read as follows: 19

Sec. 3302.03. Annually, not later than the fifteenth day 20
of September or the preceding Friday when that day falls on a 21
Saturday or Sunday, the department of education shall assign a 22
letter grade for overall academic performance and for each 23
separate performance measure for each school district, and each 24
school building in a district, in accordance with this section. 25
The state board shall adopt rules pursuant to Chapter 119. of 26
the Revised Code to establish performance criteria for each 27
letter grade and prescribe a method by which the department 28
assigns each letter grade. For a school building to which any of 29
the performance measures do not apply, due to grade levels 30
served by the building, the state board shall designate the 31
performance measures that are applicable to the building and 32
that must be calculated separately and used to calculate the 33
building's overall grade. The department shall issue annual 34
report cards reflecting the performance of each school district, 35
each building within each district, and for the state as a whole 36
using the performance measures and letter grade system described 37
in this section. The department shall include on the report card 38
for each district and each building within each district the 39
most recent two-year trend data in student achievement for each 40
subject and each grade. 41

(A) (1) For the 2012-2013 school year, the department shall 42
issue grades as described in division (E) of this section for 43
each of the following performance measures: 44

(a) Annual measurable objectives; 45

(b) Performance index score for a school district or 46
building. Grades shall be awarded as a percentage of the total 47
possible points on the performance index system as adopted by 48
the state board. In adopting benchmarks for assigning letter 49

grades under division (A) (1) (b) of this section, the state board 50
of education shall designate ninety per cent or higher for an 51
"A," at least seventy per cent but not more than eighty per cent 52
for a "C," and less than fifty per cent for an "F." 53

(c) The extent to which the school district or building 54
meets each of the applicable performance indicators established 55
by the state board under section 3302.02 of the Revised Code and 56
the percentage of applicable performance indicators that have 57
been achieved. In adopting benchmarks for assigning letter 58
grades under division (A) (1) (c) of this section, the state board 59
shall designate ninety per cent or higher for an "A." 60

(d) The four- and five-year adjusted cohort graduation 61
rates. 62

In adopting benchmarks for assigning letter grades under 63
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 64
department shall designate a four-year adjusted cohort 65
graduation rate of ninety-three per cent or higher for an "A" 66
and a five-year cohort graduation rate of ninety-five per cent 67
or higher for an "A." 68

(e) The overall score under the value-added progress 69
dimension of a school district or building, for which the 70
department shall use up to three years of value-added data as 71
available. The letter grade assigned for this growth measure 72
shall be as follows: 73

(i) A score that is at least two standard errors of 74
measure above the mean score shall be designated as an "A." 75

(ii) A score that is at least one standard error of 76
measure but less than two standard errors of measure above the 77
mean score shall be designated as a "B." 78

(iii) A score that is less than one standard error of 79
measure above the mean score but greater than or equal to one 80
standard error of measure below the mean score shall be 81
designated as a "C." 82

(iv) A score that is not greater than one standard error 83
of measure below the mean score but is greater than or equal to 84
two standard errors of measure below the mean score shall be 85
designated as a "D." 86

(v) A score that is not greater than two standard errors 87
of measure below the mean score shall be designated as an "F." 88

Whenever the value-added progress dimension is used as a 89
graded performance measure, whether as an overall measure or as 90
a measure of separate subgroups, the grades for the measure 91
shall be calculated in the same manner as prescribed in division 92
(A) (1) (e) of this section. 93

(f) The value-added progress dimension score for a school 94
district or building disaggregated for each of the following 95
subgroups: students identified as gifted, students with 96
disabilities, and students whose performance places them in the 97
lowest quintile for achievement on a statewide basis. Each 98
subgroup shall be a separate graded measure. 99

(2) Not later than April 30, 2013, the state board of 100
education shall adopt a resolution describing the performance 101
measures, benchmarks, and grading system for the 2012-2013 102
school year and, not later than June 30, 2013, shall adopt rules 103
in accordance with Chapter 119. of the Revised Code that 104
prescribe the methods by which the performance measures under 105
division (A) (1) of this section shall be assessed and assigned a 106
letter grade, including performance benchmarks for each letter 107

grade. 108

At least forty-five days prior to the state board's 109
adoption of rules to prescribe the methods by which the 110
performance measures under division (A) (1) of this section shall 111
be assessed and assigned a letter grade, the department shall 112
conduct a public presentation before the standing committees of 113
the house of representatives and the senate that consider 114
education legislation describing such methods, including 115
performance benchmarks. 116

(3) There shall not be an overall letter grade for a 117
school district or building for the 2012-2013 school year. 118

(B) (1) For the 2013-2014 school year, the department shall 119
issue grades as described in division (E) of this section for 120
each of the following performance measures: 121

(a) Annual measurable objectives; 122

(b) Performance index score for a school district or 123
building. Grades shall be awarded as a percentage of the total 124
possible points on the performance index system as created by 125
the department. In adopting benchmarks for assigning letter 126
grades under division (B) (1) (b) of this section, the state board 127
shall designate ninety per cent or higher for an "A," at least 128
seventy per cent but not more than eighty per cent for a "C," 129
and less than fifty per cent for an "F." 130

(c) The extent to which the school district or building 131
meets each of the applicable performance indicators established 132
by the state board under section 3302.03 of the Revised Code and 133
the percentage of applicable performance indicators that have 134
been achieved. In adopting benchmarks for assigning letter 135
grades under division (B) (1) (c) of this section, the state board 136

shall designate ninety per cent or higher for an "A." 137

(d) The four- and five-year adjusted cohort graduation 138
rates; 139

(e) The overall score under the value-added progress 140
dimension of a school district or building, for which the 141
department shall use up to three years of value-added data as 142
available. 143

(f) The value-added progress dimension score for a school 144
district or building disaggregated for each of the following 145
subgroups: students identified as gifted in superior cognitive 146
ability and specific academic ability fields under Chapter 3324. 147
of the Revised Code, students with disabilities, and students 148
whose performance places them in the lowest quintile for 149
achievement on a statewide basis. Each subgroup shall be a 150
separate graded measure. 151

(g) Whether a school district or building is making 152
progress in improving literacy in grades kindergarten through 153
three, as determined using a method prescribed by the state 154
board. The state board shall adopt rules to prescribe benchmarks 155
and standards for assigning grades to districts and buildings 156
for purposes of division (B) (1) (g) of this section. In adopting 157
benchmarks for assigning letter grades under divisions (B) (1) (g) 158
and (C) (1) (g) of this section, the state board shall determine 159
progress made based on the reduction in the total percentage of 160
students scoring below grade level, or below proficient, 161
compared from year to year on the reading and writing diagnostic 162
assessments administered under section 3301.0715 of the Revised 163
Code and the third grade English language arts assessment under 164
section 3301.0710 of the Revised Code, as applicable. The state 165
board shall designate for a "C" grade a value that is not lower 166

than the statewide average value for this measure. No grade 167
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 168
section for a district or building in which less than five per 169
cent of students have scored below grade level on the diagnostic 170
assessment administered to students in kindergarten under 171
division (B) (1) of section 3313.608 of the Revised Code. 172

(h) For a high mobility school district or building, an 173
additional value-added progress dimension score. For this 174
measure, the department shall use value-added data from the most 175
recent school year available and shall use assessment scores for 176
only those students to whom the district or building has 177
administered the assessments prescribed by section 3301.0710 of 178
the Revised Code for each of the two most recent consecutive 179
school years. 180

As used in this division, "high mobility school district 181
or building" means a school district or building where at least 182
twenty-five per cent of its total enrollment is made up of 183
students who have attended that school district or building for 184
less than one year. 185

(2) In addition to the graded measures in division (B) (1) 186
of this section, the department shall include on a school 187
district's or building's report card all of the following 188
without an assigned letter grade: 189

(a) The percentage of students enrolled in a district or 190
building participating in advanced placement classes and the 191
percentage of those students who received a score of three or 192
better on advanced placement examinations; 193

(b) The number of a district's or building's students who 194
have earned at least three college credits through dual 195

enrollment or advanced standing programs, such as the post- 196
secondary enrollment options program under Chapter 3365. of the 197
Revised Code and state-approved career-technical courses offered 198
through dual enrollment or statewide articulation, that appear 199
on a student's transcript or other official document, either of 200
which is issued by the institution of higher education from 201
which the student earned the college credit. The credits earned 202
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 203
this section shall not include any that are remedial or 204
developmental and shall include those that count toward the 205
curriculum requirements established for completion of a degree. 206

(c) The percentage of students enrolled in a district or 207
building who have taken a national standardized test used for 208
college admission determinations and the percentage of those 209
students who are determined to be remediation-free in accordance 210
with standards adopted under division (F) of section 3345.061 of 211
the Revised Code; 212

(d) The percentage of the district's or the building's 213
students who receive industry-recognized credentials. The state 214
board shall adopt criteria for acceptable industry-recognized 215
credentials. 216

(e) The percentage of students enrolled in a district or 217
building who are participating in an international baccalaureate 218
program and the percentage of those students who receive a score 219
of four or better on the international baccalaureate 220
examinations. 221

(f) The percentage of the district's or building's 222
students who receive an honors diploma under division (B) of 223
section 3313.61 of the Revised Code. 224

(3) Not later than December 31, 2013, the state board 225
shall adopt rules in accordance with Chapter 119. of the Revised 226
Code that prescribe the methods by which the performance 227
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 228
will be assessed and assigned a letter grade, including 229
performance benchmarks for each grade. 230

At least forty-five days prior to the state board's 231
adoption of rules to prescribe the methods by which the 232
performance measures under division (B) (1) of this section shall 233
be assessed and assigned a letter grade, the department shall 234
conduct a public presentation before the standing committees of 235
the house of representatives and the senate that consider 236
education legislation describing such methods, including 237
performance benchmarks. 238

(4) There shall not be an overall letter grade for a 239
school district or building for the 2013-2014 school year. 240

(C) (1) For the 2014-2015 school year and each school year 241
thereafter, the department shall issue grades as described in 242
division (E) of this section for each of the performance 243
measures prescribed in division (C) (1) of this section and an 244
overall letter grade based on an aggregate of those measures, 245
except for the performance measure set forth in division (C) (1) 246
(h) of this section. The graded measures are as follows: 247

(a) Annual measurable objectives; 248

(b) Performance index score for a school district or 249
building. Grades shall be awarded as a percentage of the total 250
possible points on the performance index system as created by 251
the department. In adopting benchmarks for assigning letter 252
grades under division (C) (1) (b) of this section, the state board 253

shall designate ninety per cent or higher for an "A," at least 254
seventy per cent but not more than eighty per cent for a "C," 255
and less than fifty per cent for an "F." 256

(c) The extent to which the school district or building 257
meets each of the applicable performance indicators established 258
by the state board under section 3302.03 of the Revised Code and 259
the percentage of applicable performance indicators that have 260
been achieved. In adopting benchmarks for assigning letter 261
grades under division (C)(1)(c) of this section, the state board 262
shall designate ninety per cent or higher for an "A." 263

(d) The four- and five-year adjusted cohort graduation 264
rates; 265

(e) The overall score under the value-added progress 266
dimension, or another measure of student academic progress if 267
adopted by the state board, of a school district or building, 268
for which the department shall use up to three years of value- 269
added data as available. 270

In adopting benchmarks for assigning letter grades for 271
overall score on value-added progress dimension under division 272
(C)(1)(e) of this section, the state board shall prohibit the 273
assigning of a grade of "A" for that measure unless the 274
district's or building's grade assigned for value-added progress 275
dimension for all subgroups under division (C)(1)(f) of this 276
section is a "B" or higher. 277

For the metric prescribed by division (C)(1)(e) of this 278
section, the state board may adopt a student academic progress 279
measure to be used instead of the value-added progress 280
dimension. If the state board adopts such a measure, it also 281
shall prescribe a method for assigning letter grades for the new 282

measure that is comparable to the method prescribed in division 283
(A) (1) (e) of this section. 284

(f) The value-added progress dimension score of a school 285
district or building disaggregated for each of the following 286
subgroups: students identified as gifted in superior cognitive 287
ability and specific academic ability fields under Chapter 3324. 288
of the Revised Code, students with disabilities, and students 289
whose performance places them in the lowest quintile for 290
achievement on a statewide basis, as determined by a method 291
prescribed by the state board. Each subgroup shall be a separate 292
graded measure. 293

The state board may adopt student academic progress 294
measures to be used instead of the value-added progress 295
dimension. If the state board adopts such measures, it also 296
shall prescribe a method for assigning letter grades for the new 297
measures that is comparable to the method prescribed in division 298
(A) (1) (e) of this section. 299

(g) Whether a school district or building is making 300
progress in improving literacy in grades kindergarten through 301
three, as determined using a method prescribed by the state 302
board. The state board shall adopt rules to prescribe benchmarks 303
and standards for assigning grades to a district or building for 304
purposes of division (C) (1) (g) of this section. The state board 305
shall designate for a "C" grade a value that is not lower than 306
the statewide average value for this measure. No grade shall be 307
issued under division (C) (1) (g) of this section for a district 308
or building in which less than five per cent of students have 309
scored below grade level on the kindergarten diagnostic 310
assessment under division (B) (1) of section 3313.608 of the 311
Revised Code. 312

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced

standing programs, such as the college credit plus program under 342
Chapter 3365. of the Revised Code and state-approved career- 343
technical courses offered through dual enrollment or statewide 344
articulation, that appear on a student's college transcript 345
issued by the institution of higher education from which the 346
student earned the college credit. The credits earned that are 347
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 348
shall not include any that are remedial or developmental and 349
shall include those that count toward the curriculum 350
requirements established for completion of a degree. 351

(d) The percentage of the district's or building's 352
students who receive an honor's diploma under division (B) of 353
section 3313.61 of the Revised Code; 354

(e) The percentage of the district's or building's 355
students who receive industry-recognized credentials; 356

(f) The percentage of students enrolled in a district or 357
building who are participating in an international baccalaureate 358
program and the percentage of those students who receive a score 359
of four or better on the international baccalaureate 360
examinations; 361

(g) The results of the college and career-ready 362
assessments administered under division (B) (1) of section 363
3301.0712 of the Revised Code. 364

(3) The state board shall adopt rules pursuant to Chapter 365
119. of the Revised Code that establish a method to assign an 366
overall grade for a school district or school building for the 367
2014-2015 school year and each school year thereafter. The rules 368
shall group the performance measures in divisions (C) (1) and (2) 369
of this section into the following components: 370

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| (a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section; | 371 372 |
| (b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section; | 373 374 |
| (c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section; | 375 376 |
| (d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section; | 377 378 |
| (e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this section; | 379 380 381 |
| (f) Prepared for success, which shall include the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C) (3) (f) of this section using the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C) (2) (g) of this section into the component under division (C) (3) (f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C) (3) (f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C) (3) (f) of this section, the state board shall ensure that the | 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 |

pool of students included in the performance measures aggregated 400
under that division are all of the students included in the 401
four- and five-year adjusted graduation cohort. 402

In the rules adopted under division (C)(3) of this 403
section, the state board shall adopt a method for determining a 404
grade for each component in divisions (C)(3)(a) to (f) of this 405
section. The state board also shall establish a method to assign 406
an overall grade of "A," "B," "C," "D," or "F" using the grades 407
assigned for each component. The method the state board adopts 408
for assigning an overall grade shall give equal weight to the 409
components in divisions (C)(3)(b) and (c) of this section. 410

At least forty-five days prior to the state board's 411
adoption of rules to prescribe the methods for calculating the 412
overall grade for the report card, as required by this division, 413
the department shall conduct a public presentation before the 414
standing committees of the house of representatives and the 415
senate that consider education legislation describing the format 416
for the report card, weights that will be assigned to the 417
components of the overall grade, and the method for calculating 418
the overall grade. 419

(D) Not later than July 1, 2015, the state board shall 420
develop a measure of student academic progress for high school 421
students using only data from assessments in English language 422
arts and mathematics. For the 2014-2015 school year, the 423
department shall include this measure on a school district or 424
building's report card, as applicable, without an assigned 425
letter grade. Beginning with the report card for the 2015-2016 426
school year, each school district and applicable school building 427
shall be assigned a separate letter grade for this measure and 428
the district's or building's grade for that measure shall be 429

included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C) (3) (c) of this section in the calculation for the overall letter grade.

