

As Reported by the House Education Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 2

**Representatives Dovilla, Roegner
Cosponsors: Representative Brenner**

A BILL

To amend sections 3302.03, 3314.011, 3314.02, 1
3314.023, 3314.03, 3314.19, and 3314.23, to 2
enact sections 3314.025, 3314.031, 3314.032, 3
3314.034, and 3314.46, and to repeal section 4
3314.026 of the Revised Code with regard to 5
sponsorship and management of community schools. 6

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

Section 1. That sections 3301.52, 3301.53, 3301.541, 7
3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3314.015, 8
3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3314.06, 9
3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 be amended and 10
sections 3313.131, 3314.019, 3314.025, 3314.031, 3314.032, 11
3314.034, 3314.035, 3314.036, 3314.037, 3314.038, 3314.039, and 12
3314.46 of the Revised Code be enacted to read as follows: 13

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 14
the Revised Code: 15

(A) "Preschool program" means either of the following: 16

(1) A child care program for preschool children that is 17
operated by a school district board of education or an eligible 18

nonpublic school.	19
(2) A child care program for preschool children age three or older that is operated by a county DD board <u>or a community school</u> .	20 21 22
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	23 24
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	25 26 27
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of <u>a community school or an eligible nonpublic school</u> .	28 29 30
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	31 32 33 34
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	35 36 37
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	38 39 40 41
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	42 43 44 45 46

(I) "County DD board" means a county board of developmental disabilities. 47
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(J) "School child program" means a child care program for only school children that is operated by a school district board of education, county DD board, community school, or eligible nonpublic school. 49
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(K) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old. 53
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(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program. 56
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(M) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home. 59
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(N) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code. 65
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(O) "Community school" means either of the following: 68

(1) A community school established under Chapter 3314. of the Revised Code after the effective date of this amendment that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code; 69
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(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report 73
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card, either of the following: 75

(a) If the school offers any of grade levels four through 76
twelve, a grade of "C" or better for the overall value-added 77
progress dimension under division (C) (1) (e) of section 3302.03 78
of the Revised Code and for the performance index score under 79
division (C) (1) (b) of section 3302.03 of the Revised Code; 80

(b) If the school does not offer a grade level higher than 81
three, a grade of "C" or better for making progress in improving 82
literacy in grades kindergarten through three under division (C) 83
(1) (g) of section 3302.03 of the Revised Code. 84

Sec. 3301.53. (A) The state board of education, in 85
consultation with the director of job and family services, shall 86
formulate and prescribe by rule adopted under Chapter 119. of 87
the Revised Code minimum standards to be applied to preschool 88
programs operated by school district boards of education, county 89
DD boards, community schools, or eligible nonpublic schools. The 90
rules shall include the following: 91

(1) Standards ensuring that the preschool program is 92
located in a safe and convenient facility that accommodates the 93
enrollment of the program, is of the quality to support the 94
growth and development of the children according to the program 95
objectives, and meets the requirements of section 3301.55 of the 96
Revised Code; 97

(2) Standards ensuring that supervision, discipline, and 98
programs will be administered according to established 99
objectives and procedures; 100

(3) Standards ensuring that preschool staff members and 101
nonteaching employees are recruited, employed, assigned, 102
evaluated, and provided inservice education without 103

discrimination on the basis of age, color, national origin, 104
race, or sex; and that preschool staff members and nonteaching 105
employees are assigned responsibilities in accordance with 106
written position descriptions commensurate with their training 107
and experience; 108

(4) A requirement that boards of education intending to 109
establish a preschool program demonstrate a need for a preschool 110
program prior to establishing the program; 111

(5) Requirements that children participating in preschool 112
programs have been immunized to the extent considered 113
appropriate by the state board to prevent the spread of 114
communicable disease; 115

(6) Requirements that the parents of preschool children 116
complete the emergency medical authorization form specified in 117
section 3313.712 of the Revised Code. 118

(B) The state board of education in consultation with the 119
director of job and family services shall ensure that the rules 120
adopted by the state board under sections 3301.52 to 3301.58 of 121
the Revised Code are consistent with and meet or exceed the 122
requirements of Chapter 5104. of the Revised Code with regard to 123
child day-care centers. The state board and the director of job 124
and family services shall review all such rules at least once 125
every five years. 126

(C) The state board of education, in consultation with the 127
director of job and family services, shall adopt rules for 128
school child programs that are consistent with and meet or 129
exceed the requirements of the rules adopted for school-age 130
child care centers under Chapter 5104. of the Revised Code. 131

Sec. 3301.541. (A) (1) The director, head teacher, 132

elementary principal, or site administrator of a preschool 133
program shall request the superintendent of the bureau of 134
criminal identification and investigation to conduct a criminal 135
records check with respect to any applicant who has applied to 136
the preschool program for employment as a person responsible for 137
the care, custody, or control of a child. If the applicant does 138
not present proof that the applicant has been a resident of this 139
state for the five-year period immediately prior to the date 140
upon which the criminal records check is requested or does not 141
provide evidence that within that five-year period the 142
superintendent has requested information about the applicant 143
from the federal bureau of investigation in a criminal records 144
check, the director, head teacher, or elementary principal shall 145
request that the superintendent obtain information from the 146
federal bureau of investigation as a part of the criminal 147
records check for the applicant. If the applicant presents proof 148
that the applicant has been a resident of this state for that 149
five-year period, the director, head teacher, or elementary 150
principal may request that the superintendent include 151
information from the federal bureau of investigation in the 152
criminal records check. 153

(2) Any director, head teacher, elementary principal, or 154
site administrator required by division (A) (1) of this section 155
to request a criminal records check shall provide to each 156
applicant a copy of the form prescribed pursuant to division (C) 157
(1) of section 109.572 of the Revised Code, provide to each 158
applicant a standard impression sheet to obtain fingerprint 159
impressions prescribed pursuant to division (C) (2) of section 160
109.572 of the Revised Code, obtain the completed form and 161
impression sheet from each applicant, and forward the completed 162
form and impression sheet to the superintendent of the bureau of 163

criminal identification and investigation at the time the person 164
requests a criminal records check pursuant to division (A)(1) of 165
this section. 166

(3) Any applicant who receives pursuant to division (A)(2) 167
of this section a copy of the form prescribed pursuant to 168
division (C)(1) of section 109.572 of the Revised Code and a 169
copy of an impression sheet prescribed pursuant to division (C) 170
(2) of that section and who is requested to complete the form 171
and provide a set of fingerprint impressions shall complete the 172
form or provide all the information necessary to complete the 173
form and provide the impression sheet with the impressions of 174
the applicant's fingerprints. If an applicant, upon request, 175
fails to provide the information necessary to complete the form 176
or fails to provide impressions of the applicant's fingerprints, 177
the preschool program shall not employ that applicant for any 178
position for which a criminal records check is required by 179
division (A)(1) of this section. 180

(B)(1) Except as provided in rules adopted by the 181
department of education in accordance with division (E) of this 182
section, no preschool program shall employ a person as a person 183
responsible for the care, custody, or control of a child if the 184
person previously has been convicted of or pleaded guilty to any 185
of the following: 186

(a) A violation of section 2903.01, 2903.02, 2903.03, 187
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 188
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 189
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 190
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 191
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 192
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 193

2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 194
section 2905.04 of the Revised Code as it existed prior to July 195
1, 1996, a violation of section 2919.23 of the Revised Code that 196
would have been a violation of section 2905.04 of the Revised 197
Code as it existed prior to July 1, 1996, had the violation 198
occurred prior to that date, a violation of section 2925.11 of 199
the Revised Code that is not a minor drug possession offense, or 200
felonious sexual penetration in violation of former section 201
2907.12 of the Revised Code; 202

(b) A violation of an existing or former law of this 203
state, any other state, or the United States that is 204
substantially equivalent to any of the offenses or violations 205
described in division (B) (1) (a) of this section. 206

(2) A preschool program may employ an applicant 207
conditionally until the criminal records check required by this 208
section is completed and the preschool program receives the 209
results of the criminal records check. If the results of the 210
criminal records check indicate that, pursuant to division (B) 211
(1) of this section, the applicant does not qualify for 212
employment, the preschool program shall release the applicant 213
from employment. 214

(C) (1) Each preschool program shall pay to the bureau of 215
criminal identification and investigation the fee prescribed 216
pursuant to division (C) (3) of section 109.572 of the Revised 217
Code for each criminal records check conducted in accordance 218
with that section upon the request pursuant to division (A) (1) 219
of this section of the director, head teacher, elementary 220
principal, or site administrator of the preschool program. 221

(2) A preschool program may charge an applicant a fee for 222
the costs it incurs in obtaining a criminal records check under 223

this section. A fee charged under this division shall not exceed 224
the amount of fees the preschool program pays under division (C) 225
(1) of this section. If a fee is charged under this division, 226
the preschool program shall notify the applicant at the time of 227
the applicant's initial application for employment of the amount 228
of the fee and that, unless the fee is paid, the applicant will 229
not be considered for employment. 230

(D) The report of any criminal records check conducted by 231
the bureau of criminal identification and investigation in 232
accordance with section 109.572 of the Revised Code and pursuant 233
to a request under division (A) (1) of this section is not a 234
public record for the purposes of section 149.43 of the Revised 235
Code and shall not be made available to any person other than 236
the applicant who is the subject of the criminal records check 237
or the applicant's representative, the preschool program 238
requesting the criminal records check or its representative, and 239
any court, hearing officer, or other necessary individual in a 240
case dealing with the denial of employment to the applicant. 241

(E) The department of education shall adopt rules pursuant 242
to Chapter 119. of the Revised Code to implement this section, 243
including rules specifying circumstances under which a preschool 244
program may hire a person who has been convicted of an offense 245
listed in division (B) (1) of this section but who meets 246
standards in regard to rehabilitation set by the department. 247

(F) Any person required by division (A) (1) of this section 248
to request a criminal records check shall inform each person, at 249
the time of the person's initial application for employment, 250
that the person is required to provide a set of impressions of 251
the person's fingerprints and that a criminal records check is 252
required to be conducted and satisfactorily completed in 253

accordance with section 109.572 of the Revised Code if the 254
person comes under final consideration for appointment or 255
employment as a precondition to employment for that position. 256

(G) As used in this section: 257

(1) "Applicant" means a person who is under final 258
consideration for appointment or employment in a position with a 259
preschool program as a person responsible for the care, custody, 260
or control of a child, except that "applicant" does not include 261
a person already employed by a board of education, community 262
school, or chartered nonpublic school in a position of care, 263
custody, or control of a child who is under consideration for a 264
different position with such board or school. 265

(2) "Criminal records check" has the same meaning as in 266
section 109.572 of the Revised Code. 267

(3) "Minor drug possession offense" has the same meaning 268
as in section 2925.01 of the Revised Code. 269

(H) If the board of education of a local school district 270
adopts a resolution requesting the assistance of the educational 271
service center in which the local district has territory in 272
conducting criminal records checks of substitute teachers under 273
this section, the appointing or hiring officer of such 274
educational service center governing board shall serve for 275
purposes of this section as the appointing or hiring officer of 276
the local board in the case of hiring substitute teachers for 277
employment in the local district. 278

Sec. 3301.55. (A) A school district, county DD board, 279
community school, or eligible nonpublic school operating a 280
preschool program shall house the program in buildings that meet 281
the following requirements: 282

(1) The building is operated by the district, county DD board, community school, or eligible nonpublic school and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. and with rules adopted by the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose.

(2) The building is in compliance with fire and safety laws and regulations as evidenced by reports of annual school fire and safety inspections as conducted by appropriate local authorities.