(E) The letter grades assigned to a school district or building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;

(3) "C" for a district or school making average progress;

(4) "D" for a district or school making below average progress;

(5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

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| (6) Performance of students grouped by those who have been enrolled in a district or school for one year or less; | 456 457 |
| (7) Performance of students grouped by those who are economically disadvantaged; | 458 459 |
| (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code; | 460 461 462 |
| (9) Performance of students grouped by those who are classified as limited English proficient; | 463 464 |
| (10) Performance of students grouped by those who have disabilities; | 465 466 |
| (11) Performance of students grouped by those who are classified as migrants; | 467 468 |
| (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well. | 469 470 471 472 473 474 475 476 477 |
| (13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. | 478 479 480 |
| The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the | 481 482 483 |

department shall disaggregate data on student performance 484
according to any combinations of two or more of the categories 485
listed in divisions (F) (1) to (13) of this section that it deems 486
relevant. 487

In reporting data pursuant to division (F) of this 488
section, the department shall not include in the report cards 489
any data statistical in nature that is statistically unreliable 490
or that could result in the identification of individual 491
students. For this purpose, the department shall not report 492
student performance data for any group identified in division 493
(F) of this section that contains less than ten students. If the 494
department does not report student performance data for a group 495
because it contains less than ten students, the department shall 496
indicate on the report card that is why data was not reported. 497

(G) The department may include with the report cards any 498
additional education and fiscal performance data it deems 499
valuable. 500

(H) The department shall include on each report card a 501
list of additional information collected by the department that 502
is available regarding the district or building for which the 503
report card is issued. When available, such additional 504
information shall include student mobility data disaggregated by 505
race and socioeconomic status, college enrollment data, and the 506
reports prepared under section 3302.031 of the Revised Code. 507

The department shall maintain a site on the world wide 508
web. The report card shall include the address of the site and 509
shall specify that such additional information is available to 510
the public at that site. The department shall also provide a 511
copy of each item on the list to the superintendent of each 512
school district. The district superintendent shall provide a 513

copy of any item on the list to anyone who requests it. 514

~~(I) Division (I) of this section does not apply to 515
conversion community schools that primarily enroll students 516
between sixteen and twenty-two years of age who dropped out of 517
high school or are at risk of dropping out of high school due to 518
poor attendance, disciplinary problems, or suspensions. 519~~

(1) For any district that sponsors a conversion community 520
school under Chapter 3314. of the Revised Code, including a 521
school that primarily enrolls students between sixteen and 522
twenty-two years of age who dropped out of high school or are at 523
risk of dropping out of high school due to poor attendance, 524
disciplinary problems, or suspensions, the department shall 525
combine data regarding the academic performance of students 526
enrolled in the community school with comparable data from the 527
schools of the district for the purpose of determining the 528
performance of the district as a whole on the report card issued 529
for the district under this section or section 3302.033 of the 530
Revised Code. 531

(2) Any district that leases a building to a community 532
school located in the district or that enters into an agreement 533
with a community school located in the district whereby the 534
district and the school endorse each other's programs may elect 535
to have data regarding the academic performance of students 536
enrolled in the community school combined with comparable data 537
from the schools of the district for the purpose of determining 538
the performance of the district as a whole on the district 539
report card. Any district that so elects shall annually file a 540
copy of the lease or agreement with the department. 541

(3) Any municipal school district, as defined in section 542
3311.71 of the Revised Code, that sponsors a community school 543

located within the district's territory, or that enters into an 544
agreement with a community school located within the district's 545
territory whereby the district and the community school endorse 546
each other's programs, may exercise either or both of the 547
following elections: 548

(a) To have data regarding the academic performance of 549
students enrolled in that community school combined with 550
comparable data from the schools of the district for the purpose 551
of determining the performance of the district as a whole on the 552
district's report card; 553

(b) To have the number of students attending that 554
community school noted separately on the district's report card. 555

The election authorized under division (I) (3) (a) of this 556
section is subject to approval by the governing authority of the 557
community school. 558

Any municipal school district that exercises an election 559
to combine or include data under division (I) (3) of this 560
section, by the first day of October of each year, shall file 561
with the department documentation indicating eligibility for 562
that election, as required by the department. 563

(J) The department shall include on each report card the 564
percentage of teachers in the district or building who are 565
highly qualified, as defined by the No Child Left Behind Act of 566
2001, and a comparison of that percentage with the percentages 567
of such teachers in similar districts and buildings. 568

(K) (1) In calculating English language arts, mathematics, 569
social studies, or science assessment passage rates used to 570
determine school district or building performance under this 571
section, the department shall include all students taking an 572

assessment with accommodation or to whom an alternate assessment 573
is administered pursuant to division (C) (1) or (3) of section 574
3301.0711 of the Revised Code. 575

(2) In calculating performance index scores, rates of 576
achievement on the performance indicators established by the 577
state board under section 3302.02 of the Revised Code, and 578
annual measurable objectives for determining adequate yearly 579
progress for school districts and buildings under this section, 580
the department shall do all of the following: 581

(a) Include for each district or building only those 582
students who are included in the ADM certified for the first 583
full school week of October and are continuously enrolled in the 584
district or building through the time of the spring 585
administration of any assessment prescribed by division (A) (1) 586
or (B) (1) of section 3301.0710 or division (B) of section 587
3301.0712 of the Revised Code that is administered to the 588
student's grade level; 589

(b) Include cumulative totals from both the fall and 590
spring administrations of the third grade English language arts 591
achievement assessment; 592

(c) Except as required by the No Child Left Behind Act of 593
2001, exclude for each district or building any limited English 594
proficient student who has been enrolled in United States 595
schools for less than one full school year. 596

(L) Beginning with the 2015-2016 school year and at least 597
once every three years thereafter, the state board of education 598
shall review and may adjust the benchmarks for assigning letter 599
grades to the performance measures and components prescribed 600
under divisions (C) (3) and (D) of this section. 601

Sec. 3313.413. (A) As used in this section, "high-performing community school" means a community school established under this chapter that meets the following conditions:

(1) Except as provided in division (A) (2) or (3) of this section, the school both:

(a) Has received a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(b) Has received a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(2) If the school serves only grades kindergarten through three, the school received a grade of "A," or "B" for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(3) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(B) A school district board of education may offer for annual lease part of any parcel of real property to the governing authority of a high-performing community school,

through an agreement to share facilities, for an annual lease 631
amount not to exceed ten dollars per square foot. The lease 632
agreement with the governing authority shall specify the 633
duration and terms of the lease and the obligation of the 634
community school to maintain the facility in a manner that 635
ensures the health and safety of the school's students. Upon 636
execution of the lease agreement, a copy of the agreement shall 637
be submitted to the department of education. 638

The department, as part of its regular payments to the 639
school district under Chapter 3317. of the Revised Code, shall 640
pay to the school district an amount equal to twenty per cent of 641
the formula amount as prescribed by section 3317.02 of the 642
Revised Code for each full-time equivalent student attending the 643
community school in the district-owned facility leased to the 644
community school under this section. 645

Sec. 3314.011. (A) Every community school established 646
under this chapter shall have a designated fiscal officer. 647
Except as provided for in division (D) of this section, the 648
fiscal officer shall be employed by the governing authority of 649
the school. 650

(B) (1) The auditor of state ~~may shall~~ require ~~by rule~~ that 651
the fiscal officer of any community school, before entering upon 652
duties as fiscal officer of the school, execute a bond in an 653
amount and with surety to be approved by the governing authority 654
of the school, payable to the state, conditioned for the 655
faithful performance of all the official duties required of the 656
fiscal officer. ~~Any such~~ The bond shall be deposited with the 657
governing authority of the school, and a copy thereof, certified 658
by the governing authority, shall be filed with the county 659
auditor. 660

(2) In the event that the fiscal officer fails to 661
faithfully perform all of the official duties required of the 662
fiscal officer, the sponsor of the community school has the 663
right of action against the fiscal officer to compel delivery of 664
all financial and enrollment records of the school, and shall, 665
if necessary, seek recovery of any funds owed as a result of any 666
finding of recovery by the auditor of state against the fiscal 667
officer. 668

(C) Prior to assuming the duties of fiscal officer, the 669
fiscal officer designated under this section shall be licensed 670
under section 3301.074 of the Revised Code. Any person serving 671
as a fiscal officer of a community school ~~on the effective date~~ 672
~~of this amendment~~ March 22, 2013, who is not licensed as a 673
treasurer shall be permitted to serve as a fiscal officer for 674
not more than one year following ~~the effective date of this~~ 675
~~amendment~~ March 22, 2013. Beginning on that date and thereafter, 676
no community school shall permit any individual to serve as a 677
fiscal officer without a license as required by this section. 678

(D) (1) The governing authority of a community school may 679
adopt a resolution waiving the requirement that the governing 680
authority is the party responsible to employ or contract with 681
the designated fiscal officer, as prescribed by division (A) of 682
this section, so long as the school's sponsor also approves the 683
resolution. The resolution shall be valid for one year. A new 684
resolution shall be adopted for each year that the governing 685
authority wishes to waive this requirement, so long as the 686
school's sponsor also approves the resolution. 687

No resolution adopted pursuant to this division may waive 688
the requirement for a community school to have a designated 689
fiscal officer. 690

(2) If the governing authority adopts a resolution 691
pursuant to division (D) (1) of this section, the school's 692
designated fiscal officer annually shall meet with the governing 693
authority to review the school's financial status. 694

(3) The governing authority shall submit to the department 695
of education a copy of each resolution adopted pursuant to 696
division (D) (1) of this section. 697

Sec. 3314.015. (A) The department of education shall be 698
responsible for the oversight of any and all sponsors of the 699
community schools established under this chapter and shall 700
provide technical assistance to schools~~and~~, sponsors, and 701
operators in their compliance with applicable laws and the terms 702
of the contracts entered into under section 3314.03 of the 703
Revised Code and in the development and start-up activities of 704
those schools. In carrying out its duties under this section, 705
the department shall do all of the following: 706

(1) In providing technical assistance to proposing 707
parties, governing authorities, ~~and~~ sponsors, and operators, 708
conduct training sessions and distribute informational 709
materials; 710

(2) Approve entities to be sponsors of community schools; 711

(3) Monitor and evaluate, as required under section 712
3314.016 of the Revised Code, the effectiveness of any and all 713
sponsors in their oversight of the schools with which they have 714
contracted; 715

(4) Monitor and evaluate, as required under section 716
3314.031 of the Revised Code, the effectiveness of any and all 717
community school operators. 718

(5) By December thirty-first of each year, issue a report 719

to the governor, the speaker of the house of representatives, 720
the president of the senate, and the chairpersons of the house 721
and senate committees principally responsible for education 722
matters regarding the effectiveness of academic programs, 723
operations, and legal compliance and of the financial condition 724
of all community schools established under this chapter and on 725
the performance of community school sponsors; 726

~~(5)~~ (6) From time to time, make legislative 727
recommendations to the general assembly designed to enhance the 728
operation and performance of community schools. 729

(B) (1) ~~Except as provided in sections 3314.021 and~~ 730
~~3314.027 of the Revised Code, no entity listed in division (C)~~ 731
~~(1) of section 3314.02 of the Revised Code~~ No entity shall enter 732
into a preliminary agreement under division (C) (2) of section 733
3314.02 of the Revised Code or renew an existing contract to 734
sponsor a community school until it has received approval from 735
the department of education to sponsor community schools under 736
this chapter and has entered into a written agreement with the 737
department regarding the manner in which the entity will conduct 738
such sponsorship. All new and renewed agreements between the 739
department and a sponsor shall contain specific language 740
addressing the parameters under which the department can 741
intervene and potentially revoke sponsorship authority in the 742
event that the sponsor is unwilling or unable to fulfill its 743
obligations. Additionally, each agreement shall provide for an 744
annual evaluation process and a clause permitting the department 745
to modify the agreement under the following circumstances: 746

(a) Poor fiscal management; 747

(b) Lack of academic progress. 748

(2) The initial term of a sponsor's agreement with the department shall be for up to ~~seven~~five years. ~~For every year that the sponsor satisfies the conditions of division (B) (1) (a) or (b) of this section, as applicable, the department shall one year to the agreement term, subject to divisions (C) and (F) of this section, unless the sponsor notifies the department that it does not wish to have the term of the agreement so extended.~~

~~To qualify for the extension of the term of the sponsor's agreement, the sponsor shall satisfy one of the following, as applicable:~~

~~(a) Prior to January 1, 2015, the sponsor is not in the lowest twenty per cent of sponsors statewide according to the composite performance index score as ranked under section 3314.016 of the Revised Code, as that section exists prior to that date, and the sponsor continues to meet all the requirements of this chapter pertaining to community school sponsors.~~

~~(b) On or after January 1, 2015, the sponsor is rated as "exemplary" or "effective" under section 3314.016 of the Revised Code, as that section exists on and after that date, and the sponsor continues to meet all the requirements of this chapter pertaining to community school sponsors.~~

(a) An agreement entered into with the department pursuant to this section may be renewed for a term of up to twelve years using the following criteria:

(i) The academic performance of students enrolled in each community school the entity sponsors, as determined by the department pursuant to division (B) (1) (a) of section 3314.016 of the Revised Code;

(ii) The sponsor's adherence to quality practices, as 778
determined by the department pursuant to division (B) (1) (b) of 779
section 3314.016 of the Revised Code. 780

(b) The department shall adopt in accordance with Chapter 781
119. of the Revised Code rules containing criteria, procedures, 782
and deadlines for processing applications for approval of 783
sponsors, for oversight of sponsors, for notifying a sponsor of 784
noncompliance with applicable laws and administrative rules 785
under division (F) of this section, for revocation of the 786
approval of sponsors under division (C) of this section, and for 787
entering into written agreements with sponsors. The rules shall 788
require an entity to submit evidence of the entity's ability and 789
willingness to comply with the provisions of division (D) of 790
section 3314.03 of the Revised Code. The rules also shall 791
require all entities ~~approved as sponsors on and after June 30,~~ 792
~~2005,~~ to demonstrate a record of financial responsibility and 793
successful implementation of educational programs. If an entity 794
seeking approval ~~on or after June 30, 2005,~~ to sponsor community 795
schools in this state sponsors or operates schools in another 796
state, at least one of the schools sponsored or operated by the 797
entity must be comparable to or better than the performance of 798
Ohio schools in need of continuous improvement under section 799
3302.03 of the Revised Code, as determined by the department. 800

Subject to section 3314.016 of the Revised Code, an entity 801
that ~~sponsors~~ has been approved by the department to sponsor 802
community schools may enter into preliminary agreements and 803
sponsor up to one hundred schools, provided each school and the 804
contract for sponsorship meets the requirements of this chapter. 805

~~(2)~~ (3) The state board of education shall determine, 806
pursuant to criteria specified in rules adopted in accordance 807

with Chapter 119. of the Revised Code, whether the mission 808
proposed to be specified in the contract of a community school 809
to be sponsored by a state university board of trustees or the 810
board's designee under division (C) (1) (e) of section 3314.02 of 811
the Revised Code complies with the requirements of that 812
division. Such determination of the state board is final. 813

~~(3)~~ (4) The state board of education shall determine, 814
pursuant to criteria specified in rules adopted in accordance 815
with Chapter 119. of the Revised Code, if any tax-exempt entity 816
under section 501(c) (3) of the Internal Revenue Code that is 817
proposed to be a sponsor of a community school is an education- 818
oriented entity for purpose of satisfying the condition 819
prescribed in division (C) (1) (f) (iii) of section 3314.02 of the 820
Revised Code. Such determination of the state board is final. 821

(C) If at any time the state board of education finds that 822
a sponsor is not in compliance or is no longer willing to comply 823
with its contract with any community school or with the 824
department's rules for sponsorship, the state board or designee 825
shall conduct a hearing in accordance with Chapter 119. of the 826
Revised Code on that matter. If after the hearing, the state 827
board or designee has confirmed the original finding, the 828
department of education may revoke the sponsor's approval to 829
sponsor community schools. In that case, the department's office 830
of Ohio school sponsorship, established under section 3314.029 831
of the Revised Code, may assume the sponsorship of any schools 832
with which the sponsor has contracted until the earlier of the 833
expiration of two school years or until a new sponsor as 834
described in division (C) (1) of section 3314.02 of the Revised 835
Code is secured by the school's governing authority. The office 836
of Ohio school sponsorship may extend the term of the contract 837
in the case of a school for which it has assumed sponsorship 838

under this division as necessary to accommodate the term of the 839
department's authorization to sponsor the school specified in 840
this division. Community schools sponsored under this division 841
shall not apply to the limit on directly authorized community 842
schools under division (A) (3) of section 3314.029 of the Revised 843
Code. However, nothing in this division shall preclude a 844
community school affected by this division from applying for 845
sponsorship under that section. 846

(D) The decision of the department to disapprove an entity 847
for sponsorship of a community school or to revoke approval for 848
such sponsorship under division (C) of this section, may be 849
appealed by the entity in accordance with section 119.12 of the 850
Revised Code. 851

(E) The department shall adopt procedures for use by a 852
community school governing authority and sponsor when the school 853
permanently closes and ceases operation, which shall include at 854
least procedures for data reporting to the department, handling 855
of student records, distribution of assets in accordance with 856
section 3314.074 of the Revised Code, and other matters related 857
to ceasing operation of the school. 858