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county DD board, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of

education to the board not later than the first day of September 312
of the school year in which the program is to be initiated. The 313
board shall determine whether the buildings meet the 314
requirements of this section and section 3301.53 of the Revised 315
Code, and notify the superintendent of its determination. If the 316
board determines, on the basis of the building plan or any other 317
information, that the buildings do not meet those requirements, 318
it shall cause the buildings to be inspected by the department 319
of education. The department shall make a report to the 320
superintendent specifying any aspects of the building that are 321
not in compliance with the requirements of this section and 322
section 3301.53 of the Revised Code and the time period that 323
will be allowed the district, county DD board, or school to meet 324
the requirements. 325

Sec. 3301.56. (A) The director, head teacher, elementary 326
principal, or site administrator who is on site and responsible 327
for supervision of each preschool program shall be responsible 328
for the following: 329

(1) Ensuring that the health and safety of the children 330
are safeguarded by an organized program of school health 331
services designed to identify child health problems and to 332
coordinate school and community health resources for children, 333
as evidenced by but not limited to: 334

(a) Requiring immunization and compliance with emergency 335
medical authorization requirements in accordance with rules 336
adopted by the state board of education under section 3301.53 of 337
the Revised Code; 338

(b) Providing procedures for emergency situations, 339
including fire drills, rapid dismissals, tornado drills, and 340
school safety drills in accordance with section 3737.73 of the 341

Revised Code, and keeping records of such drills or dismissals;	342
(c) Posting emergency procedures in preschool rooms and	343
making them available to school personnel, children, and	344
parents;	345
(d) Posting emergency numbers by each telephone;	346
(e) Supervising grounds, play areas, and other facilities	347
when scheduled for use by children;	348
(f) Providing first-aid facilities and materials.	349
(2) Maintaining cumulative records for each child;	350
(3) Supervising each child's admission, placement, and	351
withdrawal according to established procedures;	352
(4) Preparing at least once annually for each group of	353
children in the program a roster of names and telephone numbers	354
of parents, guardians, and custodians of children in the group	355
and, on request, furnishing the roster for each group to the	356
parents, guardians, and custodians of children in that group.	357
The director may prepare a similar roster of all children in the	358
program and, on request, make it available to the parents,	359
guardians, and custodians, of children in the program. The	360
director shall not include in either roster the name or	361
telephone number of any parent, guardian, or custodian who	362
requests that the parent's, guardian's, or custodian's name or	363
number not be included, and shall not furnish any roster to any	364
person other than a parent, guardian, or custodian of a child in	365
the program.	366
(5) Ensuring that clerical and custodial services are	367
provided for the program;	368
(6) Supervising the instructional program and the daily	369

operation of the program; 370

(7) Supervising and evaluating preschool staff members 371
according to a planned sequence of observations and evaluation 372
conferences, and supervising nonteaching employees. 373

(B) (1) In each program the maximum number of children per 374
preschool staff member and the maximum group size by age 375
category of children shall be as follows: 376

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	377 378 379 380 381 382 383
12 months to less than 18 months	12	1:6	384
18 months to less than 30 months	14	1:7	385
30 months to less than 3 years	16	1:8	386
3-year-olds	24	1:12	387
4- and 5-year-olds not in school	28	1:14	388

(2) When age groups are combined, the maximum number of 389
children per preschool staff member shall be determined by the 390
age of the youngest child in the group, except that when no more 391
than one child thirty months of age or older receives child care 392
in a group in which all the other children are in the next older 393
age group, the maximum number of children per child-care staff 394
member and maximum group size requirements of the older age 395
group established under division (B) (1) of this section shall 396
apply. 397

(3) In a room where children are napping, if all the 398

children are at least eighteen months of age, the maximum number 399
of children per preschool staff member shall, for a period not 400
to exceed one and one-half hours in any twenty-four hour day, be 401
twice the maximum number of children per preschool staff member 402
established under division (B) (1) of this section if all the 403
following criteria are met: 404

(a) At least one preschool staff member is present in the 405
room; 406

(b) Sufficient preschool staff members are present on the 407
preschool program premises to comply with division (B) (1) of 408
this section; 409

(c) Naptime preparations have been completed and the 410
children are resting or napping. 411

(4) Any accredited program that uses the Montessori method 412
endorsed by the American Montessori society or the association 413
Montessori internationale as its primary method of instruction 414
and is licensed as a preschool program under section 3301.58 of 415
the Revised Code may combine preschool children of ages three to 416
five years old with children enrolled in kindergarten. 417
Notwithstanding anything to the contrary in division (B) (2) of 418
this section, when such age groups are combined, the maximum 419
number of children per preschool staff member shall be twelve 420
and the maximum group size shall be twenty-four children. 421

(C) In each building in which a preschool program is 422
operated there shall be on the premises, and readily available 423
at all times, at least one employee who has completed a course 424
in first aid and in the prevention, recognition, and management 425
of communicable diseases which is approved by the state 426
department of health, and an employee who has completed a course 427

in child abuse recognition and prevention. 428

(D) Any parent, guardian, or custodian of a child enrolled 429
in a preschool program shall be permitted unlimited access to 430
the school during its hours of operation to contact the 431
parent's, guardian's, or custodian's child, evaluate the care 432
provided by the program, or evaluate the premises, or for other 433
purposes approved by the director. Upon entering the premises, 434
the parent, guardian, or custodian shall report to the school 435
office. 436

Sec. 3301.57. (A) For the purpose of improving programs, 437
facilities, and implementation of the standards promulgated by 438
the state board of education under section 3301.53 of the 439
Revised Code, the state department of education shall provide 440
consultation and technical assistance to school districts, 441
county DD boards, community schools, and eligible nonpublic 442
schools operating preschool programs or school child programs, 443
and inservice training to preschool staff members, school child 444
program staff members, and nonteaching employees. 445

(B) The department and the school district board of 446
education, county DD board, community school, or eligible 447
nonpublic school shall jointly monitor each preschool program 448
and each school child program. 449

If the program receives any grant or other funding from 450
the state or federal government, the department annually shall 451
monitor all reports on attendance, financial support, and 452
expenditures according to provisions for use of the funds. 453

(C) The department of education, at least once during 454
every twelve-month period of operation of a preschool program or 455
a licensed school child program, shall inspect the program and 456

provide a written inspection report to the superintendent of the 457
school district, county DD board, community school, or eligible 458
nonpublic school. The department may inspect any program more 459
than once, as considered necessary by the department, during any 460
twelve-month period of operation. All inspections may be 461
unannounced. No person shall interfere with any inspection 462
conducted pursuant to this division or to the rules adopted 463
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 464

Upon receipt of any complaint that a preschool program or 465
a licensed school child program is out of compliance with the 466
requirements in sections 3301.52 to 3301.59 of the Revised Code 467
or the rules adopted under those sections, the department shall 468
investigate and may inspect the program. 469

(D) If a preschool program or a licensed school child 470
program is determined to be out of compliance with the 471
requirements of sections 3301.52 to 3301.59 of the Revised Code 472
or the rules adopted under those sections, the department of 473
education shall notify the appropriate superintendent, county DD 474
board, community school, or eligible nonpublic school in writing 475
regarding the nature of the violation, what must be done to 476
correct the violation, and by what date the correction must be 477
made. If the correction is not made by the date established by 478
the department, it may commence action under Chapter 119. of the 479
Revised Code to close the program or to revoke the license of 480
the program. If a program does not comply with an order to cease 481
operation issued in accordance with Chapter 119. of the Revised 482
Code, the department shall notify the attorney general, the 483
prosecuting attorney of the county in which the program is 484
located, or the city attorney, village solicitor, or other chief 485
legal officer of the municipal corporation in which the program 486
is located that the program is operating in violation of 487

sections 3301.52 to 3301.59 of the Revised Code or the rules 488
adopted under those sections and in violation of an order to 489
cease operation issued in accordance with Chapter 119. of the 490
Revised Code. Upon receipt of the notification, the attorney 491
general, prosecuting attorney, city attorney, village solicitor, 492
or other chief legal officer shall file a complaint in the court 493
of common pleas of the county in which the program is located 494
requesting the court to issue an order enjoining the program 495
from operating. The court shall grant the requested injunctive 496
relief upon a showing that the program named in the complaint is 497
operating in violation of sections 3301.52 to 3301.59 of the 498
Revised Code or the rules adopted under those sections and in 499
violation of an order to cease operation issued in accordance 500
with Chapter 119. of the Revised Code. 501

(E) The department of education shall prepare an annual 502
report on inspections conducted under this section. The report 503
shall include the number of inspections conducted, the number 504
and types of violations found, and the steps taken to address 505
the violations. The department shall file the report with the 506
governor, the president and minority leader of the senate, and 507
the speaker and minority leader of the house of representatives 508
on or before the first day of January of each year, beginning in 509
1999. 510

Sec. 3301.58. (A) The department of education is 511
responsible for the licensing of preschool programs and school 512
child programs and for the enforcement of sections 3301.52 to 513
3301.59 of the Revised Code and of any rules adopted under those 514
sections. No school district board of education, county DD 515
board, community school, or eligible nonpublic school shall 516
operate, establish, manage, conduct, or maintain a preschool 517
program without a license issued under this section. A school 518

district board of education, county DD board, community school, 519
or eligible nonpublic school may obtain a license under this 520
section for a school child program. The school district board of 521
education, county DD board, community school, or eligible 522
nonpublic school shall post the license for each preschool 523
program and licensed school child program it operates, 524
establishes, manages, conducts, or maintains in a conspicuous 525
place in the preschool program or licensed school child program 526
that is accessible to parents, custodians, or guardians and 527
employees and staff members of the program at all times when the 528
program is in operation. 529

(B) Any school district board of education, county DD 530
board, community school, or eligible nonpublic school that 531
desires to operate, establish, manage, conduct, or maintain a 532
preschool program shall apply to the department of education for 533
a license on a form that the department shall prescribe by rule. 534
Any school district board of education, county DD board, 535
community school, or eligible nonpublic school that desires to 536
obtain a license for a school child program shall apply to the 537
department for a license on a form that the department shall 538
prescribe by rule. The department shall provide at no charge to 539
each applicant for a license under this section a copy of the 540
requirements under sections 3301.52 to 3301.59 of the Revised 541
Code and any rules adopted under those sections. The department 542
may establish application fees by rule adopted under Chapter 543
119. of the Revised Code, and all applicants for a license shall 544
pay any fee established by the department at the time of making 545
an application for a license. All fees collected pursuant to 546
this section shall be paid into the state treasury to the credit 547
of the general revenue fund. 548

(C) Upon the filing of an application for a license, the 549

department of education shall investigate and inspect the 550
preschool program or school child program to determine the 551
license capacity for each age category of children of the 552
program and to determine whether the program complies with 553
sections 3301.52 to 3301.59 of the Revised Code and any rules 554
adopted under those sections. When, after investigation and 555
inspection, the department of education is satisfied that 556
sections 3301.52 to 3301.59 of the Revised Code and any rules 557
adopted under those sections are complied with by the applicant, 558
the department of education shall issue the program a 559
provisional license as soon as practicable in the form and 560
manner prescribed by the rules of the department. The 561
provisional license shall be valid for one year from the date of 562
issuance unless revoked. 563

(D) The department of education shall investigate and 564
inspect a preschool program or school child program that has 565
been issued a provisional license at least once during operation 566
under the provisional license. If, after the investigation and 567
inspection, the department of education determines that the 568
requirements of sections 3301.52 to 3301.59 of the Revised Code 569
and any rules adopted under those sections are met by the 570
provisional licensee, the department of education shall issue 571
the program a license. The license shall remain valid unless 572
revoked or the program ceases operations. 573

(E) The department of education annually shall investigate 574
and inspect each preschool program or school child program 575
licensed under division (D) of this section to determine if the 576
requirements of sections 3301.52 to 3301.59 of the Revised Code 577
and any rules adopted under those sections are met by the 578
program, and shall notify the program of the results. 579

(F) The license or provisional license shall state the name of the school district board of education, county DD board, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of education may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections.

(H) If the department of education revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual

report cards reflecting the performance of each school district, 610
each building within each district, and for the state as a whole 611
using the performance measures and letter grade system described 612
in this section. The department shall include on the report card 613
for each district and each building within each district the 614
most recent two-year trend data in student achievement for each 615
subject and each grade. 616

(A) (1) For the 2012-2013 school year, the department shall 617
issue grades as described in division (E) of this section for 618
each of the following performance measures: 619

(a) Annual measurable objectives; 620

(b) Performance index score for a school district or 621
building. Grades shall be awarded as a percentage of the total 622
possible points on the performance index system as adopted by 623
the state board. In adopting benchmarks for assigning letter 624
grades under division (A) (1) (b) of this section, the state board 625
of education shall designate ninety per cent or higher for an 626
"A," at least seventy per cent but not more than eighty per cent 627
for a "C," and less than fifty per cent for an "F." 628

(c) The extent to which the school district or building 629
meets each of the applicable performance indicators established 630
by the state board under section 3302.02 of the Revised Code and 631
the percentage of applicable performance indicators that have 632
been achieved. In adopting benchmarks for assigning letter 633
grades under division (A) (1) (c) of this section, the state board 634
shall designate ninety per cent or higher for an "A." 635

(d) The four- and five-year adjusted cohort graduation 636
rates. 637

In adopting benchmarks for assigning letter grades under 638

division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 639
department shall designate a four-year adjusted cohort 640
graduation rate of ninety-three per cent or higher for an "A" 641
and a five-year cohort graduation rate of ninety-five per cent 642
or higher for an "A." 643

(e) The overall score under the value-added progress 644
dimension of a school district or building, for which the 645
department shall use up to three years of value-added data as 646
available. The letter grade assigned for this growth measure 647
shall be as follows: 648

(i) A score that is at least two standard errors of 649
measure above the mean score shall be designated as an "A." 650

(ii) A score that is at least one standard error of 651
measure but less than two standard errors of measure above the 652
mean score shall be designated as a "B." 653

(iii) A score that is less than one standard error of 654
measure above the mean score but greater than or equal to one 655
standard error of measure below the mean score shall be 656
designated as a "C." 657

(iv) A score that is not greater than one standard error 658
of measure below the mean score but is greater than or equal to 659
two standard errors of measure below the mean score shall be 660
designated as a "D." 661

(v) A score that is not greater than two standard errors 662
of measure below the mean score shall be designated as an "F." 663

Whenever the value-added progress dimension is used as a 664
graded performance measure, whether as an overall measure or as 665
a measure of separate subgroups, the grades for the measure 666
shall be calculated in the same manner as prescribed in division 667

(A) (1) (e) of this section. 668

(f) The value-added progress dimension score for a school 669
district or building disaggregated for each of the following 670
subgroups: students identified as gifted, students with 671
disabilities, and students whose performance places them in the 672
lowest quintile for achievement on a statewide basis. Each 673
subgroup shall be a separate graded measure. 674

(2) Not later than April 30, 2013, the state board of 675
education shall adopt a resolution describing the performance 676
measures, benchmarks, and grading system for the 2012-2013 677
school year and, not later than June 30, 2013, shall adopt rules 678
in accordance with Chapter 119. of the Revised Code that 679
prescribe the methods by which the performance measures under 680
division (A) (1) of this section shall be assessed and assigned a 681
letter grade, including performance benchmarks for each letter 682
grade. 683

At least forty-five days prior to the state board's 684
adoption of rules to prescribe the methods by which the 685
performance measures under division (A) (1) of this section shall 686
be assessed and assigned a letter grade, the department shall 687
conduct a public presentation before the standing committees of 688
the house of representatives and the senate that consider 689
education legislation describing such methods, including 690
performance benchmarks. 691

(3) There shall not be an overall letter grade for a 692
school district or building for the 2012-2013 school year. 693

(B) (1) For the 2013-2014 school year, the department shall 694
issue grades as described in division (E) of this section for 695
each of the following performance measures: 696

(a) Annual measurable objectives;	697
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	698 699 700 701 702 703 704 705
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	706 707 708 709 710 711 712
(d) The four- and five-year adjusted cohort graduation rates;	713 714
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	715 716 717 718
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a	719 720 721 722 723 724 725

separate graded measure. 726

(g) Whether a school district or building is making 727
progress in improving literacy in grades kindergarten through 728
three, as determined using a method prescribed by the state 729
board. The state board shall adopt rules to prescribe benchmarks 730
and standards for assigning grades to districts and buildings 731
for purposes of division (B) (1) (g) of this section. In adopting 732
benchmarks for assigning letter grades under divisions (B) (1) (g) 733
and (C) (1) (g) of this section, the state board shall determine 734
progress made based on the reduction in the total percentage of 735
students scoring below grade level, or below proficient, 736
compared from year to year on the reading and writing diagnostic 737
assessments administered under section 3301.0715 of the Revised 738
Code and the third grade English language arts assessment under 739
section 3301.0710 of the Revised Code, as applicable. The state 740
board shall designate for a "C" grade a value that is not lower 741
than the statewide average value for this measure. No grade 742
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 743
section for a district or building in which less than five per 744
cent of students have scored below grade level on the diagnostic 745
assessment administered to students in kindergarten under 746
division (B) (1) of section 3313.608 of the Revised Code. 747

(h) For a high mobility school district or building, an 748
additional value-added progress dimension score. For this 749
measure, the department shall use value-added data from the most 750
recent school year available and shall use assessment scores for 751
only those students to whom the district or building has 752
administered the assessments prescribed by section 3301.0710 of 753
the Revised Code for each of the two most recent consecutive 754
school years. 755

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 (B) (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 participating in advanced placement classes and the
percentage of those students who received a score of three or
better on advanced placement examinations;

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

(c) 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 standards adopted under division (F) of section 3345.061 of the Revised Code; 786
787

(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials. 788
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(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations. 792
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(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 797
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(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade. 800
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 806
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(4) There shall not be an overall letter grade for a 814

school district or building for the 2013-2014 school year. 815

(C) (1) For the 2014-2015 school year and each school year 816
thereafter, the department shall issue grades as described in 817
division (E) of this section for each of the performance 818
measures prescribed in division (C) (1) of this section and an 819
overall letter grade based on an aggregate of those measures, 820
except for the performance measure set forth in division (C) (1) 821
(h) of this section. The graded measures are as follows: 822

(a) Annual measurable objectives; 823

(b) Performance index score for a school district or 824
building. Grades shall be awarded as a percentage of the total 825
possible points on the performance index system as created by 826
the department. In adopting benchmarks for assigning letter 827
grades under division (C) (1) (b) of this section, the state board 828
shall designate ninety per cent or higher for an "A," at least 829
seventy per cent but not more than eighty per cent for a "C," 830
and less than fifty per cent for an "F." 831

(c) The extent to which the school district or building 832
meets each of the applicable performance indicators established 833
by the state board under section 3302.03 of the Revised Code and 834
the percentage of applicable performance indicators that have 835
been achieved. In adopting benchmarks for assigning letter 836
grades under division (C) (1) (c) of this section, the state board 837
shall designate ninety per cent or higher for an "A." 838

(d) The four- and five-year adjusted cohort graduation 839
rates; 840

(e) The overall score under the value-added progress 841
dimension, or another measure of student academic progress if 842
adopted by the state board, of a school district or building, 843

for which the department shall use up to three years of value-added data as available. 844
845

In adopting benchmarks for assigning letter grades for 846
overall score on value-added progress dimension under division 847
(C) (1) (e) of this section, the state board shall prohibit the 848
assigning of a grade of "A" for that measure unless the 849
district's or building's grade assigned for value-added progress 850
dimension for all subgroups under division (C) (1) (f) of this 851
section is a "B" or higher. 852

For the metric prescribed by division (C) (1) (e) of this 853
section, the state board may adopt a student academic progress 854
measure to be used instead of the value-added progress 855
dimension. If the state board adopts such a measure, it also 856
shall prescribe a method for assigning letter grades for the new 857
measure that is comparable to the method prescribed in division 858
(A) (1) (e) of this section. 859

(f) The value-added progress dimension score of a school 860
district or building disaggregated for each of the following 861
subgroups: students identified as gifted in superior cognitive 862
ability and specific academic ability fields under Chapter 3324. 863
of the Revised Code, students with disabilities, and students 864
whose performance places them in the lowest quintile for 865
achievement on a statewide basis, as determined by a method 866
prescribed by the state board. Each subgroup shall be a separate 867
graded measure. 868

The state board may adopt student academic progress 869
measures to be used instead of the value-added progress 870
dimension. If the state board adopts such measures, it also 871
shall prescribe a method for assigning letter grades for the new 872
measures that is comparable to the method prescribed in division 873

(A) (1) (e) of this section. 874

(g) Whether a school district or building is making 875
progress in improving literacy in grades kindergarten through 876
three, as determined using a method prescribed by the state 877
board. The state board shall adopt rules to prescribe benchmarks 878
and standards for assigning grades to a district or building for 879
purposes of division (C) (1) (g) of this section. The state board 880
shall designate for a "C" grade a value that is not lower than 881
the statewide average value for this measure. No grade shall be 882
issued under division (C) (1) (g) of this section for a district 883
or building in which less than five per cent of students have 884
scored below grade level on the kindergarten diagnostic 885
assessment under division (B) (1) of section 3313.608 of the 886
Revised Code. 887

(h) For a high mobility school district or building, an 888
additional value-added progress dimension score. For this 889
measure, the department shall use value-added data from the most 890
recent school year available and shall use assessment scores for 891
only those students to whom the district or building has 892
administered the assessments prescribed by section 3301.0710 of 893
the Revised Code for each of the two most recent consecutive 894
school years. 895

As used in this division, "high mobility school district 896
or building" means a school district or building where at least 897
twenty-five per cent of its total enrollment is made up of 898
students who have attended that school district or building for 899
less than one year. 900

(2) In addition to the graded measures in division (C) (1) 901
of this section, the department shall include on a school 902
district's or building's report card all of the following 903

without an assigned letter grade: 904

(a) The percentage of students enrolled in a district or 905
building who have taken a national standardized test used for 906
college admission determinations and the percentage of those 907
students who are determined to be remediation-free in accordance 908
with the standards adopted under division (F) of section 909
3345.061 of the Revised Code; 910

(b) The percentage of students enrolled in a district or 911
building participating in advanced placement classes and the 912
percentage of those students who received a score of three or 913
better on advanced placement examinations; 914

(c) The percentage of a district's or building's students 915
who have earned at least three college credits through advanced 916
standing programs, such as the college credit plus program under 917
Chapter 3365. of the Revised Code and state-approved career- 918
technical courses offered through dual enrollment or statewide 919
articulation, that appear on a student's college transcript 920
issued by the institution of higher education from which the 921
student earned the college credit. The credits earned that are 922
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 923
shall not include any that are remedial or developmental and 924
shall include those that count toward the curriculum 925
requirements established for completion of a degree. 926

(d) The percentage of the district's or building's 927
students who receive an honor's diploma under division (B) of 928
section 3313.61 of the Revised Code; 929

(e) The percentage of the district's or building's 930
students who receive industry-recognized credentials; 931

(f) The percentage of students enrolled in a district or 932

building who are participating in an international baccalaureate 933
program and the percentage of those students who receive a score 934
of four or better on the international baccalaureate 935
examinations; 936

(g) The results of the college and career-ready 937
assessments administered under division (B) (1) of section 938
3301.0712 of the Revised Code. 939

(3) The state board shall adopt rules pursuant to Chapter 940
119. of the Revised Code that establish a method to assign an 941
overall grade for a school district or school building for the 942
2014-2015 school year and each school year thereafter. The rules 943
shall group the performance measures in divisions (C) (1) and (2) 944
of this section into the following components: 945

(a) Gap closing, which shall include the performance 946
measure in division (C) (1) (a) of this section; 947

(b) Achievement, which shall include the performance 948
measures in divisions (C) (1) (b) and (c) of this section; 949

(c) Progress, which shall include the performance measures 950
in divisions (C) (1) (e) and (f) of this section; 951

(d) Graduation, which shall include the performance 952
measure in division (C) (1) (d) of this section; 953

(e) Kindergarten through third-grade literacy, which shall 954
include the performance measure in division (C) (1) (g) of this 955
section; 956

(f) Prepared for success, which shall include the 957
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 958
and (f) of this section. The state board shall develop a method 959
to determine a grade for the component in division (C) (3) (f) of 960

this section using the performance measures in divisions (C) (2) 961
(a), (b), (c), (d), (e), and (f) of this section. When 962
available, the state board may incorporate the performance 963
measure under division (C) (2) (g) of this section into the 964
component under division (C) (3) (f) of this section. When 965
determining the overall grade for the prepared for success 966
component prescribed by division (C) (3) (f) of this section, no 967
individual student shall be counted in more than one performance 968
measure. However, if a student qualifies for more than one 969
performance measure in the component, the state board may, in 970
its method to determine a grade for the component, specify an 971
additional weight for such a student that is not greater than or 972
equal to 1.0. In determining the overall score under division 973
(C) (3) (f) of this section, the state board shall ensure that the 974
pool of students included in the performance measures aggregated 975
under that division are all of the students included in the 976
four- and five-year adjusted graduation cohort. 977

In the rules adopted under division (C) (3) of this 978
section, the state board shall adopt a method for determining a 979
grade for each component in divisions (C) (3) (a) to (f) of this 980
section. The state board also shall establish a method to assign 981
an overall grade of "A," "B," "C," "D," or "F" using the grades 982
assigned for each component. The method the state board adopts 983
for assigning an overall grade shall give equal weight to the 984
components in divisions (C) (3) (b) and (c) of this section. 985

At least forty-five days prior to the state board's 986
adoption of rules to prescribe the methods for calculating the 987
overall grade for the report card, as required by this division, 988
the department shall conduct a public presentation before the 989
standing committees of the house of representatives and the 990
senate that consider education legislation describing the format 991

for the report card, weights that will be assigned to the 992
components of the overall grade, and the method for calculating 993
the overall grade. 994