(F) (1) In lieu of revoking a sponsor's authority to 859
sponsor community schools under division (C) of this section, if 860
the department finds that a sponsor is not in compliance with 861
applicable laws and administrative rules, the department shall 862
declare in a written notice to the sponsor the specific laws or 863
rules, or both, for which the sponsor is noncompliant. A sponsor 864
notified under division (F) (1) of this section shall respond to 865
the department not later than fourteen days after the 866
notification with a proposed plan to remedy the conditions for 867
which the sponsor was found to be noncompliant. The department 868

shall approve or disapprove the plan not later than fourteen 869
days after receiving it. If the plan is disapproved, the sponsor 870
may submit a revised plan to the department not later than 871
fourteen days after receiving notification of disapproval from 872
the department or not later than sixty days after the date the 873
sponsor received notification of noncompliance from the 874
department, whichever is earlier. The department shall approve 875
or disapprove the revised plan not later than fourteen days 876
after receiving it or not later than sixty days after the date 877
the sponsor received notification of noncompliance from the 878
department, whichever is earlier. A sponsor may continue to make 879
revisions by the deadlines prescribed in division (F) (1) of this 880
section to any revised plan that is disapproved by the 881
department until the sixtieth day after the date the sponsor 882
received notification of noncompliance from the department. 883

If a plan or a revised plan is approved, the sponsor shall 884
implement it not later than sixty days after the date the 885
sponsor received notification of noncompliance from the 886
department or not later than thirty days after the plan is 887
approved, whichever is later. If a sponsor does not respond to 888
the department or implement an approved compliance plan by the 889
deadlines prescribed by division (F) (1) of this section, or if a 890
sponsor does not receive approval of a compliance plan on or 891
before the sixtieth day after the date the sponsor received 892
notification of noncompliance from the department, the 893
department shall declare in written notice to the sponsor that 894
the sponsor is in probationary status, and may limit the 895
sponsor's ability to sponsor additional schools. 896

(2) A sponsor that has been placed on probationary status 897
under division (F) (1) of this section may apply to the 898
department for its probationary status to be lifted. The 899

application for a sponsor's probationary status to be lifted 900
shall include evidence, occurring after the initial notification 901
of noncompliance, of the sponsor's compliance with applicable 902
laws and administrative rules. Not later than fourteen days 903
after receiving an application from the sponsor, the department 904
shall decide whether or not to remove the sponsor's probationary 905
status. 906

(G) In carrying out its duties under this chapter, the 907
department shall not impose requirements on community schools or 908
their sponsors that are not permitted by law or duly adopted 909
rules. 910

(H) This section applies to entities that sponsor 911
conversion community schools and new start-up schools. 912

(I) Nothing in divisions (C) to (F) of this section 913
prohibits the department from taking any action permitted or 914
required under the written agreement between the department on a 915
sponsoring entity without a hearing on the matter, in the event 916
that the sponsor is unwilling or unable to fulfill its 917
obligations. 918

(J) On and after the effective date of this amendment, any 919
entity that was exempt from the requirement to be approved for 920
sponsorship as described in former section 3314.021 or 3314.027 921
of the Revised Code shall not renew a contract to sponsor a 922
community school or enter into a new contract to sponsor a 923
community school until it has complied with the terms of this 924
section. Accordingly, the entity shall apply to the department 925
of education for such approval and shall enter into an agreement 926
with the department. Once approval is granted, an entity 927
described in this division may continue to sponsor schools in 928
the same manner, and subject to the same reapplication, 929

evaluation, and approval procedures set forth in this chapter as 930
for all other community school sponsors. 931

Sec. 3314.016. This section applies to any entity that 932
sponsors a community school, ~~regardless of whether section~~ 933
~~3314.021 or 3314.027 of the Revised Code exempts the entity from~~ 934
~~the requirement to be approved for sponsorship under divisions~~ 935
~~(A) (2) and (B) (1) of section 3314.015 of the Revised Code.~~ The 936
office of Ohio school sponsorship established under section 937
3314.029 of the Revised Code shall be rated under division (B) 938
of this section, but divisions (A) and (C) of this section do 939
not apply to the office. 940

(A) An entity that sponsors a community school shall be 941
permitted to enter into contracts under section 3314.03 of the 942
Revised Code to sponsor additional community schools only if the 943
entity meets ~~both~~ all of the following criteria: 944

(1) The entity is in compliance with all provisions of 945
this chapter requiring sponsors of community schools to report 946
data or information to the department of education. 947

(2) The entity is not rated as "ineffective" under 948
division (B) (6) of this section. 949

(3) The entity has received approval from and entered into 950
an agreement with the department of education pursuant to 951
section 3314.015 of the Revised Code. 952

(B) (1) For purposes of this section, the department shall 953
develop and implement an evaluation system that rates each 954
entity that sponsors a community school based on the following 955
components: 956

(a) ~~Academic~~ Annual academic performance of students 957
enrolled in community schools sponsored by the same entity; 958

(b) Adherence by a sponsor to the quality practices 959
prescribed by the department under division (B) (3) of this 960
section shall be rated every third year. The department shall 961
not include this measure in the sponsor evaluation rating system 962
until the department prescribes quality practices and develops 963
an instrument to measure adherence to those practices under 964
division (B) (3) of this section. 965

(c) ~~Compliance~~ Annual compliance with applicable laws and 966
administrative rules by an entity that sponsors a community 967
school. 968

(2) In calculating an academic performance component, the 969
department shall exclude all of the following: 970

(a) All community schools that have been in operation for 971
not more than two full school years; 972

(b) All community schools described in division (A) (4) (b) 973
of section 3314.35 of the Revised Code. 974

(3) The department, in consultation with entities that 975
sponsor community schools, shall prescribe quality practices for 976
community school sponsors and develop an instrument to measure 977
adherence to those quality practices. The quality practices 978
shall be based on standards developed by the national 979
association of charter school authorizers or any other 980
nationally organized community school organization. 981

(4) (a) The department may permit peer review of a 982
sponsor's adherence to the quality practices prescribed under 983
division (B) (3) of this section. 984

(b) The department shall require individuals participating 985
in peer review under division (B) (4) (a) of this section to 986
complete training approved or established by the department. 987

(c) The department may enter into an agreement with 988
another entity to provide training to individuals conducting 989
peer review of sponsors. Prior to entering into an agreement 990
with an entity, the department shall review and approve of the 991
entity's training program. 992

(5) Not later than July 1, 2013, the state board of 993
education shall adopt rules in accordance with Chapter 119. of 994
the Revised Code prescribing standards for measuring compliance 995
with applicable laws and rules under division (B)(1)(c) of this 996
section. 997

(6) The department annually shall rate all entities that 998
sponsor community schools as either "exemplary," "effective," ~~or~~ 999
"ineffective," or "poor" based on the components prescribed by 1000
division (B) of this section, ~~where each component is weighted~~ 1001
~~equally, except that entities sponsoring community schools for~~ 1002
~~the first time may be assigned the rating of "emerging" for only~~ 1003
~~the first two consecutive years. A separate rating shall be~~ 1004
given for each component of the evaluation system according to 1005
the established timeline. The department shall also assign an 1006
overall rating. 1007

The department shall publish the ratings between the first 1008
day of October and the fifteenth day of October of the 1009
applicable rating year, as set forth in division (B)(1)(a), (b), 1010
or (c) of this section. 1011

~~(7)(a) Prior to the 2014-2015 school year, student-~~ 1012
~~academic performance prescribed under division (B)(1)(a) of this~~ 1013
~~section shall not include student academic performance data from~~ 1014
~~community schools that primarily serve students enrolled in a~~ 1015
~~dropout prevention and recovery program as described in division~~ 1016
~~(A)(4)(a) of section 3314.35 of the Revised Code.~~ 1017

(b) The department shall establish incentives and 1018
restrictions on the scope and breadth of an entity's authority 1019
to sponsor community schools based upon the entity's overall 1020
rating. 1021

(a) Entities with an overall rating of "exemplary" may 1022
take advantage of the following incentives: 1023

(i) Renewal of the written agreement with the department, 1024
not to exceed twelve years, provided that the entity consents to 1025
continued evaluation of adherence to quality practices as 1026
described in division (B) (1) (b) of this section; 1027

(ii) The ability to extend the term of the contract 1028
between the sponsoring entity and the community school beyond 1029
the term described in the written agreement with the department; 1030

(iii) An exemption from the preliminary agreement and 1031
contract adoption and execution deadline requirements prescribed 1032
in division (D) of section 3314.02 of the Revised Code; 1033

(iv) An exemption from the automatic contract expiration 1034
requirement, should a new community school fail to open by the 1035
thirtieth day of September of the calendar year in which the 1036
community school contract is executed; 1037

(v) No limit on the number of community schools the entity 1038
may sponsor; 1039

(vi) No territorial restrictions on sponsorship; 1040

(vii) Any other incentives determined necessary or 1041
appropriate by the department. 1042

(b) Entities that receive an overall rating of 1043
"ineffective" shall be prohibited from sponsoring any new or 1044
additional community schools and shall be subject to a one-year 1045

quality improvement plan with timeliness and benchmarks that 1046
have been established by the department. 1047

(c) Entities that receive an overall rating of "poor" 1048
shall have all sponsorship authority revoked. Within thirty days 1049
after receiving a rating of "poor" the entity may appeal the 1050
revocation of its sponsorship authority to the superintendent of 1051
public instruction, who shall appoint an independent hearing 1052
officer to conduct a hearing in accordance with Chapter 119. of 1053
the Revised Code. If, after the hearing, the state 1054
superintendent determines that the revocation is appropriate, 1055
the revocation shall be confirmed. 1056

(8) For the 2014-2015 school year and each school year 1057
thereafter, student academic performance prescribed under 1058
division (B) (1) (a) of this section shall include student 1059
academic performance data from community schools that primarily 1060
serve students enrolled in a dropout prevention and recovery 1061
program. 1062

(C) If the governing authority of a community school 1063
enters into a contract with a sponsor prior to the date on which 1064
the sponsor is prohibited from sponsoring additional schools 1065
under division (A) of this section and the school has not opened 1066
for operation as of that date, that contract shall be void and 1067
the school shall not open until the governing authority secures 1068
a new sponsor by entering into a contract with the new sponsor 1069
under section 3314.03 of the Revised Code. However, the 1070
department's office of Ohio school sponsorship, established 1071
under section 3314.029 of the Revised Code, may assume the 1072
sponsorship of the school until the earlier of the expiration of 1073
two school years or until a new sponsor is secured by the 1074
school's governing authority. A community school sponsored by 1075

the department under this division shall not be included when 1076
calculating the maximum number of directly authorized community 1077
schools permitted under division (A) (3) of section 3314.029 of 1078
the Revised Code. 1079

(D) When an entity's authority to sponsor schools is 1080
revoked pursuant to division (B) (7) (c) of this section, the 1081
office of Ohio school sponsorship may, in the department's 1082
discretion, assume sponsorship of any schools with which the 1083
original sponsor has contracted until the earlier of the 1084
expiration of two school years or until a new sponsor is secured 1085
by the governing authority pursuant to division (C) (1) of 1086
section 3314.02 of the Revised Code. 1087

Any community school sponsored under this division shall 1088
not be counted for purposes of directly authorized community 1089
schools under division (A) (3) of section 3314.029 of the Revised 1090
Code. 1091

Sec. 3314.019. A community school's sponsor shall be the 1092
party responsible for communicating and meeting with the auditor 1093
of state regarding any audit of the school or the condition of 1094
financial and enrollment records of the school, regardless of 1095
whether the sponsor has entered into an agreement with another 1096
entity to perform all or part of the sponsor's oversight duties. 1097

Sec. 3314.02. (A) As used in this chapter: 1098

(1) "Sponsor" means the board of education of a school 1099
district or the governing board of an educational service center 1100
that agrees to the conversion of all or part of a school or 1101
building under division (B) of this section, or an entity listed 1102
in division (C) (1) of this section, which ~~either~~ has been 1103
approved by the department of education to sponsor community 1104

~~schools or is exempted by section 3314.021 or 3314.027 of the~~ 1105
~~Revised Code from obtaining approval,~~ and with which the 1106
governing authority of a community school enters into a contract 1107
under section 3314.03 of the Revised Code. 1108

(2) "Pilot project area" means the school districts 1109
included in the territory of the former community school pilot 1110
project established by former Section 50.52 of Am. Sub. H.B. No. 1111
156 215 of the 122nd general assembly. 1112

(3) "Challenged school district" means any of the 1113
following: 1114

(a) A school district that is part of the pilot project 1115
area; 1116

(b) A school district that meets one of the following 1117
conditions: 1118

(i) On March 22, 2013, the district was in a state of 1119
academic emergency or in a state of academic watch under section 1120
3302.03 of the Revised Code, as that section existed prior to 1121
March 22, 2013; 1122

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 1123
school years, the district received a grade of "D" or "F" for 1124
the performance index score and a grade of "F" for the value- 1125
added progress dimension under section 3302.03 of the Revised 1126
Code; 1127

(iii) For the 2015-2016 school year and for any school 1128
year thereafter, the district has received an overall grade of 1129
"D" or "F" under division (C) (3) of section 3302.03 of the 1130
Revised Code, or, for at least two of the three most recent 1131
school years, the district received a grade of "F" for the 1132
value-added progress dimension under division (C) (1) (e) of that 1133

section. 1134

(c) A big eight school district; 1135

(d) A school district ranked in the lowest five per cent 1136
of school districts according to performance index score under 1137
section 3302.21 of the Revised Code. 1138

(4) "Big eight school district" means a school district 1139
that for fiscal year 1997 had both of the following: 1140

(a) A percentage of children residing in the district and 1141
participating in the predecessor of Ohio works first greater 1142
than thirty per cent, as reported pursuant to section 3317.10 of 1143
the Revised Code; 1144

(b) An average daily membership greater than twelve 1145
thousand, as reported pursuant to former division (A) of section 1146
3317.03 of the Revised Code. 1147

(5) "New start-up school" means a community school other 1148
than one created by converting all or part of an existing public 1149
school or educational service center building, as designated in 1150
the school's contract pursuant to division (A)(17) of section 1151
3314.03 of the Revised Code. 1152

(6) "Urban school district" means one of the state's 1153
twenty-one urban school districts as defined in division (O) of 1154
section 3317.02 of the Revised Code as that section existed 1155
prior to July 1, 1998. 1156

(7) "Internet- or computer-based community school" means a 1157
community school established under this chapter in which the 1158
enrolled students work primarily from their residences on 1159
assignments in nonclassroom-based learning opportunities 1160
provided via an internet- or other computer-based instructional 1161

method that does not rely on regular classroom instruction or 1162
via comprehensive instructional methods that include internet- 1163
based, other computer-based, and noncomputer-based learning 1164
opportunities. 1165

(8) "Operator" means either of the following: 1166

(a) An individual or organization that manages the daily 1167
operations of a community school pursuant to a contract between 1168
the operator and the school's governing authority; 1169

(b) A nonprofit organization that provides programmatic 1170
oversight and support to a community school under a contract 1171
with the school's governing authority and that retains the right 1172
to terminate its affiliation with the school if the school fails 1173
to meet the organization's quality standards. 1174

(9) "Alliance municipal school district" has the same 1175
meaning as in section 3311.86 of the Revised Code. 1176

(B)(1) Any person or group of individuals may initially 1177
propose under this division the conversion of all or a portion 1178
of a public school to a community school. The proposal shall be 1179
made to the board of education of the city, local, exempted 1180
village, or joint vocational school district in which the public 1181
school is proposed to be converted. 1182

(2) Any person or group of individuals may initially 1183
propose under this division the conversion of all or a portion 1184
of a building operated by an educational service center to a 1185
community school. The proposal shall be made to the governing 1186
board of the service center. 1187

~~A service center that proposes the establishment of a 1188
conversion community school located in a county within the 1189
territory of the service center or in a county contiguous to 1190~~

~~such county is exempt from approval from the department of
education, except as provided under division (B) (4) of this
section, and from the agreement required under division (B) (1)
of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment
of a conversion community school located in a county outside of
the territory of the service center or a county contiguous to
such county shall be subject to approval from the department of
education and from the agreement required under that section.~~

~~Division (B) (2) of this section does not apply to an
educational service center that sponsors community schools and
that is exempted under section 3314.021 or 3314.027 of the
Revised Code from the requirement to be approved for sponsorship
under divisions (A) (2) and (B) (1) of section 3314.015 of the
Revised Code.~~

An educational service center that sponsors a community
school in accordance with this division shall be approved by and
enter into a written agreement with the department as described
in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has
been entered into pursuant to section 3314.015 of the Revised
Code, a board may enter into a preliminary agreement with the
person or group proposing the conversion of the public school or
service center building, indicating the intention of the board
to support the conversion to a community school. A proposing
person or group that has a preliminary agreement under this
division may proceed to finalize plans for the school, establish
a governing authority for the school, and negotiate a contract
with the board. Provided the proposing person or group adheres
to the preliminary agreement and all provisions of this chapter,

the board shall negotiate in good faith to enter into a contract 1221
in accordance with section 3314.03 of the Revised Code and 1222
division (C) of this section. 1223