(D) Not later than July 1, 2015, the state board shall 995
develop a measure of student academic progress for high school 996
students using only data from assessments in English language 997
arts and mathematics. For the 2014-2015 school year, the 998
department shall include this measure on a school district or 999
building's report card, as applicable, without an assigned 1000
letter grade. Beginning with the report card for the 2015-2016 1001
school year, each school district and applicable school building 1002
shall be assigned a separate letter grade for this measure and 1003
the district's or building's grade for that measure shall be 1004
included in determining the district's or building's overall 1005
letter grade. This measure shall be included within the measure 1006
prescribed in division (C) (3) (c) of this section in the 1007
calculation for the overall letter grade. 1008

(E) The letter grades assigned to a school district or 1009
building under this section shall be as follows: 1010

(1) "A" for a district or school making excellent 1011
progress; 1012

(2) "B" for a district or school making above average 1013
progress; 1014

(3) "C" for a district or school making average progress; 1015

(4) "D" for a district or school making below average 1016
progress; 1017

(5) "F" for a district or school failing to meet minimum 1018
progress. 1019

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1020 1021 1022
(1) Performance of students by grade-level;	1023
(2) Performance of students by race and ethnic group;	1024
(3) Performance of students by gender;	1025
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1026 1027
(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;	1028 1029 1030
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1031 1032
(7) Performance of students grouped by those who are economically disadvantaged;	1033 1034
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1035 1036 1037
(9) Performance of students grouped by those who are classified as limited English proficient;	1038 1039
(10) Performance of students grouped by those who have disabilities;	1040 1041
(11) Performance of students grouped by those who are classified as migrants;	1042 1043
(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	1044 1045 1046

Chapter 3324. of the Revised Code. In disaggregating specific 1047
academic ability fields for gifted students, the department 1048
shall use data for those students with specific academic ability 1049
in math and reading. If any other academic field is assessed, 1050
the department shall also include data for students with 1051
specific academic ability in that field as well. 1052

(13) Performance of students grouped by those who perform 1053
in the lowest quintile for achievement on a statewide basis, as 1054
determined by a method prescribed by the state board. 1055

The department may disaggregate data on student 1056
performance according to other categories that the department 1057
determines are appropriate. To the extent possible, the 1058
department shall disaggregate data on student performance 1059
according to any combinations of two or more of the categories 1060
listed in divisions (F) (1) to (13) of this section that it deems 1061
relevant. 1062

In reporting data pursuant to division (F) of this 1063
section, the department shall not include in the report cards 1064
any data statistical in nature that is statistically unreliable 1065
or that could result in the identification of individual 1066
students. For this purpose, the department shall not report 1067
student performance data for any group identified in division 1068
(F) of this section that contains less than ten students. If the 1069
department does not report student performance data for a group 1070
because it contains less than ten students, the department shall 1071
indicate on the report card that is why data was not reported. 1072

(G) The department may include with the report cards any 1073
additional education and fiscal performance data it deems 1074
valuable. 1075

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

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I) Division ~~Until July 1, 2016, division~~ (I) of this section does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions. On and after July 1, 2016, division (I) of this section shall apply to such schools.

(1) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code. For purposes of division (I)(1) of this section, the department shall use student academic performance

data only of those students enrolled in the community school who 1106
are entitled to attend school in that district under section 1107
3313.64 or 3313.65 of the Revised Code. 1108

(2) Any district that leases a building to a community 1109
school located in the district or that enters into an agreement 1110
with a community school located in the district whereby the 1111
district and the school endorse each other's programs may elect 1112
to have data regarding the academic performance of students 1113
enrolled in the community school combined with comparable data 1114
from the schools of the district for the purpose of determining 1115
the performance of the district as a whole on the district 1116
report card. Any district that so elects shall annually file a 1117
copy of the lease or agreement with the department. 1118

(3) Any municipal school district, as defined in section 1119
3311.71 of the Revised Code, that sponsors a community school 1120
located within the district's territory, or that enters into an 1121
agreement with a community school located within the district's 1122
territory whereby the district and the community school endorse 1123
each other's programs, may exercise either or both of the 1124
following elections: 1125

(a) To have data regarding the academic performance of 1126
students enrolled in that community school combined with 1127
comparable data from the schools of the district for the purpose 1128
of determining the performance of the district as a whole on the 1129
district's report card; 1130

(b) To have the number of students attending that 1131
community school noted separately on the district's report card. 1132

The election authorized under division (I) (3) (a) of this 1133
section is subject to approval by the governing authority of the 1134

community school. 1135

Any municipal school district that exercises an election 1136
to combine or include data under division (I) (3) of this 1137
section, by the first day of October of each year, shall file 1138
with the department documentation indicating eligibility for 1139
that election, as required by the department. 1140

(J) The department shall include on each report card the 1141
percentage of teachers in the district or building who are 1142
highly qualified, as defined by the No Child Left Behind Act of 1143
2001, and a comparison of that percentage with the percentages 1144
of such teachers in similar districts and buildings. 1145

(K) (1) In calculating English language arts, mathematics, 1146
social studies, or science assessment passage rates used to 1147
determine school district or building performance under this 1148
section, the department shall include all students taking an 1149
assessment with accommodation or to whom an alternate assessment 1150
is administered pursuant to division (C) (1) or (3) of section 1151
3301.0711 of the Revised Code. 1152

(2) In calculating performance index scores, rates of 1153
achievement on the performance indicators established by the 1154
state board under section 3302.02 of the Revised Code, and 1155
annual measurable objectives for determining adequate yearly 1156
progress for school districts and buildings under this section, 1157
the department shall do all of the following: 1158

(a) Include for each district or building only those 1159
students who are included in the ADM certified for the first 1160
full school week of October and are continuously enrolled in the 1161
district or building through the time of the spring 1162
administration of any assessment prescribed by division (A) (1) 1163

or (B) (1) of section 3301.0710 or division (B) of section 1164
3301.0712 of the Revised Code that is administered to the 1165
student's grade level; 1166

(b) Include cumulative totals from both the fall and 1167
spring administrations of the third grade English language arts 1168
achievement assessment; 1169

(c) Except as required by the No Child Left Behind Act of 1170
2001, exclude for each district or building any limited English 1171
proficient student who has been enrolled in United States 1172
schools for less than one full school year. 1173

(L) Beginning with the 2015-2016 school year and at least 1174
once every three years thereafter, the state board of education 1175
shall review and may adjust the benchmarks for assigning letter 1176
grades to the performance measures and components prescribed 1177
under divisions (C) (3) and (D) of this section. 1178

Sec. 3313.131. No person who is a member of the governing 1179
authority of a community school established under Chapter 3314.
of the Revised Code shall be a member of a board of education. 1180
1181

Sec. 3314.011. (A) Every community school established 1182
under this chapter shall have a designated fiscal officer. 1183
Except as provided for in division (C) of this section, the 1184
fiscal officer shall be employed by or engaged under a contract 1185
with the governing authority of the community school. The 1186
auditor of state may require by rule that the fiscal officer of 1187
any community school, before entering upon duties as fiscal 1188
officer of the school, execute a bond in an amount and with 1189
surety to be approved by the governing authority of the school, 1190
payable to the state, conditioned for the faithful performance 1191
of all the official duties required of the fiscal officer. Any 1192

such bond shall be deposited with the governing authority of the school, and a copy thereof, certified by the governing authority, shall be filed with the county auditor.

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

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

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

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

(3) The governing authority shall submit to the department of education a copy of each resolution adopted pursuant to division (C) (1) of this section. 1222
1223
1224

Sec. 3314.015. (A) The department of education shall be 1225
responsible for the oversight of any and all sponsors of the 1226
community schools established under this chapter and shall 1227
provide technical assistance to schools and sponsors in their 1228
compliance with applicable laws and the terms of the contracts 1229
entered into under section 3314.03 of the Revised Code and in 1230
the development and start-up activities of those schools. In 1231
carrying out its duties under this section, the department shall 1232
do all of the following: 1233

(1) In providing technical assistance to proposing 1234
parties, governing authorities, and sponsors, conduct training 1235
sessions and distribute informational materials; 1236

(2) Approve entities to be sponsors of community schools; 1237

(3) Monitor and evaluate, as required under section 1238
3314.016 of the Revised Code, the effectiveness of any and all 1239
sponsors in their oversight of the schools with which they have 1240
contracted; 1241

(4) By December thirty-first of each year, issue a report 1242
to the governor, the speaker of the house of representatives, 1243
the president of the senate, and the chairpersons of the house 1244
and senate committees principally responsible for education 1245
matters regarding the effectiveness of academic programs, 1246
operations, and legal compliance and of the financial condition 1247
of all community schools established under this chapter and on 1248
the performance of community school sponsors; 1249

(5) From time to time, make legislative recommendations to 1250

the general assembly designed to enhance the operation and 1251
performance of community schools. 1252

(B) (1) Except as provided in sections 3314.021 and 1253
3314.027 of the Revised Code, no entity listed in division (C) 1254
(1) of section 3314.02 of the Revised Code shall enter into a 1255
preliminary agreement under division (C) (2) of section 3314.02 1256
of the Revised Code until it has received approval from the 1257
department of education to sponsor community schools under this 1258
chapter and has entered into a written agreement with the 1259
department regarding the manner in which the entity will conduct 1260
such sponsorship. 1261

The initial term of a sponsor's agreement with the 1262
department shall be for up to seven years. For every year that 1263
the sponsor satisfies the conditions of division (B) (1) (a) or 1264
(b) of this section, as applicable, the department shall add one 1265
year to the agreement term, subject to divisions (C) and (F) of 1266
this section, unless the sponsor notifies the department that it 1267
does not wish to have the term of the agreement so extended. 1268

To qualify for the extension of the term of the sponsor's 1269
agreement, the sponsor shall satisfy one of the following, as 1270
applicable: 1271

(a) Prior to January 1, 2015, the sponsor is not in the 1272
lowest twenty per cent of sponsors statewide according to the 1273
composite performance index score as ranked under section 1274
3314.016 of the Revised Code, as that section exists prior to 1275
that date, and the sponsor continues to meet all the 1276
requirements of this chapter pertaining to community school 1277
sponsors. 1278

(b) On or after January 1, 2015, the sponsor is rated as 1279

"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.

Notwithstanding anything to the contrary in this section, the department may add additional years to any renewal agreement, not to exceed a total of twelve years, subject to divisions (C) and (F) of this section, if, on or after the effective date of this amendment, the sponsor is rated as "exemplary" under section 3314.016 of the Revised Code, and the sponsor continues to meet all the requirements of this chapter.

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

Subject to section 3314.016 of the Revised Code, an entity 1311
that sponsors community schools may enter into preliminary 1312
agreements and sponsor up to one hundred schools, provided each 1313
school and the contract for sponsorship meets the requirements 1314
of this chapter. 1315

(2) The state board of education shall determine, pursuant 1316
to criteria specified in rules adopted in accordance with 1317
Chapter 119. of the Revised Code, whether the mission proposed 1318
to be specified in the contract of a community school to be 1319
sponsored by a state university board of trustees or the board's 1320
designee under division (C)(1)(e) of section 3314.02 of the 1321
Revised Code complies with the requirements of that division. 1322
Such determination of the state board is final. 1323

(3) The state board of education shall determine, pursuant 1324
to criteria specified in rules adopted in accordance with 1325
Chapter 119. of the Revised Code, if any tax-exempt entity under 1326
section 501(c)(3) of the Internal Revenue Code that is proposed 1327
to be a sponsor of a community school is an education-oriented 1328
entity for purpose of satisfying the condition prescribed in 1329
division (C)(1)(f)(iii) of section 3314.02 of the Revised Code. 1330
Such determination of the state board is final. 1331

(C) If at any time the state board of education finds that 1332
a sponsor is not in compliance or is no longer willing to comply 1333
with its contract with any community school or with the 1334
department's rules for sponsorship, the state board or designee 1335
shall conduct a hearing in accordance with Chapter 119. of the 1336
Revised Code on that matter. If after the hearing, the state 1337
board or designee has confirmed the original finding, the 1338
department of education may revoke the sponsor's approval to 1339
sponsor community schools. In that case, the department's office 1340

of Ohio school sponsorship, established under section 3314.029 1341
of the Revised Code, may assume the sponsorship of any schools 1342
with which the sponsor has contracted until the earlier of the 1343
expiration of two school years or until a new sponsor as 1344
described in division (C) (1) of section 3314.02 of the Revised 1345
Code is secured by the school's governing authority. The office 1346
of Ohio school sponsorship may extend the term of the contract 1347
in the case of a school for which it has assumed sponsorship 1348
under this division as necessary to accommodate the term of the 1349
department's authorization to sponsor the school specified in 1350
this division. Community schools sponsored under this division 1351
shall not apply to the limit on directly authorized community 1352
schools under division (A) (3) of section 3314.029 of the Revised 1353
Code. However, nothing in this division shall preclude a 1354
community school affected by this division from applying for 1355
sponsorship under that section. 1356

(D) The decision of the department to disapprove an entity 1357
for sponsorship of a community school or to revoke approval for 1358
such sponsorship under division (C) of this section, may be 1359
appealed by the entity in accordance with section 119.12 of the 1360
Revised Code. 1361

(E) The department shall adopt procedures for use by a 1362
community school governing authority and sponsor when the school 1363
permanently closes and ceases operation, which shall include at 1364
least procedures for data reporting to the department, handling 1365
of student records, distribution of assets in accordance with 1366
section 3314.074 of the Revised Code, and other matters related 1367
to ceasing operation of the school. 1368

(F) (1) In lieu of revoking a sponsor's authority to 1369
sponsor community schools under division (C) of this section, if 1370

the department finds that a sponsor is not in compliance with 1371
applicable laws and administrative rules, the department shall 1372
declare in a written notice to the sponsor the specific laws or 1373
rules, or both, for which the sponsor is noncompliant. A sponsor 1374
notified under division (F)(1) of this section shall respond to 1375
the department not later than fourteen days after the 1376
notification with a proposed plan to remedy the conditions for 1377
which the sponsor was found to be noncompliant. The department 1378
shall approve or disapprove the plan not later than fourteen 1379
days after receiving it. If the plan is disapproved, the sponsor 1380
may submit a revised plan to the department not later than 1381
fourteen days after receiving notification of disapproval from 1382
the department or not later than sixty days after the date the 1383
sponsor received notification of noncompliance from the 1384
department, whichever is earlier. The department shall approve 1385
or disapprove the revised plan not later than fourteen days 1386
after receiving it or not later than sixty days after the date 1387
the sponsor received notification of noncompliance from the 1388
department, whichever is earlier. A sponsor may continue to make 1389
revisions by the deadlines prescribed in division (F)(1) of this 1390
section to any revised plan that is disapproved by the 1391
department until the sixtieth day after the date the sponsor 1392
received notification of noncompliance from the department. 1393

If a plan or a revised plan is approved, the sponsor shall 1394
implement it not later than sixty days after the date the 1395
sponsor received notification of noncompliance from the 1396
department or not later than thirty days after the plan is 1397
approved, whichever is later. If a sponsor does not respond to 1398
the department or implement an approved compliance plan by the 1399
deadlines prescribed by division (F)(1) of this section, or if a 1400
sponsor does not receive approval of a compliance plan on or 1401

before the sixtieth day after the date the sponsor received 1402
notification of noncompliance from the department, the 1403
department shall declare in written notice to the sponsor that 1404
the sponsor is in probationary status, and may limit the 1405
sponsor's ability to sponsor additional schools. 1406

(2) A sponsor that has been placed on probationary status 1407
under division (F)(1) of this section may apply to the 1408
department for its probationary status to be lifted. The 1409
application for a sponsor's probationary status to be lifted 1410
shall include evidence, occurring after the initial notification 1411
of noncompliance, of the sponsor's compliance with applicable 1412
laws and administrative rules. Not later than fourteen days 1413
after receiving an application from the sponsor, the department 1414
shall decide whether or not to remove the sponsor's probationary 1415
status. 1416

(G) In carrying out its duties under this chapter, the 1417
department shall not impose requirements on community schools or 1418
their sponsors that are not permitted by law or duly adopted 1419
rules. 1420

(H) This section applies to entities that sponsor 1421
conversion community schools and new start-up schools. 1422

Sec. 3314.016. This section applies to any entity that 1423
sponsors a community school, regardless of whether section 1424
3314.021 or 3314.027 of the Revised Code exempts the entity from 1425
the requirement to be approved for sponsorship under divisions 1426
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 1427
office of Ohio school sponsorship established under section 1428
3314.029 of the Revised Code shall be rated under division (B) 1429
of this section, but divisions (A) and (C) of this section do 1430
not apply to the office. 1431

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

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

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

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

(a) Academic performance of students enrolled in community schools sponsored by the same entity;

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. The department shall not include this measure in the sponsor evaluation rating system until the department prescribes quality practices and develops an instrument to measure adherence to those practices under division (B)(3) of this section.

(c) Compliance with applicable laws and administrative rules by an entity that sponsors a community school.

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

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

(b) All community schools described in division (A) (4) (b) 1460
of section 3314.35 of the Revised Code. 1461

(3) The department, in consultation with entities that 1462
sponsor community schools, shall prescribe quality practices for 1463
community school sponsors and develop an instrument to measure 1464
adherence to those quality practices. The quality practices 1465
shall be based on standards developed by the national 1466
association of charter school authorizers or any other 1467
nationally organized community school organization. 1468

(4) (a) The department may permit peer review of a 1469
sponsor's adherence to the quality practices prescribed under 1470
division (B) (3) of this section. 1471

(b) The department shall require individuals participating 1472
in peer review under division (B) (4) (a) of this section to 1473
complete training approved or established by the department. 1474

(c) The department may enter into an agreement with 1475
another entity to provide training to individuals conducting 1476
peer review of sponsors. Prior to entering into an agreement 1477
with an entity, the department shall review and approve of the 1478
entity's training program. 1479

(5) Not later than July 1, 2013, the state board of 1480
education shall adopt rules in accordance with Chapter 119. of 1481
the Revised Code prescribing standards for measuring compliance 1482
with applicable laws and rules under division (B) (1) (c) of this 1483
section. 1484

(6) The department annually shall rate all entities that 1485
sponsor community schools as either "exemplary," "effective," or 1486
"ineffective," based on the components prescribed by division 1487
(B) of this section, where each component is weighted equally, 1488

except that entities sponsoring community schools for the first 1489
time may be assigned the rating of "emerging" for only the first 1490
two consecutive years. 1491

The department shall publish the ratings between the first 1492
day of October and the fifteenth day of October. 1493

(7) (a) Prior to the 2014-2015 school year, student 1494
academic performance prescribed under division (B) (1) (a) of this 1495
section shall not include student academic performance data from 1496
community schools that primarily serve students enrolled in a 1497
dropout prevention and recovery program as described in division 1498
(A) (4) (a) of section 3314.35 of the Revised Code. 1499

(b) For the 2014-2015 school year and each school year 1500
thereafter, student academic performance prescribed under 1501
division (B) (1) (a) of this section shall include student 1502
academic performance data from community schools that primarily 1503
serve students enrolled in a dropout prevention and recovery 1504
program. 1505

(C) If the governing authority of a community school 1506
enters into a contract with a sponsor prior to the date on which 1507
the sponsor is prohibited from sponsoring additional schools 1508
under division (A) of this section and the school has not opened 1509
for operation as of that date, that contract shall be void and 1510
the school shall not open until the governing authority secures 1511
a new sponsor by entering into a contract with the new sponsor 1512
under section 3314.03 of the Revised Code. However, the 1513
department's office of Ohio school sponsorship, established 1514
under section 3314.029 of the Revised Code, may assume the 1515
sponsorship of the school until the earlier of the expiration of 1516
two school years or until a new sponsor is secured by the 1517
school's governing authority. A community school sponsored by 1518

the department under this division shall not be included when 1519
calculating the maximum number of directly authorized community 1520
schools permitted under division (A) (3) of section 3314.029 of 1521
the Revised Code. 1522

(D) (1) In addition to the incentives prescribed under 1523
division (D) (2) of this section, the department may establish 1524
incentives based upon the entity's overall rating. 1525

(2) Entities with an overall rating of "exemplary" may 1526
take advantage of the following incentives: 1527

(a) The ability to extend the term of the contract between 1528
the sponsoring entity and the community school beyond the term 1529
described in the written agreement with the department; 1530

(b) An exemption from the preliminary agreement and 1531
contract adoption and execution deadline requirements prescribed 1532
in division (D) of section 3314.02 of the Revised Code; 1533

(c) An exemption from the automatic contract expiration 1534
requirement, should a new community school fail to open by the 1535
thirtieth day of September of the calendar year in which the 1536
community school contract is executed. 1537

Sec. 3314.019. A community school's sponsor shall be the 1538
party responsible for communicating and meeting with the auditor 1539
of state regarding an audit of the school or the condition of 1540
financial and enrollment records of the school, regardless of 1541
whether the sponsor has entered into an agreement with another 1542
entity to perform all or part of the sponsor's oversight duties. 1543

Sec. 3314.02. (A) As used in this chapter: 1544

(1) "Sponsor" means the board of education of a school 1545
district or the governing board of an educational service center 1546

that agrees to the conversion of all or part of a school or 1547
building under division (B) of this section, or an entity listed 1548
in division (C) (1) of this section, which either has been 1549
approved by the department of education to sponsor community 1550
schools or is exempted by section 3314.021 or 3314.027 of the 1551
Revised Code from obtaining approval, and with which the 1552
governing authority of a community school enters into a contract 1553
under section 3314.03 of the Revised Code. 1554

(2) "Pilot project area" means the school districts 1555
included in the territory of the former community school pilot 1556
project established by former Section 50.52 of Am. Sub. H.B. No. 1557
215 of the 122nd general assembly. 1558

(3) "Challenged school district" means any of the 1559
following: 1560

(a) A school district that is part of the pilot project 1561
area; 1562

(b) A school district that meets one of the following 1563
conditions: 1564

(i) On March 22, 2013, the district was in a state of 1565
academic emergency or in a state of academic watch under section 1566
3302.03 of the Revised Code, as that section existed prior to 1567
March 22, 2013; 1568

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 1569
school years, the district received a grade of "D" or "F" for 1570
the performance index score and a grade of "F" for the value- 1571
added progress dimension under section 3302.03 of the Revised 1572
Code; 1573

(iii) For the 2015-2016 school year and for any school 1574
year thereafter, the district has received an overall grade of 1575

"D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section.

(c) A big eight school district;

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

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

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

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

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

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

(7) "Internet- or computer-based community school" means a

community school established under this chapter in which the 1604
enrolled students work primarily from their residences on 1605
assignments in nonclassroom-based learning opportunities 1606
provided via an internet- or other computer-based instructional 1607
method that does not rely on regular classroom instruction or 1608
via comprehensive instructional methods that include internet- 1609
based, other computer-based, and noncomputer-based learning 1610
opportunities. 1611

(8) "Operator" means either of the following: 1612

(a) An individual or organization that manages the daily 1613
operations of a community school pursuant to a contract between 1614
the operator and the school's governing authority; 1615

(b) A nonprofit organization that provides programmatic 1616
oversight and support to a community school under a contract 1617
with the school's governing authority and that retains the right 1618
to terminate its affiliation with the school if the school fails 1619
to meet the organization's quality standards. 1620

(9) "Alliance municipal school district" has the same 1621
meaning as in section 3311.86 of the Revised Code. 1622

(B)(1) Any person or group of individuals may initially 1623
propose under this division the conversion of all or a portion 1624
of a public school to a community school. The proposal shall be 1625
made to the board of education of the city, local, exempted 1626
village, or joint vocational school district in which the public 1627
school is proposed to be converted. 1628

(2) Any person or group of individuals may initially 1629
propose under this division the conversion of all or a portion 1630
of a building operated by an educational service center to a 1631
community school. The proposal shall be made to the governing 1632

board of the service center. 1633

A service center that proposes the establishment of a 1634
conversion community school located in a county within the 1635
territory of the service center or in a county contiguous to 1636
such county is exempt from approval from the department of 1637
education, except as provided under division (B) (4) of this 1638
section, and from the agreement required under division (B) (1) 1639
of section 3314.015 of the Revised Code. 1640

However, a service center that proposes the establishment 1641
of a conversion community school located in a county outside of 1642
the territory of the service center or a county contiguous to 1643
such county shall be subject to approval from the department of 1644
education and from the agreement required under that section. 1645

Division (B) (2) of this section does not apply to an 1646
educational service center that sponsors community schools and 1647
that is exempted under section 3314.021 or 3314.027 of the 1648
Revised Code from the requirement to be approved for sponsorship 1649
under divisions (A) (2) and (B) (1) of section 3314.015 of the 1650
Revised Code. 1651