(4) The sponsor of a conversion community school proposed 1224
to open in an alliance municipal school district shall be 1225
subject to approval by the department of education for 1226
sponsorship of that school using the criteria established under 1227
division (A) of section 3311.87 of the Revised Code. 1228

~~Division (B)(4) of this section does not apply to a 1229
sponsor that is exempted under section 3314.021 or 3314.027 of 1230
the Revised Code from the requirement to be approved for 1231
sponsorship under divisions (A)(2) and (B)(1) of section 1232
3314.015 of the Revised Code. 1233~~

(C)(1) Any person or group of individuals may propose 1234
under this division the establishment of a new start-up school 1235
to be located in a challenged school district. The proposal may 1236
be made to any of the following entities: 1237

(a) The board of education of the district in which the 1238
school is proposed to be located; 1239

(b) The board of education of any joint vocational school 1240
district with territory in the county in which is located the 1241
majority of the territory of the district in which the school is 1242
proposed to be located; 1243

(c) The board of education of any other city, local, or 1244
exempted village school district having territory in the same 1245
county where the district in which the school is proposed to be 1246
located has the major portion of its territory; 1247

(d) The governing board of any educational service center, 1248
regardless of the location of the proposed school, may sponsor a 1249

new start-up school in any challenged school district in the 1250
state if all of the following are satisfied: 1251

(i) If applicable, it satisfies the requirements of 1252
division (E) of section 3311.86 of the Revised Code; 1253

(ii) It is approved to do so by the department; 1254

(iii) It enters into an agreement with the department 1255
under section 3314.015 of the Revised Code. 1256

(e) A sponsoring authority designated by the board of 1257
trustees of any of the thirteen state universities listed in 1258
section 3345.011 of the Revised Code or the board of trustees 1259
itself as long as a mission of the proposed school to be 1260
specified in the contract under division (A) (2) of section 1261
3314.03 of the Revised Code and as approved by the department 1262
under division (B) ~~(2)~~ (3) of section 3314.015 of the Revised 1263
Code will be the practical demonstration of teaching methods, 1264
educational technology, or other teaching practices that are 1265
included in the curriculum of the university's teacher 1266
preparation program approved by the state board of education; 1267

(f) Any qualified tax-exempt entity under section 501(c) 1268
(3) of the Internal Revenue Code as long as all of the following 1269
conditions are satisfied: 1270

(i) The entity has been in operation for at least five 1271
years prior to applying to be a community school sponsor. 1272

(ii) The entity has assets of at least five hundred 1273
thousand dollars and a demonstrated record of financial 1274
responsibility. 1275

(iii) The department has determined that the entity is an 1276
education-oriented entity under division (B) ~~(3)~~ (4) of section 1277

3314.015 of the Revised Code and the entity has a demonstrated 1278
record of successful implementation of educational programs. 1279

(iv) The entity is not a community school. 1280

(g) The mayor of a city in which the majority of the 1281
territory of a school district to which section 3311.60 of the 1282
Revised Code applies is located, regardless of whether that 1283
district has created the position of independent auditor as 1284
prescribed by that section. The mayor's sponsorship authority 1285
under this division is limited to community schools that are 1286
located in that school district. Such mayor may sponsor 1287
community schools only with the approval of the city council of 1288
that city, after establishing standards with which community 1289
schools sponsored by the mayor must comply, and after entering 1290
into a sponsor agreement with the department as prescribed under 1291
section 3314.015 of the Revised Code. The mayor shall establish 1292
the standards for community schools sponsored by the mayor not 1293
later than one hundred eighty days after July 15, 2013, and 1294
shall submit them to the department upon their establishment. 1295
The department shall approve the mayor to sponsor community 1296
schools in the district, upon receipt of an application by the 1297
mayor to do so. Not later than ninety days after the 1298
department's approval of the mayor as a community school 1299
sponsor, the department shall enter into the sponsor agreement 1300
with the mayor. 1301

Any entity described in division (C) (1) of this section 1302
may enter into a preliminary agreement pursuant to division (C) 1303
(2) of this section with the proposing person or group. 1304

(2) A preliminary agreement indicates the intention of an 1305
entity described in division (C) (1) of this section to sponsor 1306
the community school. A proposing person or group that has such 1307

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.

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

school pursuant to this chapter. 1338

(E) (1) As used in this division, "immediate relatives" are 1339
limited to spouses, children, parents, grandparents, siblings, 1340
and in-laws. 1341

Each new start-up community school established under this 1342
chapter shall be under the direction of a governing authority 1343
which shall consist of a board of not less than five 1344
individuals. 1345

(2) (a) No person shall serve on the governing authority or 1346
operate the community school under contract with the governing 1347
authority so long as the person under any of the following 1348
circumstances: 1349

(i) The person owes the state any money or is in a dispute 1350
over whether the person owes the state any money concerning the 1351
operation of a community school that has closed. 1352

(ii) The person has engaged in any of the acts described 1353
in division (B) of section 3319.31 of the Revised Code that 1354
would otherwise result in refusal, limitation, or revocation of 1355
a license to teach. 1356

(iii) The person has been charged with or pleaded guilty 1357
to theft in office under section 2921.41 of the Revised Code, or 1358
has been charged with a substantially similar offense in another 1359
state. 1360

(b) No person shall serve on the governing authority or 1361
engage in the financial day-to-day management of the community 1362
school under contract with the governing authority unless and 1363
until that person has submitted to a criminal records check in 1364
the manner prescribed by section 3319.39 of the Revised Code. 1365

(c) Each sponsor of a community school shall annually 1366
verify that a finding for recovery has not been issued by the 1367
auditor of state against any member of the governing authority 1368
of that community school. 1369

~~(2)~~(3) No person shall serve on the governing authorities 1370
of more than five start-up community schools at the same time. 1371

~~(3)~~(4) No present or former member, or immediate relative 1372
of a present or former member, of the governing authority of any 1373
community school established under this chapter shall be an 1374
owner, employee, or consultant of any sponsor or operator of a 1375
community school, unless at least one year has elapsed since the 1376
conclusion of the person's membership. 1377

~~(4)~~(5) The governing authority of a start-up community 1378
school may provide by resolution for the compensation of its 1379
members. However, no individual who serves on the governing 1380
authority of a start-up community school shall be compensated 1381
more than ~~four hundred twenty five~~ one hundred twenty-five 1382
dollars per meeting of that governing authority and no such 1383
individual shall be compensated more than a total amount of five 1384
thousand dollars per year for all governing authorities upon 1385
which the individual serves. Each member of the governing 1386
authority may be paid compensation for attendance at an approved 1387
training program, provided that such compensation shall not 1388
exceed sixty dollars a day for attendance at a training program 1389
three hours or less in length and one hundred twenty-five 1390
dollars a day for attendance at a training program longer than 1391
three hours in length. 1392

(6) Each member of the governing authority of a community 1393
school shall annually file a disclosure statement setting forth 1394
the names of any immediate relatives or business associates 1395

employed by the sponsor or operator of that community school, 1396
school district, or educational service center that has 1397
contracted with that community school, or a vendor that is 1398
currently engaged in business or has previously engaged in 1399
business with that community school. 1400

(F) (1) A new start-up school that is established prior to 1401
August 15, 2003, in an urban school district that is not also a 1402
big-eight school district may continue to operate after that 1403
date and the contract between the school's governing authority 1404
and the school's sponsor may be renewed, as provided under this 1405
chapter, after that date, but no additional new start-up schools 1406
may be established in such a district unless the district is a 1407
challenged school district as defined in this section as it 1408
exists on and after that date. 1409

(2) A community school that was established prior to June 1410
29, 1999, and is located in a county contiguous to the pilot 1411
project area and in a school district that is not a challenged 1412
school district may continue to operate after that date, 1413
provided the school complies with all provisions of this 1414
chapter. The contract between the school's governing authority 1415
and the school's sponsor may be renewed, but no additional 1416
start-up community school may be established in that district 1417
unless the district is a challenged school district. 1418

(3) Any educational service center that, on June 30, 2007, 1419
sponsors a community school that is not located in a county 1420
within the territory of the service center or in a county 1421
contiguous to such county may continue to sponsor that community 1422
school on and after June 30, 2007, and may renew its contract 1423
with the school. However, the educational service center shall 1424
not enter into a contract with any additional community school, 1425

unless the school is located in a county within the territory of 1426
the service center or in a county contiguous to such county, or 1427
unless the governing board of the service center has entered 1428
into an agreement with the department authorizing the service 1429
center to sponsor a community school in any challenged school 1430
district in the state. 1431

Sec. 3314.023. A sponsor shall provide monitoring, 1432
oversight, and technical assistance to each school that it 1433
sponsors. In order to provide monitoring, oversight, and 1434
technical assistance, a representative of the sponsor of a 1435
community school shall meet with the governing authority or 1436
fiscal officer of the school and shall review the financial and 1437
enrollment records of the school at least once every month. Not 1438
later than ten days after each review, the sponsor shall provide 1439
the governing authority and fiscal officer with a written report 1440
regarding the review. 1441

For purposes of this chapter "monitoring, oversight, and 1442
technical assistance" shall include the following: 1443

(A) Monitoring the community school's compliance with all 1444
laws applicable to the school and with the terms of the 1445
contract; 1446

(B) Monitoring and evaluating the academic and fiscal 1447
performance and the organization and operation of the community 1448
school on at least an annual basis; 1449

(C) Reporting on an annual basis the results of the 1450
evaluation conducted under division (D) (2) of section 3314.03 of 1451
the Revised Code to the department of education and to the 1452
parents of students enrolled in the community school; 1453

(D) Providing technical assistance to the community school 1454

in complying with laws applicable to the school and terms of the 1455
contract; 1456

(E) Taking steps to intervene in the school's operation to 1457
correct problems in the school's overall performance, declaring 1458
the school to be on probationary status pursuant to section 1459
3314.073 of the Revised Code, suspending the operation of the 1460
school pursuant to section 3314.072 of the Revised Code, or 1461
terminating the contract of the school pursuant to section 1462
3314.07 of the Revised Code as determined necessary by the 1463
sponsor; 1464

(F) Having in place a plan of action to be undertaken in 1465
the event the community school experiences financial 1466
difficulties or closes prior to the end of a school year. 1467

Sec. 3314.024. A management company that ~~provides services~~ 1468
~~to a community school that amounts to~~ receives more than twenty 1469
per cent of the annual gross revenues of ~~the a community school~~ 1470
shall provide a detailed accounting including the nature and 1471
costs of the goods and services it provides to the community 1472
school. This information shall be ~~included in the footnotes of~~ 1473
~~the financial statements of the school reported using the~~ 1474
accounting principles and standards set forth in all applicable 1475
pronouncements of the governmental accounting standards board 1476
and shall be subject to audit during the course of the regular 1477
financial audit of the community school. 1478

Sec. 3314.029. This section establishes the Ohio school 1479
sponsorship program. The department of education shall establish 1480
an office of Ohio school sponsorship to perform the department's 1481
duties prescribed by this section. 1482

(A) (1) Notwithstanding anything to the contrary in this 1483

chapter, any person, group of individuals, or entity may apply 1484
to the department for direct authorization to establish a 1485
community school and, upon approval of the application, may 1486
establish the school. Notwithstanding anything to the contrary 1487
in this chapter, the governing authority of an existing 1488
community school, upon the expiration or termination of its 1489
contract with the school's sponsor entered into under section 1490
3314.03 of the Revised Code, may apply to the department for 1491
direct authorization to continue operating the school and, upon 1492
approval of the application, may continue to operate the school. 1493

On and after the effective date of this amendment, all 1494
contracts entered into or renewed pursuant to this section shall 1495
be for a period of time not to exceed two years. If the 1496
department has authorized a community school under this section 1497
prior to the effective date of this amendment and the contract 1498
is in force on that effective date, the department shall 1499
continue to sponsor that school until the expiration of the 1500
contract entered into pursuant to division (B) of this section. 1501

Upon the expiration of an entity's two-year contract with 1502
the department, the entity may secure a new sponsor pursuant to 1503
division (C) (1) of section 3314.02 of the Revised Code but shall 1504
not enter into a new contract with the department. 1505

Each application submitted to the department shall include 1506
the following: 1507

(a) Evidence that the applicant will be able to comply 1508
with division (C) of this section; 1509

(b) A statement indicating that the applicant agrees to 1510
comply with all applicable provisions of this chapter, including 1511
the requirement to be established as a nonprofit corporation or 1512

public benefit corporation in accordance with division (A) (1) of 1513
section 3314.03 of the Revised Code; 1514

(c) A statement attesting that no unresolved finding of 1515
recovery has been issued by the auditor of state against any 1516
person, group of individuals, or entity that is a party to the 1517
application and that no person who is party to the application 1518
has been a member of the governing authority of any community 1519
school that has permanently closed and against which an 1520
unresolved finding of recovery has been issued by the auditor of 1521
state. In the case of an application submitted by the governing 1522
authority of an existing community school, a person who is party 1523
to the application shall include each individual member of that 1524
governing authority. 1525

(d) A statement that the school will be nonsectarian in 1526
its programs, admission policies, employment practices, and all 1527
other operations, and will not be operated by a sectarian school 1528
or religious institution; 1529

(e) A statement of whether the school is to be created by 1530
converting all or part of an existing public school or 1531
educational service center building or is to be a new start-up 1532
school. If it is a converted public school or service center 1533
building, the statement shall include a specification of any 1534
duties or responsibilities of an employer that the board of 1535
education or service center governing board that operated the 1536
school or building before conversion is delegating to the 1537
governing authority of the community school with respect to all 1538
or any specified group of employees, provided the delegation is 1539
not prohibited by a collective bargaining agreement applicable 1540
to such employees. 1541

(f) A statement that the school's teachers will be 1542

licensed in the manner prescribed by division (A) (10) of section 1543
3314.03 of the Revised Code; 1544

(g) A statement that the school will comply with all of 1545
the provisions of law enumerated in divisions (A) (11) (d) and (e) 1546
of section 3314.03 of the Revised Code and of division (A) (11) 1547
(h) of that section, if applicable; 1548

(h) A statement that the school's graduation and 1549
curriculum requirements will comply with division (A) (11) (f) of 1550
section 3314.03 of the Revised Code; 1551

(i) A description of each of the following: 1552

(i) The school's mission and educational program, the 1553
characteristics of the students the school is expected to 1554
attract, the ages and grade levels of students, and the focus of 1555
the curriculum; 1556

(ii) The school's governing authority, which shall be in 1557
compliance with division (E) of section 3314.02 of the Revised 1558
Code; 1559

(iii) The school's admission and dismissal policies, which 1560
shall be in compliance with divisions (A) (5) and (6) of section 1561
3314.03 of the Revised Code; 1562

(iv) The school's business plan, including a five-year 1563
financial forecast; 1564

(v) In the case of an application to establish a community 1565
school, the applicant's resources and capacity to establish and 1566
operate the school; 1567

(vi) The school's academic goals to be achieved and the 1568
method of measurement that will be used to determine progress 1569
toward those goals, which shall include the statewide 1570

achievement assessments; 1571

(vii) The facilities to be used by the school and their 1572
locations; 1573

(viii) A description of the learning opportunities that 1574
will be offered to students including both classroom-based and 1575
nonclassroom-based learning opportunities that are in compliance 1576
with criteria for student participation established by the 1577
department under division (H) (2) of section 3314.08 of the 1578
Revised Code. 1579

(2) Subject to division (A) (3) of this section, the 1580
department ~~shall~~ may approve each application, unless, within 1581
~~thirty days after receipt of the application, the department~~ 1582
~~determines that the application does not satisfy the~~ 1583
~~requirements of division (A) (1) of this section and provides the~~ 1584
~~applicant a written explanation of the reasons for the~~ 1585
~~determination. In that case, the department shall grant the~~ 1586
~~applicant thirty days to correct the insufficiencies in the~~ 1587
~~application. If the department determines that the~~ 1588
~~insufficiencies have been corrected, it shall approve the~~ 1589
~~application. If the department determines that the~~ 1590
~~insufficiencies have not been corrected, it shall deny the~~ 1591
~~application and provide the applicant with a written explanation~~ 1592
~~of the reasons for the denial. The denial of an application may~~ 1593
~~be appealed in accordance with section 119.12 of the Revised~~ 1594
Code or deny an application, taking into consideration the 1595
standards for quality authorizing, capacity requirements, 1596
financial constraints, or any other criteria it determines 1597
necessary and appropriate. 1598

The department of education shall annually publish on its 1599
web site the criteria it uses to approve or deny an application 1600

submitted pursuant to this section. 1601

(3) For each of five school years, beginning with the 1602
school year that begins in the calendar year in which this 1603
section takes effect, the department may approve up to twenty 1604
applications for community schools to be established or to 1605
continue operation under division (A) of this section; however, 1606
of the twenty applications that may be approved each school 1607
year, only up to five may be for the establishment of new 1608
schools. 1609