(3) Upon receipt of a proposal, a board may enter into a 1652
preliminary agreement with the person or group proposing the 1653
conversion of the public school or service center building, 1654
indicating the intention of the board to support the conversion 1655
to a community school. A proposing person or group that has a 1656
preliminary agreement under this division may proceed to 1657
finalize plans for the school, establish a governing authority 1658
for the school, and negotiate a contract with the board. 1659
Provided the proposing person or group adheres to the 1660
preliminary agreement and all provisions of this chapter, the 1661
board shall negotiate in good faith to enter into a contract in 1662

accordance with section 3314.03 of the Revised Code and division 1663
(C) of this section. 1664

(4) The sponsor of a conversion community school proposed 1665
to open in an alliance municipal school district shall be 1666
subject to approval by the department of education for 1667
sponsorship of that school using the criteria established under 1668
division (A) of section 3311.87 of the Revised Code. 1669

Division (B) (4) of this section does not apply to a 1670
sponsor that is exempted under section 3314.021 or 3314.027 of 1671
the Revised Code from the requirement to be approved for 1672
sponsorship under divisions (A) (2) and (B) (1) of section 1673
3314.015 of the Revised Code. 1674

(C) (1) Any person or group of individuals may propose 1675
under this division the establishment of a new start-up school 1676
to be located in a challenged school district. The proposal may 1677
be made to any of the following entities: 1678

(a) The board of education of the district in which the 1679
school is proposed to be located; 1680

(b) The board of education of any joint vocational school 1681
district with territory in the county in which is located the 1682
majority of the territory of the district in which the school is 1683
proposed to be located; 1684

(c) The board of education of any other city, local, or 1685
exempted village school district having territory in the same 1686
county where the district in which the school is proposed to be 1687
located has the major portion of its territory; 1688

(d) The governing board of any educational service center, 1689
regardless of the location of the proposed school, may sponsor a 1690
new start-up school in any challenged school district in the 1691

state if all of the following are satisfied:	1692
(i) If applicable, it satisfies the requirements of	1693
division (E) of section 3311.86 of the Revised Code;	1694
(ii) It is approved to do so by the department;	1695
(iii) It enters into an agreement with the department	1696
under section 3314.015 of the Revised Code.	1697
(e) A sponsoring authority designated by the board of	1698
trustees of any of the thirteen state universities listed in	1699
section 3345.011 of the Revised Code or the board of trustees	1700
itself as long as a mission of the proposed school to be	1701
specified in the contract under division (A) (2) of section	1702
3314.03 of the Revised Code and as approved by the department	1703
under division (B) (2) of section 3314.015 of the Revised Code	1704
will be the practical demonstration of teaching methods,	1705
educational technology, or other teaching practices that are	1706
included in the curriculum of the university's teacher	1707
preparation program approved by the state board of education;	1708
(f) Any qualified tax-exempt entity under section 501(c)	1709
(3) of the Internal Revenue Code as long as all of the following	1710
conditions are satisfied:	1711
(i) The entity has been in operation for at least five	1712
years prior to applying to be a community school sponsor.	1713
(ii) The entity has assets of at least five hundred	1714
thousand dollars and a demonstrated record of financial	1715
responsibility.	1716
(iii) The department has determined that the entity is an	1717
education-oriented entity under division (B) (3) of section	1718
3314.015 of the Revised Code and the entity has a demonstrated	1719

record of successful implementation of educational programs. 1720

(iv) The entity is not a community school. 1721

(g) The mayor of a city in which the majority of the 1722
territory of a school district to which section 3311.60 of the 1723
Revised Code applies is located, regardless of whether that 1724
district has created the position of independent auditor as 1725
prescribed by that section. The mayor's sponsorship authority 1726
under this division is limited to community schools that are 1727
located in that school district. Such mayor may sponsor 1728
community schools only with the approval of the city council of 1729
that city, after establishing standards with which community 1730
schools sponsored by the mayor must comply, and after entering 1731
into a sponsor agreement with the department as prescribed under 1732
section 3314.015 of the Revised Code. The mayor shall establish 1733
the standards for community schools sponsored by the mayor not 1734
later than one hundred eighty days after July 15, 2013, and 1735
shall submit them to the department upon their establishment. 1736
The department shall approve the mayor to sponsor community 1737
schools in the district, upon receipt of an application by the 1738
mayor to do so. Not later than ninety days after the 1739
department's approval of the mayor as a community school 1740
sponsor, the department shall enter into the sponsor agreement 1741
with the mayor. 1742

Any entity described in division (C) (1) of this section 1743
may enter into a preliminary agreement pursuant to division (C) 1744
(2) of this section with the proposing person or group. 1745

(2) A preliminary agreement indicates the intention of an 1746
entity described in division (C) (1) of this section to sponsor 1747
the community school. A proposing person or group that has such 1748
a preliminary agreement may proceed to finalize plans for the 1749

school, establish a governing authority as described in division 1750
(E) of this section for the school, and negotiate a contract 1751
with the entity. Provided the proposing person or group adheres 1752
to the preliminary agreement and all provisions of this chapter, 1753
the entity shall negotiate in good faith to enter into a 1754
contract in accordance with section 3314.03 of the Revised Code. 1755

(3) A new start-up school that is established in a school 1756
district described in either division (A) (3) (b) or (d) of this 1757
section may continue in existence once the school district no 1758
longer meets the conditions described in either division, 1759
provided there is a valid contract between the school and a 1760
sponsor. 1761

(4) A copy of every preliminary agreement entered into 1762
under this division shall be filed with the superintendent of 1763
public instruction. 1764

(D) A majority vote of the board of a sponsoring entity 1765
and a majority vote of the members of the governing authority of 1766
a community school shall be required to adopt a contract and 1767
convert the public school or educational service center building 1768
to a community school or establish the new start-up school. 1769
Beginning September 29, 2005, adoption of the contract shall 1770
occur not later than the fifteenth day of March, and signing of 1771
the contract shall occur not later than the fifteenth day of 1772
May, prior to the school year in which the school will open. The 1773
governing authority shall notify the department of education 1774
when the contract has been signed. Subject to sections 3314.013 1775
and 3314.016 of the Revised Code, an unlimited number of 1776
community schools may be established in any school district 1777
provided that a contract is entered into for each community 1778
school pursuant to this chapter. 1779

(E) (1) As used in this division, "immediate relatives" are 1780
limited to spouses, children, parents, grandparents, siblings, 1781
and in-laws. 1782

Each new start-up community school established under this 1783
chapter shall be under the direction of a governing authority 1784
which shall consist of a board of not less than five 1785
individuals. 1786

No person shall serve on the governing authority or 1787
operate the community school under contract with the governing 1788
authority so long as the person owes the state any money or is 1789
in a dispute over whether the person owes the state any money 1790
concerning the operation of a community school that has closed. 1791

(2) No person shall serve on the governing authorities of 1792
more than five start-up community schools at the same time. 1793

(3) No present or former member, or immediate relative of 1794
a present or former member, of the governing authority of any 1795
community school established under this chapter shall be an 1796
owner, employee, or consultant of any sponsor or operator of a 1797
community school, unless at least one year has elapsed since the 1798
conclusion of the person's membership. 1799

(4) The governing authority of a start-up community school 1800
may provide by resolution for the compensation of its members. 1801
However, no individual who serves on the governing authority of 1802
a start-up community school shall be compensated more than four 1803
hundred twenty-five dollars per meeting of that governing 1804
authority and no such individual shall be compensated more than 1805
a total amount of five thousand dollars per year for all 1806
governing authorities upon which the individual serves. 1807

(5) No person who is the employee of a school district or 1808

educational service center shall serve on the governing 1809
authority of any community school sponsored by that school 1810
district or service center. 1811

(6) Each member of the governing authority of a community 1812
school shall annually file a disclosure statement setting forth 1813
the names of any immediate relatives or business associates 1814
employed by any of the following within the previous three 1815
years: 1816

(a) The sponsor or operator of that community school; 1817

(b) A school district or educational service center that 1818
has contracted with that community school; 1819

(c) A vendor that is currently engaged in business or has 1820
previously engaged in business with that community school. 1821

(7) No person who is a member of a school district board 1822
of education shall serve on the governing authority of any 1823
community school. 1824

(8) Each sponsor of a community school shall annually 1825
verify that a finding for recovery has not been issued by the 1826
auditor of state against any member of the governing authority 1827
of that community school. 1828

(F) (1) A new start-up school that is established prior to 1829
August 15, 2003, in an urban school district that is not also a 1830
big-eight school district may continue to operate after that 1831
date and the contract between the school's governing authority 1832
and the school's sponsor may be renewed, as provided under this 1833
chapter, after that date, but no additional new start-up schools 1834
may be established in such a district unless the district is a 1835
challenged school district as defined in this section as it 1836
exists on and after that date. 1837

(2) A community school that was established prior to June 1838
29, 1999, and is located in a county contiguous to the pilot 1839
project area and in a school district that is not a challenged 1840
school district may continue to operate after that date, 1841
provided the school complies with all provisions of this 1842
chapter. The contract between the school's governing authority 1843
and the school's sponsor may be renewed, but no additional 1844
start-up community school may be established in that district 1845
unless the district is a challenged school district. 1846

(3) Any educational service center that, on June 30, 2007, 1847
sponsors a community school that is not located in a county 1848
within the territory of the service center or in a county 1849
contiguous to such county may continue to sponsor that community 1850
school on and after June 30, 2007, and may renew its contract 1851
with the school. However, the educational service center shall 1852
not enter into a contract with any additional community school, 1853
unless the school is located in a county within the territory of 1854
the service center or in a county contiguous to such county, or 1855
unless the governing board of the service center has entered 1856
into an agreement with the department authorizing the service 1857
center to sponsor a community school in any challenged school 1858
district in the state. 1859

Sec. 3314.023. In order to provide monitoring and 1860
technical assistance, a representative of the sponsor of a 1861
community school shall meet with the governing authority or 1862
fiscal officer of the school and shall review the financial and 1863
enrollment records of the school at least once every month. Not 1864
later than ten days after each review, the sponsor shall provide 1865
the governing authority and fiscal officer with a written report 1866
regarding the review. Copies of those financial and enrollment 1867
records shall be furnished to the community school sponsor and 1868

operator, members of the governing authority, and the fiscal 1869
officer designated in section 3314.011 of the Revised Code on a 1870
monthly basis. 1871

If a community school closes or is permanently closed, the 1872
designated fiscal officer shall deliver all financial and 1873
enrollment records to the school's sponsor within thirty days of 1874
the school's closure. If the fiscal officer fails to provide the 1875
records in a timely manner, the sponsor has the right of action 1876
against the fiscal officer to compel delivery of all financial 1877
and enrollment records of the school. 1878

Sec. 3314.025. (A) Each sponsor of a community school 1879
shall annually submit a report, using the format and manner 1880
prescribed by the state board of education as set forth in 1881
division (B) of this section, describing the amount and type of 1882
expenditures made to provide oversight and technical assistance 1883
to the community schools it sponsors. The report shall also be 1884
submitted to the operator of the community school. 1885

(B) Not later than ninety days after the effective date of 1886
this section, the state board of education shall establish 1887
requirements and a reporting procedure to aide each sponsor in 1888
complying with division (A) of this section. 1889

Sec. 3314.029. This section establishes the Ohio school 1890
sponsorship program. The department of education shall establish 1891
an office of Ohio school sponsorship to perform the department's 1892
duties prescribed by this section. 1893

(A) (1) Notwithstanding anything to the contrary in this 1894
chapter, any person, group of individuals, or entity may apply 1895
to the department for direct authorization to establish a 1896
community school and, upon approval of the application, may 1897

establish the school. Notwithstanding anything to the contrary 1898
in this chapter, the governing authority of an existing 1899
community school, upon the expiration or termination of its 1900
contract with the school's sponsor entered into under section 1901
3314.03 of the Revised Code, may apply to the department for 1902
direct authorization to continue operating the school and, upon 1903
approval of the application, may continue to operate the school. 1904
The department may establish a format and deadlines for an 1905
application. 1906

Each application submitted to the department shall include 1907
the following: 1908

(a) Evidence that the applicant will be able to comply 1909
with division (C) of this section; 1910

(b) A statement indicating that the applicant agrees to 1911
comply with all applicable provisions of this chapter, including 1912
the requirement to be established as a nonprofit corporation or 1913
public benefit corporation in accordance with division (A)(1) of 1914
section 3314.03 of the Revised Code; 1915

(c) A statement attesting that no unresolved finding of 1916
recovery has been issued by the auditor of state against any 1917
person, group of individuals, or entity that is a party to the 1918
application and that no person who is party to the application 1919
has been a member of the governing authority of any community 1920
school that has permanently closed and against which an 1921
unresolved finding of recovery has been issued by the auditor of 1922
state. In the case of an application submitted by the governing 1923
authority of an existing community school, a person who is party 1924
to the application shall include each individual member of that 1925
governing authority. 1926

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

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

(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A) (10) of section 3314.03 of the Revised Code;

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

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

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to

attract, the ages and grade levels of students, and the focus of the curriculum; 1956
1957

(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code; 1958
1959
1960

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A) (5) and (6) of section 3314.03 of the Revised Code; 1961
1962
1963

(iv) The school's business plan, including a five-year financial forecast; 1964
1965

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 1966
1967
1968

(vi) The school's 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; 1969
1970
1971
1972

(vii) The facilities to be used by the school and their locations; 1973
1974

(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code. 1975
1976
1977
1978
1979
1980

(2) (a) Subject to ~~division~~ divisions (A) (2) (b) and (A) (3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the 1981
1982
1983

department determines that the application does not satisfy the requirements of division (A) (1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the application and provide the applicant with a written explanation of the reasons for the denial. ~~The~~

(b) Not later than December 31, 2015, the state board of education may adopt rules under Chapter 119. of the Revised Code for additional criteria necessary for application approval. If the state board adopts rules for additional criteria, the automatic approval for meeting all requirements of divisions (A) (1) (a) to (h) of this section, as prescribed by division (A) (2) (a) of this section, shall cease to apply in regard to applications for direct authorization under this section on and after July 1, 2016.