(4) Notwithstanding division (A) (2) of this section, the 1610
department may deny an application submitted by the governing 1611
authority of an existing community school, if a previous sponsor 1612
of that school did not renew its contract or terminated its 1613
contract with the school entered into under section 3314.03 of 1614
the Revised Code. 1615

(B) The department and the governing authority of each 1616
community school authorized under this section shall enter into 1617
a contract under section 3314.03 of the Revised Code. 1618
Notwithstanding division (A) (13) of that section, the contract 1619
with an existing community school may begin at any time during 1620
the academic year. ~~The length of the initial contract of any~~ 1621
~~community school under this section may be for any term up to~~ 1622
~~five years. The contract may be renewed in accordance with~~ 1623
~~division (E) of that section.~~ The contract may provide for the 1624
school's governing authority to pay a fee for oversight and 1625
monitoring of the school that does not exceed three per cent of 1626
the total amount of payments for operating expenses that the 1627
school receives from the state. 1628

(C) The department may require a community school 1629
authorized under this section to post and file with the 1630

superintendent of public instruction a bond payable to the state 1631
or to file with the state superintendent a guarantee, which 1632
shall be used to pay the state any moneys owed by the community 1633
school in the event the school closes. 1634

(D) Except as otherwise provided in this section, a 1635
community school authorized under this section shall comply with 1636
all applicable provisions of this chapter. The department may 1637
take any action that a sponsor may take under this chapter to 1638
enforce the school's compliance with this division and the terms 1639
of the contract entered into under division (B) of this section. 1640

(E) Not later than December 31, 2012, and annually 1641
thereafter, the department shall issue a report on the program, 1642
including information about the number of community schools 1643
participating in the program and their compliance with the 1644
provisions of this chapter. In its fifth report, the department 1645
shall include a complete evaluation of the program and 1646
recommendations regarding the program's continuation. Each 1647
report shall be provided to the general assembly, in accordance 1648
with section 101.68 of the Revised Code, and to the governor. 1649

Sec. 3314.03. A copy of every contract entered into under 1650
this section shall be filed with the superintendent of public 1651
instruction. The department of education shall make available on 1652
its web site a copy of every approved, executed contract filed 1653
with the superintendent under this section. 1654

(A) Each contract entered into between a sponsor and the 1655
governing authority of a community school shall specify the 1656
following: 1657

(1) That the school shall be established as either of the 1658
following: 1659

- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.
- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;
- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;
- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;
- ~~(6) (a) Dismissal procedures;~~
- ~~(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.~~
- (7) The ways by which the school will achieve racial and

ethnic balance reflective of the community it serves; 1688

(8) Requirements for financial audits by the auditor of 1689
state. The contract shall require financial records of the 1690
school to be maintained in the same manner as are financial 1691
records of school districts, pursuant to rules of the auditor of 1692
state. Audits shall be conducted in accordance with section 1693
117.10 of the Revised Code. 1694

(9) ~~The facilities to be used and their locations;~~An 1695
addendum to the contract outlining the school's facilities that 1696
contains at least the following information: 1697

(a) A detailed description of each facility; 1698

(b) The annual costs associated with leasing each 1699
facility; 1700

(c) The annual mortgage principal and interest payments; 1701

(d) The name of the lender and any relationship the lender 1702
has with any entity with which the community school has 1703
contracted to operate the school. 1704

(10) Qualifications of teachers, including a requirement 1705
that the school's classroom teachers be licensed in accordance 1706
with sections 3319.22 to 3319.31 of the Revised Code, except 1707
that a community school may engage noncertificated persons to 1708
teach up to twelve hours per week pursuant to section 3319.301 1709
of the Revised Code. 1710

(11) That the school will comply with the following 1711
requirements: 1712

(a) The school will provide learning opportunities to a 1713
minimum of twenty-five students for a minimum of nine hundred 1714
twenty hours per school year. 1715

(b) The governing authority will purchase liability 1716
insurance, or otherwise provide for the potential liability of 1717
the school. 1718

(c) The school will be nonsectarian in its programs, 1719
admission policies, employment practices, and all other 1720
operations, and will not be operated by a sectarian school or 1721
religious institution. 1722

(d) The school will comply with sections 9.90, 9.91, 1723
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1724
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 1725
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 1726
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 1727
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1728
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1729
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 1730
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 1731
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 1732
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 1733
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 1734
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 1735
it were a school district and will comply with section 3301.0714 1736
of the Revised Code in the manner specified in section 3314.17 1737
of the Revised Code. 1738

(e) The school shall comply with Chapter 102. and section 1739
2921.42 of the Revised Code. 1740

(f) The school will comply with sections 3313.61, 1741
3313.611, and 3313.614 of the Revised Code, except that for 1742
students who enter ninth grade for the first time before July 1, 1743
2010, the requirement in sections 3313.61 and 3313.611 of the 1744
Revised Code that a person must successfully complete the 1745

curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

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

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in

accordance with section 3317.141 and will comply with section 1776
3319.111 of the Revised Code as if it were a school district. 1777

(j) The school will comply with all attendance 1778
requirements and standards, including those for excused 1779
absences, established by rule of the state board of education as 1780
if it were a school district. 1781

(12) Arrangements for providing health and other benefits 1782
to employees; 1783

(13) The length of the contract, which shall begin at the 1784
beginning of an academic year. No contract shall exceed five 1785
years unless such contract has been renewed pursuant to division 1786
(E) of this section. 1787

(14) The governing authority of the school, which shall be 1788
responsible for carrying out the provisions of the contract; 1789

(15) A financial plan detailing an estimated school budget 1790
for each year of the period of the contract and specifying the 1791
total estimated per pupil expenditure amount for each such year. 1792

(16) Requirements and procedures regarding the disposition 1793
of employees of the school in the event the contract is 1794
terminated or not renewed pursuant to section 3314.07 of the 1795
Revised Code; 1796

(17) Whether the school is to be created by converting all 1797
or part of an existing public school or educational service 1798
center building or is to be a new start-up school, and if it is 1799
a converted public school or service center building, 1800
specification of any duties or responsibilities of an employer 1801
that the board of education or service center governing board 1802
that operated the school or building before conversion is 1803
delegating to the governing authority of the community school 1804

with respect to all or any specified group of employees provided 1805
the delegation is not prohibited by a collective bargaining 1806
agreement applicable to such employees; 1807

(18) Provisions establishing procedures for resolving 1808
disputes or differences of opinion between the sponsor and the 1809
governing authority of the community school; 1810

(19) A provision requiring the governing authority to 1811
adopt a policy regarding the admission of students who reside 1812
outside the district in which the school is located. That policy 1813
shall comply with the admissions procedures specified in 1814
sections 3314.06 and 3314.061 of the Revised Code and, at the 1815
sole discretion of the authority, shall do one of the following: 1816

(a) Prohibit the enrollment of students who reside outside 1817
the district in which the school is located; 1818

(b) Permit the enrollment of students who reside in 1819
districts adjacent to the district in which the school is 1820
located; 1821

(c) Permit the enrollment of students who reside in any 1822
other district in the state. 1823

(20) A provision recognizing the authority of the 1824
department of education to take over the sponsorship of the 1825
school in accordance with the provisions of division (C) of 1826
section 3314.015 of the Revised Code; 1827

(21) A provision recognizing the sponsor's authority to 1828
assume the operation of a school under the conditions specified 1829
in division (B) of section 3314.073 of the Revised Code; 1830

(22) A provision recognizing both of the following: 1831

(a) The authority of public health and safety officials to 1832

inspect the facilities of the school and to order the facilities 1833
closed if those officials find that the facilities are not in 1834
compliance with health and safety laws and regulations; 1835

(b) The authority of the department of education as the 1836
community school oversight body to suspend the operation of the 1837
school under section 3314.072 of the Revised Code if the 1838
department has evidence of conditions or violations of law at 1839
the school that pose an imminent danger to the health and safety 1840
of the school's students and employees and the sponsor refuses 1841
to take such action. 1842

(23) A description of the learning opportunities that will 1843
be offered to students including both classroom-based and non- 1844
classroom-based learning opportunities that is in compliance 1845
with criteria for student participation established by the 1846
department under division (H) (2) of section 3314.08 of the 1847
Revised Code; 1848

(24) The school will comply with sections 3302.04 and 1849
3302.041 of the Revised Code, except that any action required to 1850
be taken by a school district pursuant to those sections shall 1851
be taken by the sponsor of the school. However, the sponsor 1852
shall not be required to take any action described in division 1853
(F) of section 3302.04 of the Revised Code. 1854

(25) Beginning in the 2006-2007 school year, the school 1855
will open for operation not later than the thirtieth day of 1856
September each school year, unless the mission of the school as 1857
specified under division (A) (2) of this section is solely to 1858
serve dropouts. In its initial year of operation, if the school 1859
fails to open by the thirtieth day of September, or within one 1860
year after the adoption of the contract pursuant to division (D) 1861
of section 3314.02 of the Revised Code if the mission of the 1862

school is solely to serve dropouts, the contract shall be void. 1863

(26) Whether the school's governing authority is planning 1864
to seek designation for the school as a STEM school equivalent 1865
under section 3326.032 of the Revised Code; 1866

(27) A provision requiring that, if the governing 1867
authority contracts with an attorney, accountant, or entity 1868
specializing in audits, the attorney, accountant, or entity 1869
shall be independent from the operator with which the school has 1870
contracted. 1871

(B) The community school shall also submit to the sponsor 1872
a comprehensive plan for the school. The plan shall specify the 1873
following: 1874

(1) The process by which the governing authority of the 1875
school will be selected in the future; 1876

(2) The management and administration of the school; 1877

(3) If the community school is a currently existing public 1878
school or educational service center building, alternative 1879
arrangements for current public school students who choose not 1880
to attend the converted school and for teachers who choose not 1881
to teach in the school or building after conversion; 1882

(4) The instructional program and educational philosophy 1883
of the school; 1884

(5) Internal financial controls. 1885

(C) A contract entered into under section 3314.02 of the 1886
Revised Code between a sponsor and the governing authority of a 1887
community school may provide for the community school governing 1888
authority to make payments to the sponsor, which is hereby 1889
authorized to receive such payments as set forth in the contract 1890

between the governing authority and the sponsor. The total 1891
amount of such payments for ~~oversight and monitoring,~~ oversight, 1892
and technical assistance of the school shall not exceed three 1893
per cent of the total amount of payments for operating expenses 1894
that the school receives from the state. Any amount paid 1895
pursuant to this division shall be used only for monitoring, 1896
oversight, and technical assistance. 1897

(D) The contract shall specify the duties of the sponsor 1898
which shall be in accordance with the written agreement entered 1899
into with the department of education under division (B) of 1900
section 3314.015 of the Revised Code and shall include the 1901
following: 1902

(1) Monitor the community school's compliance with all 1903
laws applicable to the school and with the terms of the 1904
contract; 1905

(2) Monitor and evaluate the academic and fiscal 1906
performance and the organization and operation of the community 1907
school on at least an annual basis; 1908

(3) Report on an annual basis the results of the 1909
evaluation conducted under division (D) (2) of this section to 1910
the department of education and to the parents of students 1911
enrolled in the community school; 1912

(4) Provide technical assistance to the community school 1913
in complying with laws applicable to the school and terms of the 1914
contract; 1915

(5) Take steps to intervene in the school's operation to 1916
correct problems in the school's overall performance, declare 1917
the school to be on probationary status pursuant to section 1918
3314.073 of the Revised Code, suspend the operation of the 1919

school pursuant to section 3314.072 of the Revised Code, or 1920
terminate the contract of the school pursuant to section 3314.07 1921
of the Revised Code as determined necessary by the sponsor; 1922

(6) Have in place a plan of action to be undertaken in the 1923
event the community school experiences financial difficulties or 1924
closes prior to the end of a school year. 1925

(E) Upon the expiration of a contract entered into under 1926
this section, the sponsor of a community school may, with the 1927
approval of the governing authority of the school, renew that 1928
contract for a period of time determined by the sponsor, but not 1929
ending earlier than the end of any school year, if the sponsor 1930
finds that the school's compliance with applicable laws and 1931
terms of the contract and the school's progress in meeting the 1932
academic goals prescribed in the contract have been 1933
satisfactory. Any contract that is renewed under this division 1934
remains subject to the provisions of sections 3314.07, 3314.072, 1935
and 3314.073 of the Revised Code. 1936

(F) If a community school fails to open for operation 1937
within one year after the contract entered into under this 1938
section is adopted pursuant to division (D) of section 3314.02 1939
of the Revised Code or permanently closes prior to the 1940
expiration of the contract, the contract shall be void and the 1941
school shall not enter into a contract with any other sponsor. A 1942
school shall not be considered permanently closed because the 1943
operations of the school have been suspended pursuant to section 1944
3314.072 of the Revised Code. 1945

Sec. 3314.031. (A) The department of education shall be 1946
responsible for the oversight of any and all operators of the 1947
community schools established under this chapter. In carrying 1948
out its duties under this section, the department shall do the 1949

following: 1950

(1) Maintain and annually publish a directory of the names 1951
and identifying information of all entities that have entered 1952
into a contract with the governing authority of a community 1953
school to manage or operate that school; 1954

(2) Receive from the governing authority of each community 1955
school a copy of the contract between a governing authority and 1956
its operator. The department shall make those contracts 1957
available on the department's web site. 1958

(B) (1) For purposes of complying with division (A) (4) of 1959
section 3314.015 of the Revised Code, the department shall 1960
develop and implement an evaluation system substantially similar 1961
to that developed for community school sponsors pursuant to 1962
section 3314.016 of the Revised Code. The evaluation system 1963
shall rate each operator of a community school that manages the 1964
academic programs of that school based on the academic 1965
performance of each student enrolled in any community school 1966
managed by that operator. 1967

(2) The department annually shall rank community school 1968
operators from highest to lowest using the scores calculated 1969
pursuant to division (B) (1) of this section and shall publish 1970
the ratings between the first day of October and the fifteenth 1971
day of October each year. 1972

Sec. 3314.032. (A) On and after the effective date of this 1973
section, any new or renewed contract between the governing 1974
authority of a community school and an operator shall include at 1975
least the following: 1976

(1) Criteria to be used for early termination of the 1977
operator contract; 1978

| | |
|--|--|
| <u>(2) Required notification procedures and timeline for early termination or nonrenewal of the operator contract;</u> | 1979 1980 |
| <u>(3) A stipulation of which entity owns all community school facilities and property including, but not limited to, equipment, furniture, fixtures, instructional materials and supplies, computers, printers, and other digital devices purchased by the governing authority or operator.</u> | 1981 1982 1983 1984 1985 |
| <u>(B) The operator with which the governing authority of a community school contracts for services shall not lease any parcel of real property to that community school for an amount that exceeds the fair market rental value of that property by more than five per cent. For each lease of a parcel of real property that is entered into by the operator of a community school on or after the effective date of this section, the sponsor of the school shall verify that the lease does not exceed the fair market rental value of that property by more than five per cent.</u> | 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 |
| <u>(C) On and after the effective date of this section the governing authority of a community school shall adopt an annual budget by the thirty-first day of October of each year. The governing authority shall include the following information in each budget:</u> | 1996 1997 1998 1999 2000 |
| <u>(1) Administrative costs for the community school as a whole;</u> | 2001 2002 |
| <u>(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;</u> | 2003 2004 2005 |
| <u>(3) The cost of instructional support services, such as services provided by a speech-language pathologist, classroom</u> | 2006 2007 |

aide, multimedia aide, or librarian, provided directly to 2008
students; 2009

(4) The cost of administrative support services, such as 2010
the cost of personnel that develop the curriculum and the cost 2011
of personnel supervising or coordinating the delivery of the 2012
instructional services; 2013

(5) The cost of support or extracurricular services costs 2014
for services directly provided to students; 2015

(6) The cost of services provided directly to students by 2016
a nonlicensed employee related to support or extracurricular 2017
services, such as janitorial services, cafeteria services, or 2018
services of a sports trainer; 2019

(7) The cost of administrative services related to support 2020
or extracurricular services, such as the cost of any licensed or 2021
unlicensed employees that develop, supervise, coordinate, or 2022
otherwise are involved in administrating or aiding the delivery 2023
of services. 2024

(D) The governing authority of a community school shall 2025
not delegate the drafting and establishment of an annual budget 2026
for the school to any operator with which the governing 2027
authority contracts. 2028

Sec. 3314.034. On and after December 31, 2015, any 2029
community school to which either of the following conditions 2030
apply shall be prohibited from entering into a contract with a 2031
new sponsor: 2032

(A) The community school has received a grade of "D" or 2033
"F" for the performance index score, under division (C) (1) (b) of 2034
section 3302.03 of the Revised Code, and an overall grade of "D" 2035
or "F" for the value-added progress dimension or another measure 2036

of student academic progress, if adopted by the state board, 2037
under division (C) (1) (e) of that section, on the most recent 2038
report card issued for the school pursuant to that section. 2039