The department shall approve or deny each application based on the criteria adopted under division (A) (2) (b) of this section and the requirements of divisions (A) (1) (a) to (h) of this section.

(c) The denial of an application under divisions (A) (2) (a) and (b) of this section may be appealed in accordance with section 119.12 of the Revised Code.

(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty

applications for community schools to be established or to 2014
continue operation under division (A) of this section; however, 2015
of the twenty applications that may be approved each school 2016
year, only up to five may be for the establishment of new 2017
schools. 2018

(4) Notwithstanding division (A) (2) of this section, the 2019
department may deny an application submitted by the governing 2020
authority of an existing community school, if a previous sponsor 2021
of that school did not renew its contract or terminated its 2022
contract with the school entered into under section 3314.03 of 2023
the Revised Code. 2024

(5) If the department receives an application for direct 2025
authorization under this section for a school to be located in 2026
an alliance municipal school district, as defined in section 2027
3311.86 of the Revised Code, the transformation alliance of that 2028
district may offer a recommendation regarding that application. 2029
The department shall notify the transformation alliance of an 2030
application within fourteen days after receipt of the 2031
application. 2032

(B) The department and the governing authority of each 2033
community school authorized under this section shall enter into 2034
a contract under section 3314.03 of the Revised Code. 2035
Notwithstanding division (A) (13) of that section, the contract 2036
with an existing community school may begin at any time during 2037
the academic year. The length of the initial contract of any 2038
community school under this section may be for any term up to 2039
five years. The contract may be renewed in accordance with 2040
division (E) of that section. The contract may provide for the 2041
school's governing authority to pay a fee for oversight and 2042
monitoring of the school that does not exceed three per cent of 2043

the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the superintendent of public instruction a bond payable to the state or to file with the state superintendent a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

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

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

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

(A) Each contract entered into between a sponsor and the

governing authority of a community school shall specify the 2073
following: 2074

(1) That the school shall be established as either of the 2075
following: 2076

(a) A nonprofit corporation established under Chapter 2077
1702. of the Revised Code, if established prior to April 8, 2078
2003; 2079

(b) A public benefit corporation established under Chapter 2080
1702. of the Revised Code, if established after April 8, 2003. 2081

(2) The education program of the school, including the 2082
school's mission, the characteristics of the students the school 2083
is expected to attract, the ages and grades of students, and the 2084
focus of the curriculum; 2085

(3) The academic goals to be achieved and the method of 2086
measurement that will be used to determine progress toward those 2087
goals, which shall include the statewide achievement 2088
assessments; 2089

(4) Performance standards, including but not limited to 2090
all applicable report card measures set forth in section 3302.03 2091
or 3314.017 of the Revised Code, by which the success of the 2092
school will be evaluated by the sponsor; 2093

(5) The admission standards of section 3314.06 of the 2094
Revised Code and, if applicable, section 3314.061 of the Revised 2095
Code; 2096

(6) (a) Dismissal procedures; 2097

(b) A requirement that the governing authority adopt an 2098
attendance policy that includes a procedure for automatically 2099
withdrawing a student from the school if the student without a 2100

legitimate excuse fails to participate in one hundred five 2101
consecutive hours of the learning opportunities offered to the 2102
student. 2103

(7) The ways by which the school will achieve racial and 2104
ethnic balance reflective of the community it serves; 2105

(8) Requirements for financial audits by the auditor of 2106
state. The contract shall require financial records of the 2107
school to be maintained in the same manner as are financial 2108
records of school districts, pursuant to rules of the auditor of 2109
state. Audits shall be conducted in accordance with section 2110
117.10 of the Revised Code. 2111

(9) The An addendum to the contract outlining the 2112
facilities to be used and their locations, that contains at least 2113
the following information: 2114

(a) A detailed description of each facility used for 2115
instructional purposes; 2116

(b) The annual costs associated with leasing each facility 2117
that are paid by or on behalf of the school; 2118

(c) The annual mortgage principal and interest payments 2119
that are paid by the school; 2120

(d) The name of the lender or landlord, identified as 2121
such, and the lender's or landlord's relationship to the 2122
operator, if any. 2123

(10) Qualifications of teachers, including a requirement 2124
that the school's classroom teachers be licensed in accordance 2125
with sections 3319.22 to 3319.31 of the Revised Code, except 2126
that a community school may engage noncertificated persons to 2127
teach up to twelve hours per week pursuant to section 3319.301 2128

of the Revised Code. 2129

(11) That the school will comply with the following 2130
requirements: 2131

(a) The school will provide learning opportunities to a 2132
minimum of twenty-five students for a minimum of nine hundred 2133
twenty hours per school year. 2134

(b) The governing authority will purchase liability 2135
insurance, or otherwise provide for the potential liability of 2136
the school. 2137

(c) The school will be nonsectarian in its programs, 2138
admission policies, employment practices, and all other 2139
operations, and will not be operated by a sectarian school or 2140
religious institution. 2141

(d) The school will comply with sections 9.90, 9.91, 2142
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2143
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 2144
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 2145
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2146
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2147
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2148
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 2149
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 2150
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 2151
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 2152
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 2153
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 2154
it were a school district and will comply with section 3301.0714 2155
of the Revised Code in the manner specified in section 3314.17 2156
of the Revised Code. 2157

(e) The school shall comply with Chapter 102. and section 2158
2921.42 of the Revised Code. 2159

(f) The school will comply with sections 3313.61, 2160
3313.611, and 3313.614 of the Revised Code, except that for 2161
students who enter ninth grade for the first time before July 1, 2162
2010, the requirement in sections 3313.61 and 3313.611 of the 2163
Revised Code that a person must successfully complete the 2164
curriculum in any high school prior to receiving a high school 2165
diploma may be met by completing the curriculum adopted by the 2166
governing authority of the community school rather than the 2167
curriculum specified in Title XXXVIII of the Revised Code or any 2168
rules of the state board of education. Beginning with students 2169
who enter ninth grade for the first time on or after July 1, 2170
2010, the requirement in sections 3313.61 and 3313.611 of the 2171
Revised Code that a person must successfully complete the 2172
curriculum of a high school prior to receiving a high school 2173
diploma shall be met by completing the requirements prescribed 2174
in division (C) of section 3313.603 of the Revised Code, unless 2175
the person qualifies under division (D) or (F) of that section. 2176
Each school shall comply with the plan for awarding high school 2177
credit based on demonstration of subject area competency, 2178
adopted by the state board of education under division (J) of 2179
section 3313.603 of the Revised Code. 2180

(g) The school governing authority will submit within four 2181
months after the end of each school year a report of its 2182
activities and progress in meeting the goals and standards of 2183
divisions (A) (3) and (4) of this section and its financial 2184
status to the sponsor and the parents of all students enrolled 2185
in the school. 2186

(h) The school, unless it is an internet- or computer- 2187

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 3319.111 of the Revised Code as if it were a school district.

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

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

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

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

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

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

Revised Code;	2217
(17) Whether the school is to be created by converting all	2218
or part of an existing public school or educational service	2219
center building or is to be a new start-up school, and if it is	2220
a converted public school or service center building,	2221
specification of any duties or responsibilities of an employer	2222
that the board of education or service center governing board	2223
that operated the school or building before conversion is	2224
delegating to the governing authority of the community school	2225
with respect to all or any specified group of employees provided	2226
the delegation is not prohibited by a collective bargaining	2227
agreement applicable to such employees;	2228
(18) Provisions establishing procedures for resolving	2229
disputes or differences of opinion between the sponsor and the	2230
governing authority of the community school;	2231
(19) A provision requiring the governing authority to	2232
adopt a policy regarding the admission of students who reside	2233
outside the district in which the school is located. That policy	2234
shall comply with the admissions procedures specified in	2235
sections 3314.06 and 3314.061 of the Revised Code and, at the	2236
sole discretion of the authority, shall do one of the following:	2237
(a) Prohibit the enrollment of students who reside outside	2238
the district in which the school is located;	2239
(b) Permit the enrollment of students who reside in	2240
districts adjacent to the district in which the school is	2241
located;	2242
(c) Permit the enrollment of students who reside in any	2243
other district in the state.	2244
(20) A provision recognizing the authority of the	2245

department of education to take over the sponsorship of the 2246
school in accordance with the provisions of division (C) of 2247
section 3314.015 of the Revised Code; 2248

(21) A provision recognizing the sponsor's authority to 2249
assume the operation of a school under the conditions specified 2250
in division (B) of section 3314.073 of the Revised Code; 2251

(22) A provision recognizing both of the following: 2252

(a) The authority of public health and safety officials to 2253
inspect the facilities of the school and to order the facilities 2254
closed if those officials find that the facilities are not in 2255
compliance with health and safety laws and regulations; 2256

(b) The authority of the department of education as the 2257
community school oversight body to suspend the operation of the 2258
school under section 3314.072 of the Revised Code if the 2259
department has evidence of conditions or violations of law at 2260
the school that pose an imminent danger to the health and safety 2261
of the school's students and employees and the sponsor refuses 2262
to take such action. 2263

(23) A description of the learning opportunities that will 2264
be offered to students including both classroom-based and non- 2265
classroom-based learning opportunities that is in compliance 2266
with criteria for student participation established by the 2267
department under division (H) (2) of section 3314.08 of the 2268
Revised Code; 2269

(24) The school will comply with sections 3302.04 and 2270
3302.041 of the Revised Code, except that any action required to 2271
be taken by a school district pursuant to those sections shall 2272
be taken by the sponsor of the school. However, the sponsor 2273
shall not be required to take any action described in division 2274

(F) of section 3302.04 of the Revised Code. 2275

(25) Beginning in the 2006-2007 school year, the school 2276
will open for operation not later than the thirtieth day of 2277
September each school year, unless the mission of the school as 2278
specified under division (A) (2) of this section is solely to 2279
serve dropouts. In its initial year of operation, if the school 2280
fails to open by the thirtieth day of September, or within one 2281
year after the adoption of the contract pursuant to division (D) 2282
of section 3314.02 of the Revised Code if the mission of the 2283
school is solely to serve dropouts, the contract shall be void. 2284

(26) Whether the school's governing authority is planning 2285
to seek designation for the school as a STEM school equivalent 2286
under section 3326.032 of the Revised Code; 2287

(27) That the school's attendance and participation 2288
policies and records will be available for public inspection; 2289

(28) If a school operates using the blended learning 2290
model, as defined in section 3301.079 of the Revised Code, all 2291
of the following information: 2292

(a) An indication of what blended learning model or models 2293
will be used; 2294

(b) A description of how student instructional needs will 2295
be determined and documented; 2296

(c) The method to be used for determining competency, 2297
granting credit, and promoting students to a higher grade level; 2298

(d) The school's attendance requirements, including how 2299
the school will document participation in learning 2300
opportunities; 2301