(B) The community school is one in which a majority of the 2040
students are enrolled in a dropout prevention and recovery 2041
program, and it has received a rating of "does not meet 2042
standards" for the annual student growth measure and combined 2043
graduation rates on the most recent report card issued for the 2044
school under section 3314.017 of the Revised Code. 2045

Sec. 3314.035. The department of education shall compile 2046
and publish the following information, for each year since the 2047
2001-2002 school year, in a simple, easily accessible location 2048
on its web site: 2049

(A) A single document identifying each community school 2050
that has closed during each year and the reason for the closure 2051
of each school; 2052

(B) A single document for each entity that submitted an 2053
application to sponsor schools that contains the following, 2054
where applicable: 2055

(1) The entity's application and most recent evaluation; 2056

(2) A designation of whether the entity's application was 2057
approved or denied; 2058

(3) All documentation used in determining whether to 2059
approve or deny the entity's application; 2060

(4) A short statement describing the rationale used in 2061
approving or denying the entity's application. 2062

(C) A single document containing the following 2063
information: 2064

(1) A list of all sponsor ratings for each school year for which ratings are available; 2065
2066

(2) A list of each sponsor that is prohibited, as of July 1 of each school year, from sponsoring new schools; 2067
2068

(3) A list of each sponsor that sponsors or has sponsored a school that is or was subject to closure, and the reason for that closure. 2069
2070
2071

(D) The department shall update the document required pursuant to division (A) of this section on an annual basis. 2072
2073

Sec. 3314.037. Each community school shall annually submit to the department of education a list detailing each circumstance where a student who is enrolled in that community school is being educated in a facility in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day. 2074
2075
2076
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The department shall include the information submitted under this section in its annual report required under division (A) (4) of section 3314.015 of the Revised Code. 2081
2082
2083

Sec. 3314.038. Each community school shall post on the school's web site the name of each member of the school's governing authority. Each community school also shall provide, upon request, the name and address of each member of the governing authority to the sponsor of the school and the department of education. 2084
2085
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2089

Sec. 3314.074. Divisions (A) and (B) of this section apply only to the extent permitted under Chapter 1702. of the Revised Code. 2090
2091
2092

(A) If any community school established under this chapter 2093
permanently closes and ceases its operation as a community 2094
school, the assets of that school shall be distributed first to 2095
the retirement funds of employees of the school, employees of 2096
the school, and private creditors who are owed compensation, and 2097
then any remaining funds shall be paid to the department of 2098
education for redistribution to the school districts in which 2099
the students who were enrolled in the school at the time it 2100
ceased operation were entitled to attend school under section 2101
3313.64 or 3313.65 of the Revised Code. The amount distributed 2102
to each school district shall be proportional to the district's 2103
share of the total enrollment in the community school. 2104

(B) If a community school closes and ceases to operate as 2105
a community school and the school has received computer hardware 2106
or software from the former Ohio SchoolNet commission or the 2107
former eTech Ohio commission, such hardware or software shall be 2108
turned over to the department of education, which shall 2109
redistribute the hardware and software, to the extent such 2110
redistribution is possible, to school districts in conformance 2111
with the provisions of the programs as they were operated and 2112
administered by the former eTech Ohio commission. 2113

(C) If the assets of the school are insufficient to pay 2114
all persons or entities to whom compensation is owed, the 2115
prioritization of the distribution of the assets to individual 2116
persons or entities within each class of payees may be 2117
determined by decree of a court in accordance with this section 2118
and Chapter 1702. of the Revised Code. 2119

(D) A community school that engages in a merger or 2120
consolidation pursuant to division (B) of section 1702.41 of the 2121
Revised Code and becomes a single public benefit corporation 2122

shall not be required to distribute assets pursuant to divisions 2123
(A), (B), and (C) of this section, provided that the governing 2124
authority of the community school created by the merger or 2125
consolidation enters into a contract for sponsorship under 2126
section 3314.03 of the Revised Code with an entity rated as 2127
"exemplary" by the department of education pursuant to section 2128
3314.016 of the Revised Code. 2129

Sec. 3314.08. (A) As used in this section: 2130

(1) (a) "Category one career-technical education student" 2131
means a student who is receiving the career-technical education 2132
services described in division (A) of section 3317.014 of the 2133
Revised Code. 2134

(b) "Category two career-technical student" means a 2135
student who is receiving the career-technical education services 2136
described in division (B) of section 3317.014 of the Revised 2137
Code. 2138

(c) "Category three career-technical student" means a 2139
student who is receiving the career-technical education services 2140
described in division (C) of section 3317.014 of the Revised 2141
Code. 2142

(d) "Category four career-technical student" means a 2143
student who is receiving the career-technical education services 2144
described in division (D) of section 3317.014 of the Revised 2145
Code. 2146

(e) "Category five career-technical education student" 2147
means a student who is receiving the career-technical education 2148
services described in division (E) of section 3317.014 of the 2149
Revised Code. 2150

(2) (a) "Category one limited English proficient student" 2151

| | |
|--|------|
| means a limited English proficient student described in division | 2152 |
| (A) of section 3317.016 of the Revised Code. | 2153 |
| (b) "Category two limited English proficient student" | 2154 |
| means a limited English proficient student described in division | 2155 |
| (B) of section 3317.016 of the Revised Code. | 2156 |
| (c) "Category three limited English proficient student" | 2157 |
| means a limited English proficient student described in division | 2158 |
| (C) of section 3317.016 of the Revised Code. | 2159 |
| (3) (a) "Category one special education student" means a | 2160 |
| student who is receiving special education services for a | 2161 |
| disability specified in division (A) of section 3317.013 of the | 2162 |
| Revised Code. | 2163 |
| (b) "Category two special education student" means a | 2164 |
| student who is receiving special education services for a | 2165 |
| disability specified in division (B) of section 3317.013 of the | 2166 |
| Revised Code. | 2167 |
| (c) "Category three special education student" means a | 2168 |
| student who is receiving special education services for a | 2169 |
| disability specified in division (C) of section 3317.013 of the | 2170 |
| Revised Code. | 2171 |
| (d) "Category four special education student" means a | 2172 |
| student who is receiving special education services for a | 2173 |
| disability specified in division (D) of section 3317.013 of the | 2174 |
| Revised Code. | 2175 |
| (e) "Category five special education student" means a | 2176 |
| student who is receiving special education services for a | 2177 |
| disability specified in division (E) of section 3317.013 of the | 2178 |
| Revised Code. | 2179 |

| | |
|--|--|
| (f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. | 2180 2181 2182 2183 |
| (4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. | 2184 2185 |
| (5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. | 2186 2187 |
| (6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. | 2188 2189 2190 |
| (7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. | 2191 2192 |
| (B) The state board of education shall adopt rules requiring both of the following: | 2193 2194 |
| (1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. | 2195 2196 2197 2198 2199 2200 |
| (2) The governing authority of each community school established under this chapter to annually report all of the following: | 2201 2202 2203 |
| (a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; | 2204 2205 2206 2207 |

| | |
|--|------|
| (b) The number of enrolled students in grades one through | 2208 |
| twelve and the full-time equivalent number of enrolled students | 2209 |
| in kindergarten, who are receiving special education and related | 2210 |
| services pursuant to an IEP; | 2211 |
| (c) The number of students reported under division (B) (2) | 2212 |
| (b) of this section receiving special education and related | 2213 |
| services pursuant to an IEP for a disability described in each | 2214 |
| of divisions (A) to (F) of section 3317.013 of the Revised Code; | 2215 |
| (d) The full-time equivalent number of students reported | 2216 |
| under divisions (B) (2) (a) and (b) of this section who are | 2217 |
| enrolled in career-technical education programs or classes | 2218 |
| described in each of divisions (A) to (E) of section 3317.014 of | 2219 |
| the Revised Code that are provided by the community school; | 2220 |
| (e) The number of students reported under divisions (B) (2) | 2221 |
| (a) and (b) of this section who are not reported under division | 2222 |
| (B) (2) (d) of this section but who are enrolled in career- | 2223 |
| technical education programs or classes described in each of | 2224 |
| divisions (A) to (E) of section 3317.014 of the Revised Code at | 2225 |
| a joint vocational school district or another district in the | 2226 |
| career-technical planning district to which the school is | 2227 |
| assigned; | 2228 |
| (f) The number of students reported under divisions (B) (2) | 2229 |
| (a) and (b) of this section who are category one to three | 2230 |
| limited English proficient students described in each of | 2231 |
| divisions (A) to (C) of section 3317.016 of the Revised Code; | 2232 |
| (g) The number of students reported under divisions (B) (2) | 2233 |
| (a) and (b) who are economically disadvantaged, as defined by | 2234 |
| the department. A student shall not be categorically excluded | 2235 |
| from the number reported under division (B) (2) (g) of this | 2236 |

section based on anything other than family income. 2237

(h) For each student, the city, exempted village, or local 2238
school district in which the student is entitled to attend 2239
school under section 3313.64 or 3313.65 of the Revised Code. 2240

A school district board and a community school governing 2241
authority shall include in their respective reports under 2242
division (B) of this section any child admitted in accordance 2243
with division (A) (2) of section 3321.01 of the Revised Code. 2244

A governing authority of a community school shall not 2245
include in its report under division (B) (2) of this section any 2246
student for whom tuition is charged under division (F) of this 2247
section. 2248

(C) (1) Except as provided in division (C) (2) of this 2249
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 2250
of this section, on a full-time equivalency basis, for each 2251
student enrolled in a community school established under this 2252
chapter, the department of education annually shall deduct from 2253
the state education aid of a student's resident district and, if 2254
necessary, from the payment made to the district under sections 2255
321.24 and 323.156 of the Revised Code and pay to the community 2256
school the sum of the following: 2257

(a) An opportunity grant in an amount equal to the formula 2258
amount; 2259

(b) The per pupil amount of targeted assistance funds 2260
calculated under division (A) of section 3317.0217 of the 2261
Revised Code for the student's resident district, as determined 2262
by the department, X 0.25; 2263

(c) Additional state aid for special education and related 2264
services provided under Chapter 3323. of the Revised Code as 2265

| | |
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| follows: | 2266 |
| (i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code; | 2267 2268 2269 |
| (ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code; | 2270 2271 2272 |
| (iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code; | 2273 2274 2275 |
| (iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code; | 2276 2277 2278 |
| (v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code; | 2279 2280 2281 |
| (vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code. | 2282 2283 2284 |
| (d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015; | 2285 2286 2287 |
| (e) If the student is economically disadvantaged, an additional amount equal to the following: | 2288 2289 |
| (\$269, in fiscal year 2014, or \$272, in fiscal year 2015) | 2290 |
| X (the resident district's economically disadvantaged index) | 2291 |
| (f) Limited English proficiency funds as follows: | 2292 |

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| (i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code; | 2293 2294 2295 |
| (ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code; | 2296 2297 2298 |
| (iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code. | 2299 2300 2301 |
| (g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows: | 2302 2303 |
| (i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; | 2304 2305 2306 |
| (ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; | 2307 2308 2309 |
| (iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; | 2310 2311 2312 |
| (iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; | 2313 2314 2315 |
| (v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. | 2316 2317 2318 |
| Deduction and payment of funds under division (C) (1) (g) of this section is subject to approval by the lead district of a | 2319 2320 |

career-technical planning district or the department of 2321
education under section 3317.161 of the Revised Code. 2322

(2) When deducting from the state education aid of a 2323
student's resident district for students enrolled in an 2324
internet- or computer-based community school and making payments 2325
to such school under this section, the department shall make the 2326
deductions and payments described in only divisions (C) (1) (a), 2327
(c), and (g) of this section. 2328

No deductions or payments shall be made for a student 2329
enrolled in such school under division (C) (1) (b), (d), (e), or 2330
(f) of this section. 2331

(3) (a) If a community school's costs for a fiscal year for 2332
a student receiving special education and related services 2333
pursuant to an IEP for a disability described in divisions (B) 2334
to (F) of section 3317.013 of the Revised Code exceed the 2335
threshold catastrophic cost for serving the student as specified 2336
in division (B) of section 3317.0214 of the Revised Code, the 2337
school may submit to the superintendent of public instruction 2338
documentation, as prescribed by the superintendent, of all its 2339
costs for that student. Upon submission of documentation for a 2340
student of the type and in the manner prescribed, the department 2341
shall pay to the community school an amount equal to the 2342
school's costs for the student in excess of the threshold 2343
catastrophic costs. 2344

(b) The community school shall report under division (C) 2345
(3) (a) of this section, and the department shall pay for, only 2346
the costs of educational expenses and the related services 2347
provided to the student in accordance with the student's 2348
individualized education program. Any legal fees, court costs, 2349
or other costs associated with any cause of action relating to 2350

the student may not be included in the amount. 2351

(4) In any fiscal year, a community school receiving funds 2352
under division (C) (1) (g) of this section shall spend those funds 2353
only for the purposes that the department designates as approved 2354
for career-technical education expenses. Career-technical 2355
education expenses approved by the department shall include only 2356
expenses connected to the delivery of career-technical 2357
programming to career-technical students. The department shall 2358
require the school to report data annually so that the 2359
department may monitor the school's compliance with the 2360
requirements regarding the manner in which funding received 2361
under division (C) (1) (g) of this section may be spent. 2362

(5) All funds received under division (C) (1) (g) of this 2363
section shall be spent in the following manner: 2364

(a) At least seventy-five per cent of the funds shall be 2365
spent on curriculum development, purchase, and implementation; 2366
instructional resources and supplies; industry-based program 2367
certification; student assessment, credentialing, and placement; 2368
curriculum specific equipment purchases and leases; career- 2369
technical student organization fees and expenses; home and 2370
agency linkages; work-based learning experiences; professional 2371
development; and other costs directly associated with career- 2372
technical education programs including development of new 2373
programs. 2374

(b) Not more than twenty-five per cent of the funds shall 2375
be used for personnel expenditures. 2376

(6) A community school shall spend the funds it receives 2377
under division (C) (1) (e) of this section in accordance with 2378
section 3317.25 of the Revised Code. 2379

(7) If the sum of the payments computed under divisions 2380
(C) (1) and (8) (a) of this section for the students entitled to 2381
attend school in a particular school district under sections 2382
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 2383
district's state education aid and its payment under sections 2384
321.24 and 323.156 of the Revised Code, the department shall 2385
calculate and apply a proration factor to the payments to all 2386
community schools under that division for the students entitled 2387
to attend school in that district. 2388

(8) (a) Subject to division (C) (7) of this section, the 2389
department annually shall pay to each community school, 2390
including each internet- or computer-based community school, an 2391
amount equal to the following: 2392

(The number of students reported by the community school 2393
under division (B) (2) (e) of this section X the formula amount 2394
X .20) 2395

(b) For each payment made to a community school under 2396
division (C) (8) (a) of this section, the department shall deduct 2397
from the state education aid of each city, local, and exempted 2398
village school district and, if necessary, from the payment made 2399
to the district under sections 321.24 and 323.156 of the Revised 2400
Code an amount equal to the following: 2401

(The number of the district's students reported by the 2402
community school under division (B) (2) (e) of this section X the 2403
formula amount X .20) 2404

(D) A board of education sponsoring a community school may 2405
utilize local funds to make enhancement grants to the school or 2406
may agree, either as part of the contract or separately, to 2407
provide any specific services to the community school at no cost 2408

to the school. 2409

(E) A community school may not levy taxes or issue bonds 2410
secured by tax revenues. 2411

(F) No community school shall charge tuition for the 2412
enrollment of any student who is a resident of this state. A 2413
community school may charge tuition for the enrollment of any 2414
student who is not a resident of this state. 2415

(G) (1) (a) A community school may borrow money to pay any 2416
necessary and actual expenses of the school in anticipation of 2417
the receipt of any portion of the payments to be received by the 2418
school pursuant to division (C) of this section. The school may 2419
issue notes to evidence such borrowing. The proceeds of the 2420
notes shall be used only for the purposes for which the 2421
anticipated receipts may be lawfully expended by the school. 2422

(b) A school may also borrow money for a term not to 2423
exceed fifteen years for the purpose of acquiring facilities. 2424

(2) Except for any amount guaranteed under section 3318.50 2425
of the Revised Code, the state is not liable for debt incurred 2426
by the governing authority of a community school. 2427

(H) The department of education shall adjust the amounts 2428
subtracted and paid under division (C) of this section to 2429
reflect any enrollment of students in community schools for less 2430
than the equivalent of a full school year. The state board of 2431
education within ninety days after April 8, 2003, shall adopt in 2432
accordance with Chapter 119. of the Revised Code rules governing 2433
the payments to community schools under this section including 2434
initial payments in a school year and adjustments and reductions 2435
made in subsequent periodic payments to community schools and 2436
corresponding deductions from school district accounts as 2437

provided under division (C) of this section. For purposes of 2438
this section: 2439

(1) A student shall be considered enrolled in the 2440
community school for any portion of the school year the student 2441
is participating at a college under Chapter 3365. of the Revised 2442
Code. 2443

(2) A student shall be considered to be enrolled in a 2444
community school for the period of time beginning on the later 2445
of the date on which the school both has received documentation 2446
of the student's enrollment from a parent and the student has 2447
commenced participation in learning opportunities as defined in 2448
the contract with the sponsor, or thirty days prior to the date 2449
on which the student is entered into the education management 2450
information system established under section 3301.0714 of the 2451
Revised Code. For purposes of applying this division and 2452
divisions (H) (3) and (4) of this section to a community school 2453
student, "learning opportunities" shall be defined in the 2454
contract, which shall describe both classroom-based and non- 2455
classroom-based learning opportunities and shall be in 2456
compliance with criteria and documentation requirements for 2457
student participation which shall be established by the 2458
department. Any student's instruction time in non-classroom- 2459
based learning opportunities shall be certified by an employee 2460
of the community school. A student's enrollment shall be 2461
considered to cease on the date on which any of the following 2462
occur: 2463

(a) The community school receives documentation from a 2464
parent terminating enrollment of the student. 2465

(b) The community school is provided documentation of a 2466
student's enrollment in another public or private school. 2467

(c) The community school ceases to offer learning 2468
opportunities to the student pursuant to the terms of the 2469
contract with the sponsor or the operation of any provision of 2470
this chapter. 2471

Except as otherwise specified in this paragraph, beginning 2472
in the 2011-2012 school year, any student who completed the 2473
prior school year in an internet- or computer-based community 2474
school shall be considered to be enrolled in the same school in 2475
the subsequent school year until the student's enrollment has 2476
ceased as specified in division (H) (2) of this section. The 2477
department shall continue subtracting and paying amounts for the 2478
student under division (C) of this section without interruption 2479
at the start of the subsequent school year. ~~However, if the~~ 2480
~~student without a legitimate excuse fails to participate in the~~ 2481
~~first one hundred five consecutive hours of learning~~ 2482
~~opportunities offered to the student in that subsequent school~~ 2483
~~year, the student shall be considered not to have re-enrolled in~~ 2484
~~the school for that school year and the department shall~~ 2485
~~recalculate the payments to the school for that school year to~~ 2486
~~account for the fact that the student is not enrolled.~~ 2487

(3) The department shall determine each community school 2488
student's percentage of full-time equivalency based on the 2489
percentage of learning opportunities offered by the community 2490
school to that student, reported either as number of hours or 2491
number of days, is of the total learning opportunities offered 2492
by the community school to a student who attends for the 2493
school's entire school year. However, no internet- or computer- 2494
based community school shall be credited for any time a student 2495
spends participating in learning opportunities beyond ten hours 2496
within any period of twenty-four consecutive hours. Whether it 2497
reports hours or days of learning opportunities, each community 2498

school shall offer not less than nine hundred twenty hours of 2499
learning opportunities during the school year. 2500

(4) With respect to the calculation of full-time 2501
equivalency under division (H) (3) of this section, the 2502
department shall waive the number of hours or days of learning 2503
opportunities not offered to a student because the community 2504
school was closed during the school year due to disease 2505
epidemic, hazardous weather conditions, law enforcement 2506
emergencies, inoperability of school buses or other equipment 2507
necessary to the school's operation, damage to a school 2508
building, or other temporary circumstances due to utility 2509
failure rendering the school building unfit for school use, so 2510
long as the school was actually open for instruction with 2511
students in attendance during that school year for not less than 2512
the minimum number of hours required by this chapter. The 2513
department shall treat the school as if it were open for 2514
instruction with students in attendance during the hours or days 2515
waived under this division. 2516

(I) The department of education shall reduce the amounts 2517
paid under this section to reflect payments made to colleges 2518
under section 3365.07 of the Revised Code. 2519

(J) (1) No student shall be considered enrolled in any 2520
internet- or computer-based community school or, if applicable 2521
to the student, in any community school that is required to 2522
provide the student with a computer pursuant to division (C) of 2523
section 3314.22 of the Revised Code, unless both of the 2524
following conditions are satisfied: 2525

(a) The student possesses or has been provided with all 2526
required hardware and software materials and all such materials 2527
are operational so that the student is capable of fully 2528

participating in the learning opportunities specified in the 2529
contract between the school and the school's sponsor as required 2530
by division (A) (23) of section 3314.03 of the Revised Code; 2531

(b) The school is in compliance with division (A) of 2532
section 3314.22 of the Revised Code, relative to such student. 2533

(2) In accordance with policies adopted jointly by the 2534
superintendent of public instruction and the auditor of state, 2535
the department shall reduce the amounts otherwise payable under 2536
division (C) of this section to any community school that 2537
includes in its program the provision of computer hardware and 2538
software materials to any student, if such hardware and software 2539
materials have not been delivered, installed, and activated for 2540
each such student in a timely manner or other educational 2541
materials or services have not been provided according to the 2542
contract between the individual community school and its 2543
sponsor. 2544

The superintendent of public instruction and the auditor 2545
of state shall jointly establish a method for auditing any 2546
community school to which this division pertains to ensure 2547
compliance with this section. 2548

The superintendent, auditor of state, and the governor 2549
shall jointly make recommendations to the general assembly for 2550
legislative changes that may be required to assure fiscal and 2551
academic accountability for such schools. 2552

(K) (1) If the department determines that a review of a 2553
community school's enrollment is necessary, such review shall be 2554
completed and written notice of the findings shall be provided 2555
to the governing authority of the community school and its 2556
sponsor within ninety days of the end of the community school's 2557

fiscal year, unless extended for a period not to exceed thirty 2558
additional days for one of the following reasons: 2559

(a) The department and the community school mutually agree 2560
to the extension. 2561

(b) Delays in data submission caused by either a community 2562
school or its sponsor. 2563

(2) If the review results in a finding that additional 2564
funding is owed to the school, such payment shall be made within 2565
thirty days of the written notice. If the review results in a 2566
finding that the community school owes moneys to the state, the 2567
following procedure shall apply: 2568

(a) Within ten business days of the receipt of the notice 2569
of findings, the community school may appeal the department's 2570
determination to the state board of education or its designee. 2571

(b) The board or its designee shall conduct an informal 2572
hearing on the matter within thirty days of receipt of such an 2573
appeal and shall issue a decision within fifteen days of the 2574
conclusion of the hearing. 2575

(c) If the board has enlisted a designee to conduct the 2576
hearing, the designee shall certify its decision to the board. 2577
The board may accept the decision of the designee or may reject 2578
the decision of the designee and issue its own decision on the 2579
matter. 2580

(d) Any decision made by the board under this division is 2581
final. 2582

(3) If it is decided that the community school owes moneys 2583
to the state, the department shall deduct such amount from the 2584
school's future payments in accordance with guidelines issued by 2585

the superintendent of public instruction. 2586

(L) The department shall not subtract from a school 2587
district's state aid account and shall not pay to a community 2588
school under division (C) of this section any amount for any of 2589
the following: 2590

(1) Any student who has graduated from the twelfth grade 2591
of a public or nonpublic high school; 2592

(2) Any student who is not a resident of the state; 2593

(3) Any student who was enrolled in the community school 2594
during the previous school year when assessments were 2595
administered under section 3301.0711 of the Revised Code but did 2596
not take one or more of the assessments required by that section 2597
and was not excused pursuant to division (C)(1) or (3) of that 2598
section, unless the superintendent of public instruction grants 2599
the student a waiver from the requirement to take the assessment 2600
and a parent is not paying tuition for the student pursuant to 2601
section 3314.26 of the Revised Code. The superintendent may 2602
grant a waiver only for good cause in accordance with rules 2603
adopted by the state board of education. 2604

(4) Any student who has attained the age of twenty-two 2605
years, except for veterans of the armed services whose 2606
attendance was interrupted before completing the recognized 2607
twelve-year course of the public schools by reason of induction 2608
or enlistment in the armed forces and who apply for enrollment 2609
in a community school not later than four years after 2610
termination of war or their honorable discharge. If, however, 2611
any such veteran elects to enroll in special courses organized 2612
for veterans for whom tuition is paid under federal law, or 2613
otherwise, the department shall not subtract from a school 2614

district's state aid account and shall not pay to a community 2615
school under division (C) of this section any amount for that 2616
veteran. 2617

Sec. 3314.23. (A) Subject to division (B) of this section, 2618
each internet- or computer-based community school shall do the 2619
applicable one of the following: 2620

(1) If the general assembly has enacted standards for the 2621
operation of internet- or computer-based community schools by 2622
January 1, 2013, comply with the standards so enacted; 2623

(2) If the general assembly has not enacted such standards 2624
by that date, comply with the standards developed by the 2625
international association for K-12 online learning. 2626

(B) Each internet- or computer-based community school that 2627
initially opens for operation on or after January 1, 2013, shall 2628
comply with the standards required by division (A) of this 2629
section at the time it opens. Each internet- or computer-based 2630
community school that initially opened for operation prior to 2631
January 1, 2013, shall comply with the standards required by 2632
division (A) of this section not later than July 1, 2013. 2633

(C) The sponsor of each internet- or computer-based 2634
community school shall be responsible for monitoring and 2635
ensuring compliance with the online learning standards described 2636
in divisions (A) and (B) of this section and shall report a 2637
school's failure to comply with these standards to the 2638
department of education in the manner prescribed by the 2639
department. 2640

Sec. 3314.251. Notwithstanding any provision of law to the 2641
contrary, each internet- or computer-based community school may 2642
provide its students with a location within a fifty-mile radius 2643

of the student's residence at which the student may receive 2644
counseling, instructional coaching, and testing assistance. 2645

Sec. 3314.27. No student enrolled in an internet- or 2646
computer-based community school may participate in more than ten 2647
hours of learning opportunities in any period of twenty-four 2648
consecutive hours. Any time such a student participates in 2649
learning opportunities beyond the limit prescribed in this 2650
section shall not count toward the annual minimum number of 2651
hours required to be provided to that student as prescribed in 2652
division (A) (11) (a) of section 3314.03 of the Revised Code. If 2653
any internet- or computer-based community school requires its 2654
students to participate in learning opportunities on the basis 2655
of days rather than hours, one day shall consist of a minimum of 2656
five hours of such participation. 2657

Each internet- or computer-based community school shall 2658
keep an accurate record of and report the number of hours each 2659
individual student is actively participating in learning 2660
opportunities in each period of twenty-four consecutive hours. 2661
The report shall be made to the department of education, in the 2662
form and manner prescribed by the department, on a monthly 2663
basis. 2664

Sec. 3314.271. Each internet- or computer-based community 2665
school shall conduct a student orientation course and 2666
participation in that course shall be a condition of enrollment. 2667

If the academic performance of a student declines while 2668
the pupil is enrolled in the school, the student's parents, the 2669
student's teachers, and the principal or lead teacher of the 2670
community school shall confer to evaluate the student's 2671
continued enrollment in the school. 2672

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| Sec. 3314.35. (A) (1) Except as provided in division (A) (4) | 2673 |
| of this section, this section applies to any community school | 2674 |
| that meets one of the following criteria after July 1, 2009, but | 2675 |
| before July 1, 2011: | 2676 |
| (a) The school does not offer a grade level higher than | 2677 |
| three and has been declared to be in a state of academic | 2678 |
| emergency under section 3302.03 of the Revised Code for three of | 2679 |
| the four most recent school years. | 2680 |
| (b) The school satisfies all of the following conditions: | 2681 |
| (i) The school offers any of grade levels four to eight | 2682 |
| but does not offer a grade level higher than nine. | 2683 |
| (ii) The school has been declared to be in a state of | 2684 |
| academic emergency under section 3302.03 of the Revised Code for | 2685 |
| two of the three most recent school years. | 2686 |
| (iii) In at least two of the three most recent school | 2687 |
| years, the school showed less than one standard year of academic | 2688 |
| growth in either reading or mathematics, as determined by the | 2689 |
| department of education in accordance with rules adopted under | 2690 |
| division (A) of section 3302.021 of the Revised Code. | 2691 |
| (c) The school offers any of grade levels ten to twelve | 2692 |
| and has been declared to be in a state of academic emergency | 2693 |
| under section 3302.03 of the Revised Code for three of the four | 2694 |
| most recent school years. | 2695 |
| (2) Except as provided in division (A) (4) of this section, | 2696 |
| this section applies to any community school that meets one of | 2697 |
| the following criteria after July 1, 2011, but before July 1, | 2698 |
| 2013: | 2699 |
| (a) The school does not offer a grade level higher than | 2700 |

three and has been declared to be in a state of academic 2701
emergency under section 3302.03 of the Revised Code for two of 2702
the three most recent school years. 2703

(b) The school satisfies all of the following conditions: 2704

(i) The school offers any of grade levels four to eight 2705
but does not offer a grade level higher than nine. 2706

(ii) The school has been declared to be in a state of 2707
academic emergency under section 3302.03 of the Revised Code for 2708
two of the three most recent school years. 2709

(iii) In at least two of the three most recent school 2710
years, the school showed less than one standard year of academic 2711
growth in either reading or mathematics, as determined by the 2712
department in accordance with rules adopted under division (A) 2713
of section 3302.021 of the Revised Code. 2714

(c) The school offers any of grade levels ten to twelve 2715
and has been declared to be in a state of academic emergency 2716
under section 3302.03 of the Revised Code for two of the three 2717
most recent school years. 2718

(3) Except as provided in division (A) (4) of this section, 2719
this section applies to any community school that meets one of 2720
the following criteria on or after July 1, 2013: 2721

(a) The school does not offer a grade level higher than 2722
three and, for two of the three most recent school years, 2723
satisfies any of the following criteria: 2724

(i) The school has been declared to be in a state of 2725
academic emergency under section 3302.03 of the Revised Code, as 2726
it existed prior to March 22, 2013; 2727

(ii) The school has received a grade of "F" in improving 2728

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| literacy in grades kindergarten through three under division (B) | 2729 |
| (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; | 2730 |
| (iii) The school has received an overall grade of "F" | 2731 |
| under division (C) of section 3302.03 of the Revised Code. | 2732 |
| (b) The school offers any of grade levels four to eight | 2733 |
| but does not offer a grade level higher than nine and, for two | 2734 |
| of the three most recent school years, satisfies any of the | 2735 |
| following criteria: | 2736 |
| (i) The school has been declared to be in a state of | 2737 |
| academic emergency under section 3302.03 of the Revised Code, as | 2738 |
| it existed prior to March 22, 2013, and the school showed less | 2739 |
| than one standard year of academic growth in either reading or | 2740 |
| mathematics, as determined by the department in accordance with | 2741 |
| rules adopted under division (A) of section 3302.021 of the | 2742 |
| Revised Code; | 2743 |
| (ii) The school has received a grade of "F" for the | 2744 |
| performance index score under division (A) (1) (b), (B) (1) (b), or | 2745 |
| (C) (1) (b) and a grade of "F" for the value-added progress | 2746 |
| dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of | 2747 |
| section 3302.03 of the Revised Code; | 2748 |
| (iii) The school has received an overall grade of "F" | 2749 |
| under division (C) and a grade of "F" for the value-added | 2750 |
| progress dimension under division (C) (1) (e) of section 3302.03 | 2751 |
| of the Revised Code. | 2752 |
| (c) The school offers any of grade levels ten to twelve | 2753 |
| and, for two of the three most recent school years, satisfies | 2754 |
| any of the following criteria: | 2755 |
| (i) The school has been declared to be in a state of | 2756 |
| academic emergency under section 3302.03 of the Revised Code, as | 2757 |

it existed prior to March 22, 2013; 2758

(ii) The school has received a grade of "F" for the 2759
performance index score under division (A) (1) (b), (B) (1) (b), or 2760
(C) (1) (b) and has not met annual measurable objectives under 2761
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 2762
of the Revised Code; 2763

(iii) The school has received an overall grade of "F" 2764
under division (C) and a grade of "F" for the value-added 2765
progress dimension under division (C) (1) (e) of section 3302.03 2766
of the Revised Code. 2767

For purposes of division (A) (3) of this section only, the 2768
department of education shall calculate the value-added progress 2769
dimension for a community school using assessment scores for 2770
only those students to whom the school has administered the 2771
achievement assessments prescribed by section 3301.0710 of the 2772
Revised Code for at least the two most recent school years but 2773
using value-added data from only the most recent school year. 2774

(4) This section does not apply to either of the 2775
following: 2776

(a) Any community school in which a majority of the 2777
students are enrolled in a dropout prevention and recovery 2778
program that is operated by the school. Rather, such schools 2779
shall be subject to closure only as provided in section 3314.351 2780
of the Revised Code. However, prior to July 1, 2014, a community 2781
school in which a majority of the students are enrolled in a 2782
dropout prevention and recovery program shall be exempt from 2783
this section only if it has been granted a waiver under section 2784
3314.36 of the Revised Code. 2785

(b) Any community school in which a majority of the 2786

enrolled students are children with disabilities receiving 2787
special education and related services in accordance with 2788
Chapter 3323. of the Revised Code. 2789

(B) Any community school to which this section applies 2790
shall permanently close at the conclusion of the school year in 2791
which the school first becomes subject to this section. The 2792
sponsor and governing authority of the school shall comply with 2793
all procedures for closing a community school adopted by the 2794
department under division (E) of section 3314.015 of the Revised 2795
Code. The governing authority of the school shall not enter into 2796
a contract with any other sponsor under section 3314.03 of the 2797
Revised Code after the school closes. 2798

(C) In accordance with division (B) of section 3314.012 of 2799
the Revised Code, the department shall not consider the 2800
performance ratings assigned to a community school for its first 2801
two years of operation when determining whether the school meets 2802
the criteria prescribed by division (A) (1) or (2) of this 2803
section. 2804

(D) Nothing in this section or in any other provision of 2805
the Revised Code prohibits the sponsor of a community school 2806
from exercising its option not to renew a contract for any 2807
reason or from terminating a contract prior to its expiration 2808
for any of the reasons set forth in section 3314.07 of the 2809
Revised Code. 2810

Sec. 3314.351. (A) This section applies to any community 2811
school in which a majority of the students are enrolled in a 2812
dropout prevention and recovery program. Beginning on or after 2813
July 1, 2014, any such community school that has received a 2814
designation of "does not meet standards," as described in 2815
division (D) (1) of section 3314.017 of the Revised Code on the 2816

report card issued under that section, for at least two of the 2817
three most recent school years shall be subject to closure in 2818
accordance with this section. 2819

(B) Not later than the first day of September in each 2820
school year, the department of education shall notify each 2821
school subject to closure under this section that the school 2822
must close not later than the thirtieth day of the following 2823
June. 2824

A school so notified shall close as required. 2825

(C) A school that opens on or after July 1, 2014, shall 2826
not be subject to closure under this section for its first two 2827
years of operation. A school that is in operation prior to July 2828
1, 2014, shall not be subject to closure under this section 2829
until after August 31, 2016. 2830

(D) The sponsor and governing authority of the school 2831
shall comply with all procedures for closing a community school 2832
adopted by the department under division (E) of section 3314.015 2833
of the Revised Code. The governing authority of the school shall 2834
not enter into a contract with any other sponsor under section 2835
3314.03 of the Revised Code after the school closes. 2836

(E) Nothing in this section or in any other provision of 2837
the Revised Code prohibits the sponsor of a community school 2838
from exercising its option not to renew a contract for any 2839
reason or from terminating a contract prior to its expiration 2840
for any of the reasons set forth in section 3314.07 of the 2841
Revised Code. 2842

Sec. 3314.46. As used in this section, "sponsor" includes 2843
any officer, director, employee, agent, representative, 2844
subsidiary, or independent contractor of the sponsor of a 2845

community school. 2846

(A) Except as provided in division (B) of this section, no 2847
sponsor of a community school shall sell any goods or services 2848
to any community school it sponsors. 2849

(B) If the sponsor of a community school entered into a 2850
contract prior to the effective date of this section that 2851
involves the sale of goods or services to a community school it 2852
sponsors, the sponsor shall not be required to comply with 2853
division (A) of this section with respect to that school until 2854
the expiration of the contract. 2855

Sec. 3318.53. (A) As used in this section: 2856

(1) "Classroom facilities" means rooms in which pupils 2857
regularly assemble in a building that is owned or leased by an 2858
eligible community school to receive instruction and education 2859
and such facilities and building improvements for the operation 2860
and use of such rooms as may be needed in order to provide a 2861
complete educational program. "Classroom facilities" includes 2862
any space necessary for the operation of a vocational education 2863
program for secondary students in any community school that 2864
operates such a program. 2865

(2) "Eligible community school" means a community school 2866
established under Chapter 3314. of the Revised Code that 2867
satisfies each of the following requirements: 2868

(a) The school has not been designated for closure 2869
pursuant to section 3314.35 or 3314.351 of the Revised Code. 2870

(b) The school has been open and operational in this state 2871
for the three school years immediately preceding the school year 2872
for which the school submits an application under this section. 2873

(c) Except as provided in division (A) (2) (e) of this 2874
section, the school received a grade of "A," "B," or "C" for the 2875
performance index score under division (C) (1) (b) of section 2876
3302.02 of the Revised Code or has increased its performance 2877
index score under division (C) (1) (b) of section 3302.03 of the 2878
Revised Code in each of the previous three years of operation. 2879

(d) The school has received a grade of "A" or "B" for the 2880
overall value-added progress dimension under division (C) (1) (e) 2881
of section 3302.03 of the Revised Code in each of the previous 2882
three years of operation. 2883

(e) For a school that serves grades nine through twelve, 2884
the school has received a grade of "A" or "B" for the four-year 2885
graduation rate under division (C) (1) (d) of section 3302.03 of 2886
the Revised Code for any of the previous three years of 2887
operation in which a graduation rate was calculated. 2888

Notwithstanding the definition of an eligible community 2889
school under divisions (A) (1) (a) to (e) of this section, a newly 2890
established community school may be eligible for assistance 2891
under this section, if it is implementing a community school 2892
model that has a track record of high quality academic 2893
performance, as determined by the department of education. 2894

(B) The community school classroom facilities assistance 2895
program is hereby established. Under the program, the Ohio 2896
school facilities commission shall provide up to fifty per cent 2897
of the basic project cost to eligible community schools for 2898
classroom facilities projects. 2899

(C) The governing authority of an eligible community 2900
school shall submit a written proposal to the commission, in the 2901
form and manner prescribed by the commission, for funding under 2902

this section. Once the commission determines that a proposal 2903
meets the guidelines established by the commission and approves 2904
the funding, the commission shall enter into an agreement with 2905
the governing authority for the acquisition of the classroom 2906
facilities and shall encumber, in accordance with section 2907
3318.11 of the Revised Code, the approved funding from the 2908
amounts appropriated to the commission for classroom facilities 2909
assistance projects. The agreement shall include the following 2910
stipulations: 2911

(1) In the event the community school closes at any time, 2912
the ownership of the classroom facilities shall vest in the 2913
commission to be used for only an alternative public purpose, 2914
including, but not limited to, primary, secondary, vocational, 2915
or higher education services. 2916

(2) In the event the community school ceases operations 2917
due to the failure of the school to comply with any of the 2918
requirements of Chapter 3314. of the Revised Code, the governing 2919
authority shall return to the commission the unamortized portion 2920
of the state funds provided to the governing authority under 2921
this section, based on a straight-line depreciation over the 2922
first eighteen years of occupancy. 2923

(D) The commission shall adopt rules, in accordance with 2924
Chapter 119. of the Revised Code, regarding implementation of 2925
the program and establish guidelines for assisting community 2926
schools in the acquisition of classroom facilities. 2927

(E) The state board of education shall adopt rules, in 2928
accordance with Chapter 119. of the Revised Code, establishing 2929
standards for high quality community school models for new 2930
community schools that rely on student performance on state or 2931
national standardized tests and high school graduation rates. 2932

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| Sec. 3321.19. (A) As used in this section and section | 2933 |
| 3321.191 of the Revised Code: | 2934 |
| (1) "Habitual truant" has the same meaning as in section | 2935 |
| 2151.011 of the Revised Code. | 2936 |
| (2) "Chronic truant" has the same meaning as in section | 2937 |
| 2152.02 of the Revised Code. | 2938 |
| (B) When a board of education of any city, exempted | 2939 |
| village, local, joint vocational, or cooperative education | 2940 |
| school district or the governing board of any educational | 2941 |
| service center determines that a student in its district has | 2942 |
| been truant and the parent, guardian, or other person having | 2943 |
| care of the child has failed to cause the student's attendance | 2944 |
| at school, the board may require the parent, guardian, or other | 2945 |
| person having care of the child pursuant to division (B) of this | 2946 |
| section to attend an educational program established pursuant to | 2947 |
| rules adopted by the state board of education for the purpose of | 2948 |
| encouraging parental involvement in compelling the attendance of | 2949 |
| the child at school. | 2950 |
| No parent, guardian, or other person having care of a | 2951 |
| child shall fail without good cause to attend an educational | 2952 |
| program described in this division if the parent, guardian, or | 2953 |
| other person has been served notice pursuant to division (C) of | 2954 |
| this section. | 2955 |
| (C) On the request of the superintendent of schools, the | 2956 |
| superintendent of any educational service center, the board of | 2957 |
| education of any city, exempted village, local, joint | 2958 |
| vocational, or cooperative education school district, or the | 2959 |
| governing board of any educational service center or when it | 2960 |
| otherwise comes to the notice of the attendance officer or other | 2961 |

appropriate officer of the school district, the attendance 2962
officer or other appropriate officer shall examine into any case 2963
of supposed truancy within the district and shall warn the 2964
child, if found truant, and the child's parent, guardian, or 2965
other person having care of the child, in writing, of the legal 2966
consequences of being an habitual or chronic truant. When any 2967
child of compulsory school age, in violation of law, is not 2968
attending school, the attendance or other appropriate officer 2969
shall notify the parent, guardian, or other person having care 2970
of that child of the fact, and require the parent, guardian, or 2971
other person to cause the child to attend school immediately. 2972
The parent, guardian, or other person having care of the child 2973
shall cause the child's attendance at school. Upon the failure 2974
of the parent, guardian, or other person having care of the 2975
child to do so, the attendance officer or other appropriate 2976
officer, if so directed by the superintendent, the district 2977
board, or the educational service center governing board, shall 2978
send notice requiring the attendance of that parent, guardian, 2979
or other person at a parental education program established 2980
pursuant to division (B) of this section and, subject to 2981
divisions (D) and (E) of this section, may file a complaint 2982
against the parent, guardian, or other person having care of the 2983
child in any court of competent jurisdiction. 2984

(D) Upon the failure of the parent, guardian, or other 2985
person having care of the child to cause the child's attendance 2986
at school, if the child is considered an habitual truant, the 2987
board of education of the school district or the governing board 2988
of the educational service center shall do either or both of the 2989
following: 2990

(1) Take any appropriate action as an intervention 2991
strategy contained in the policy developed by the board pursuant 2992

to section 3321.191 of the Revised Code; 2993

(2) File a complaint in the juvenile court of the county 2994
in which the child has a residence or legal settlement or in 2995
which the child is supposed to attend school jointly against the 2996
child and the parent, guardian, or other person having care of 2997
the child. A complaint filed in the juvenile court under this 2998
division shall allege that the child is an unruly child for 2999
being an habitual truant or is a delinquent child for being an 3000
habitual truant who previously has been adjudicated an unruly 3001
child for being an habitual truant and that the parent, 3002
guardian, or other person having care of the child has violated 3003
section 3321.38 of the Revised Code. In the event that the child 3004
withdraws from the school district after a complaint has been 3005
filed with the juvenile court, the school district shall proceed 3006
with the complaint until the court has reached its 3007
determination. A designation by a court pursuant to this section 3008
shall follow the child if the child later enrolls in a community 3009
school established under Chapter 3314. of the Revised Code. 3010

(E) Upon the failure of the parent, guardian, or other 3011
person having care of the child to cause the child's attendance 3012
at school, if the child is considered a chronic truant, the 3013
board of education of the school district or the governing board 3014
of the educational service center shall file a complaint in the 3015
juvenile court of the county in which the child has a residence 3016
or legal settlement or in which the child is supposed to attend 3017
school jointly against the child and the parent, guardian, or 3018
other person having care of the child. A complaint filed in the 3019
juvenile court under this division shall allege that the child 3020
is a delinquent child for being a chronic truant and that the 3021
parent, guardian, or other person having care of the child has 3022
violated section 3321.38 of the Revised Code. In the event that 3023

the child withdraws from the school district after a complaint 3024
has been filed with the juvenile court, the school district 3025
shall proceed with the complaint until the court has reached its 3026
determination. A designation by a court pursuant to this section 3027
shall follow the child if the child later enrolls in a community 3028
school established under Chapter 3314. of the Revised Code. 3029

Section 2. That existing sections 3302.03, 3314.011, 3030
3314.015, 3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3031
3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3314.35, 3314.351, 3032
and 3321.19 and sections 3314.021, 3314.026, and 3314.027 of the 3033
Revised Code are hereby repealed. 3034

Section 3. (A) There is hereby created a committee to make 3035
recommendations to the General Assembly regarding the definition 3036
of "quality" for community schools that primarily enroll 3037
students between sixteen and twenty-two years of age who dropped 3038
out of high school or are at risk of dropping out of high school 3039
due to poor attendance, disciplinary problems, or suspensions. 3040
The committee shall also study the efficacy of a completion or 3041
competency-based funding structure for these schools. The 3042
committee shall consist of the following members: 3043

(1) A business leader appointed by the Governor or the 3044
Governor's designee; 3045

(2) The president of a community college or the 3046
president's designee, appointed by the Governor or the 3047
Governor's designee; 3048

(3) The superintendent of a community school that 3049
primarily enrolls students between sixteen and twenty-two years 3050
of age who dropped out of high school or are at risk of dropping 3051
out of high school due to poor attendance, disciplinary 3052

problems, or suspensions, appointed by the Governor or the 3053
Governor's designee; 3054

(4) The superintendent of a career-technical school, 3055
appointed by the Speaker of the House of Representatives; 3056

(5) An individual representing the House of 3057
Representatives, appointed by the Speaker of the House of 3058
Representatives; 3059

(6) An individual representing the Senate, appointed by 3060
the President of the Senate; 3061

(7) The president of a four-year university, or the 3062
president's designee, appointed by the President of the Senate; 3063

(8) A representative of the Ohio Board of Regents, 3064
appointed by the Chancellor of the Board of Regents; 3065

(9) A representative of the Department of Education, 3066
appointed by the Superintendent of Public Instruction. 3067

(B) The committee shall serve under the guidance of the 3068
Governor's office for workforce development. 3069

(C) Not later than six months after the effective date of 3070
this section, the committee shall prepare a report of its 3071
recommendations and submit the report to the chairpersons of the 3072
standing committees of the House of Representatives and the 3073
Senate that are principally responsible for education policy. 3074

Section 4. All items in this section are hereby 3075
appropriated as designated out of any moneys in the state 3076
treasury to the credit of the General Revenue Fund. For all 3077
appropriations made in this act, those in the first column are 3078
for fiscal year 2016 and the appropriations in the second column 3079
are for fiscal year 2017. The appropriations made in this act 3080

| | | | | |
|---|--|--------------------------------------|-----------|------|
| are in addition to any other appropriations made for the FY | | | | 3081 |
| 2016-FY 2017 biennium. | | | | 3082 |
| | | AUD AUDITOR OF STATE | | 3083 |
| GRF 070XXX | Hearing | \$200,000 | \$200,000 | 3084 |
| | Officers - | | | 3085 |
| | Community | | | 3086 |
| | Schools | | | 3087 |
| Total GRF General Revenue Fund | | \$200,000 | \$200,000 | 3088 |
| TOTAL ALL BUDGET FUND GROUPS | | \$200,000 | \$200,000 | 3089 |
| | | HEARING OFFICERS - COMMUNITY SCHOOLS | | 3090 |
| | The foregoing appropriation item 070XXX, Hearing Officers | | | 3091 |
| | - Community Schools, shall be used to pay the fees associated | | | 3092 |
| | with independent hearing officers appointed pursuant to division | | | 3093 |
| | (A) (6) of section 2735.01 of the Revised Code when performing a | | | 3094 |
| | final audit in accordance with section 117.10 and division (A) | | | 3095 |
| | (8) of section 3314.03 of the Revised Code in the event that a | | | 3096 |
| | community school closes. | | | 3097 |
| | Within the limits set forth in this act, the Director of | | | 3098 |
| | Budget and Management shall establish accounts indicating the | | | 3099 |
| | source and amount of funds for each appropriation made in this | | | 3100 |
| | section, and shall determine the form and manner in which | | | 3101 |
| | appropriation accounts shall be maintained. Expenditures from | | | 3102 |
| | the FY 2016-FY 2017 biennium appropriations contained in this | | | 3103 |
| | section shall be accounted for as though made in the main | | | 3104 |
| | operating appropriations act of the 131st General Assembly. The | | | 3105 |
| | appropriations made in this section are subject to all | | | 3106 |
| | provisions of the main operating appropriations act of the 131st | | | 3107 |
| | General Assembly that are generally applicable to such | | | 3108 |
| | appropriations. | | | 3109 |

Section 5. Section 3314.08 of the Revised Code is 3110
presented in this act as a composite of the section as amended 3111
by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th 3112
General Assembly. The General Assembly, applying the principle 3113
stated in division (B) of section 1.52 of the Revised Code that 3114
amendments are to be harmonized if reasonably capable of 3115
simultaneous operation, finds that the composite is the 3116
resulting version of the section in effect prior to the 3117
effective date of the section as presented in this act. 3118