(e) A statement describing how student progress will be 2302

<u>monitored;</u>	2303
<u>(f) A statement describing how private student data will</u>	2304
<u>be protected;</u>	2305
<u>(g) A description of the professional development</u>	2306
<u>activities that will be offered to teachers.</u>	2307
<u>(29) A provision requiring that all moneys the school's</u>	2308
<u>operator loans to the school, including facilities loans or cash</u>	2309
<u>flow assistance, must be accounted for, documented, and bear</u>	2310
<u>interest at a fair market rate.</u>	2311
(B) The community school shall also submit to the sponsor	2312
a comprehensive plan for the school. The plan shall specify the	2313
following:	2314
(1) The process by which the governing authority of the	2315
school will be selected in the future;	2316
(2) The management and administration of the school;	2317
(3) If the community school is a currently existing public	2318
school or educational service center building, alternative	2319
arrangements for current public school students who choose not	2320
to attend the converted school and for teachers who choose not	2321
to teach in the school or building after conversion;	2322
(4) The instructional program and educational philosophy	2323
of the school;	2324
(5) Internal financial controls.	2325
<u>When submitting the plan under this division, the school</u>	2326
<u>shall also submit copies of all policies and procedures</u>	2327
<u>regarding internal financial controls adopted by the governing</u>	2328
<u>authority of the school.</u>	2329

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

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

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

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

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

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

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 2359
the school to be on probationary status pursuant to section 2360
3314.073 of the Revised Code, suspend the operation of the 2361
school pursuant to section 3314.072 of the Revised Code, or 2362
terminate the contract of the school pursuant to section 3314.07 2363
of the Revised Code as determined necessary by the sponsor; 2364

(6) Have in place a plan of action to be undertaken in the 2365
event the community school experiences financial difficulties or 2366
closes prior to the end of a school year. 2367

(E) Upon the expiration of a contract entered into under 2368
this section, the sponsor of a community school may, with the 2369
approval of the governing authority of the school, renew that 2370
contract for a period of time determined by the sponsor, but not 2371
ending earlier than the end of any school year, if the sponsor 2372
finds that the school's compliance with applicable laws and 2373
terms of the contract and the school's progress in meeting the 2374
academic goals prescribed in the contract have been 2375
satisfactory. Any contract that is renewed under this division 2376
remains subject to the provisions of sections 3314.07, 3314.072, 2377
and 3314.073 of the Revised Code. 2378

(F) If a community school fails to open for operation 2379
within one year after the contract entered into under this 2380
section is adopted pursuant to division (D) of section 3314.02 2381
of the Revised Code or permanently closes prior to the 2382
expiration of the contract, the contract shall be void and the 2383
school shall not enter into a contract with any other sponsor. A 2384
school shall not be considered permanently closed because the 2385
operations of the school have been suspended pursuant to section 2386
3314.072 of the Revised Code. 2387

Sec. 3314.031. (A) Beginning December 31, 2015, the 2388

department of education shall do the following: 2389

(1) Maintain an accurate record of the names and 2390
identifying information of all entities that have entered into a 2391
contract with the governing authority of a community school to 2392
manage or operate that school; 2393

(2) Receive from the governing authority of each community 2394
school a copy of the contract between a governing authority and 2395
its operator. A copy of each contract shall be made available on 2396
the department's web site. 2397

(B) Not later than July 1, 2016, the department shall 2398
develop and publish an annual performance report for all 2399
operators of community schools in the state. The report shall be 2400
made available on the department's web site. 2401

(C) The department shall include the performance report 2402
obtained pursuant to division (B) of this section in the 2403
department's annual report required by division (A) (4) of 2404
section 3314.015 of the Revised Code. 2405

(D) For purposes of this section, "operator" has the same 2406
meaning as in division (A) (8) of section 3314.02 of the Revised 2407
Code. 2408

Sec. 3314.032. (A) On and after the effective date of this 2409
section, any new or renewed contract between the governing 2410
authority of a community school and an operator shall include at 2411
least the following: 2412

(1) Criteria to be used for early termination of the 2413
operator contract; 2414

(2) Required notification procedures and timeline for 2415
early termination or nonrenewal of the operator contract; 2416

(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. 2417
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(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. 2422
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Sec. 3314.034. On and after December 31, 2015, any community school that has had more than one sponsor in the previous five years and to which either of the following conditions apply shall first receive approval from the department of education before it may enter into a contract with a new sponsor: 2432
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(A) The community school has received a grade of "D" or "F" for the performance index score, under division (C) (1) (b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the state board, under division (C) (1) (e) of that section, on the most recent report card issued for the school pursuant to that section. 2438
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(B) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery 2445
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program, and it has received a rating of "does not meet 2447
standards" for the annual student growth measure and combined 2448
graduation rates on the most recent report card issued for the 2449
school under section 3314.017 of the Revised Code. 2450

Sec. 3314.035. Each community school shall post on the 2451
school's web site the name of each member of the school's 2452
governing authority. Each community school also shall provide, 2453
upon request, the name and address of each member of the 2454
governing authority to the sponsor of the school and the 2455
department of education. 2456

Sec. 3314.036. The governing authority of a community 2457
school shall employ an attorney, who shall be independent from 2458
the school's sponsor or the operator with which the school has 2459
contracted, for any services related to the negotiation of the 2460
community school's contract with the sponsor or the school's 2461
contract with the operator. 2462

Sec. 3314.037. The members of the governing authority of a 2463
community school, the designated fiscal officer of the school, 2464
the chief administrative officer and other administrative 2465
employees of the school, and all individuals performing 2466
supervisory or administrative services for the school under a 2467
contract with the operator of the school shall complete training 2468
on an annual basis on the public records and open meetings laws, 2469
so that they may comply with those laws as prescribed by 2470
division (A)(11)(d) of section 3314.03 of the Revised Code. 2471

Sec. 3314.038. Each community school shall annually submit 2472
to the department of education and auditor of state a report of 2473
each instance under which a student who is enrolled in that 2474
community school resides in a children's residential center as 2475
defined under section 5103.05 of the Revised Code. 2476

Sec. 3314.039. Notwithstanding anything in the Revised Code to the contrary, beginning on the effective date of this section, no community school shall change sponsors within its first four years of operation, unless the department of education authorizes the school to do so.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section 3314.08 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A) (2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3314.08 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals

younger than five years of age, but the school shall not receive 2506
funds under this chapter for those individuals. Notwithstanding 2507
anything to the contrary in this chapter, individuals younger 2508
than five years of age who are enrolled in a Montessori program 2509
shall be offered at least four hundred fifty-five hours of 2510
learning opportunities per school year. 2511

If the school operates a preschool program that is 2512
licensed by the department of education under sections 3301.52 2513
to 3301.59 of the Revised Code, admission to the school may be 2514
open to individuals younger than five years of age, but the 2515
school shall not receive funds under this chapter for those 2516
individuals. 2517

(B) (1) That admission to the school may be limited to 2518
students who have attained a specific grade level or are within 2519
a specific age group; to students that meet a definition of "at- 2520
risk," as defined in the contract; to residents of a specific 2521
geographic area within the district, as defined in the contract; 2522
or to separate groups of autistic students and nondisabled 2523
students, as authorized in section 3314.061 of the Revised Code 2524
and as defined in the contract. 2525

(2) For purposes of division (B) (1) of this section, "at- 2526
risk" students may include those students identified as gifted 2527
students under section 3324.03 of the Revised Code. 2528

(C) Whether enrollment is limited to students who reside 2529
in the district in which the school is located or is open to 2530
residents of other districts, as provided in the policy adopted 2531
pursuant to the contract. 2532

(D) (1) That there will be no discrimination in the 2533
admission of students to the school on the basis of race, creed, 2534

color, disability, or sex except that:	2535
(a) The governing authority may do either of the following	2536
for the purpose described in division (G) of this section:	2537
(i) Establish a single-gender school for either sex;	2538
(ii) Establish single-gender schools for each sex under	2539
the same contract, provided substantially equal facilities and	2540
learning opportunities are offered for both boys and girls. Such	2541
facilities and opportunities may be offered for each sex at	2542
separate locations.	2543
(b) The governing authority may establish a school that	2544
simultaneously serves a group of students identified as autistic	2545
and a group of students who are not disabled, as authorized in	2546
section 3314.061 of the Revised Code. However, unless the total	2547
capacity established for the school has been filled, no student	2548
with any disability shall be denied admission on the basis of	2549
that disability.	2550
(2) That upon admission of any student with a disability,	2551
the community school will comply with all federal and state laws	2552
regarding the education of students with disabilities.	2553
(E) That the school may not limit admission to students on	2554
the basis of intellectual ability, measures of achievement or	2555
aptitude, or athletic ability, except that a school may limit	2556
its enrollment to students as described in division (B) of this	2557
section.	2558
(F) That the community school will admit the number of	2559
students that does not exceed the capacity of the school's	2560
programs, classes, grade levels, or facilities.	2561
(G) That the purpose of single-gender schools that are	2562

established shall be to take advantage of the academic benefits 2563
some students realize from single-gender instruction and 2564
facilities and to offer students and parents residing in the 2565
district the option of a single-gender education. 2566

(H) That, except as otherwise provided under division (B) 2567
of this section or section 3314.061 of the Revised Code, if the 2568
number of applicants exceeds the capacity restrictions of 2569
division (F) of this section, students shall be admitted by lot 2570
from all those submitting applications, except preference shall 2571
be given to students attending the school the previous year and 2572
to students who reside in the district in which the school is 2573
located. Preference may be given to siblings of students 2574
attending the school the previous year. 2575

Notwithstanding divisions (A) to (H) of this section, in 2576
the event the racial composition of the enrollment of the 2577
community school is violative of a federal desegregation order, 2578
the community school shall take any and all corrective measures 2579
to comply with the desegregation order. 2580

Sec. 3314.07. (A) The expiration of the contract for a 2581
community school between a sponsor and a school shall be the 2582
date provided in the contract. A successor contract may be 2583
entered into pursuant to division (E) of section 3314.03 of the 2584
Revised Code unless the contract is terminated or not renewed 2585
pursuant to this section. 2586

(B) (1) A sponsor may choose not to renew a contract at its 2587
expiration or may choose to terminate a contract prior to its 2588
expiration for any of the following reasons: 2589

(a) Failure to meet student performance requirements 2590
stated in the contract; 2591

(b) Failure to meet generally accepted standards of fiscal management;	2592 2593
(c) Violation of any provision of the contract or applicable state or federal law;	2594 2595
(d) Other good cause.	2596
(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.	2597 2598 2599
(3) Not later than the first day of February <u>December</u> in the year in which the sponsor intends to terminate or take actions not to renew the community school's contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within fourteen days of the receipt of a request for the hearing. Not later than fourteen days after the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract.	2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613
(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The notice of appeal shall be filed with the state board not later than fourteen days following receipt of the sponsor's written decision to terminate the contract. Within sixty days of receipt of the notice of appeal, the state board shall conduct a hearing and issue a written decision on the appeal. The written decision	2614 2615 2616 2617 2618 2619 2620

of the state board shall include the reasons for affirming or 2621
rescinding the decision of the sponsor. The decision by the 2622
state board pertaining to an appeal under this division is 2623
final. If the sponsor is the state board, its decision to 2624
terminate a contract under division (B) (3) of this section shall 2625
be final. 2626

(5) The termination of a contract under this section shall 2627
be effective upon the occurrence of the later of the following 2628
events: 2629

(a) The date the sponsor notifies the school of its 2630
decision to terminate the contract as prescribed in division (B) 2631
(3) of this section; 2632

(b) If an informal hearing is requested under division (B) 2633
(3) of this section and as a result of that hearing the sponsor 2634
affirms its decision to terminate the contract, the effective 2635
date of the termination specified in the notice issued under 2636
division (B) (3) of this section, or if that decision is appealed 2637
to the state board under division (B) (4) of this section and the 2638
state board affirms that decision, the date established in the 2639
resolution of the state board affirming the sponsor's decision. 2640

(6) Any community school whose contract is terminated 2641
under division (B) of this section shall close permanently at 2642
the end of the current school year or on a date specified in the 2643
notification of termination under division (B) (3) of this 2644
section. Any community school whose contract is terminated under 2645
this division shall not enter into a contract with any other 2646
sponsor. 2647

(C) A child attending a community school whose contract 2648
has been terminated, nonrenewed, or suspended or that closes for 2649

any reason shall be admitted to the schools of the district in 2650
which the child is entitled to attend under section 3313.64 or 2651
3313.65 of the Revised Code. Any deadlines established for the 2652
purpose of admitting students under section 3313.97 or 3313.98 2653
of the Revised Code shall be waived for students to whom this 2654
division pertains. 2655

(D) If a community school does not intend to renew a 2656
contract with its sponsor, the community school shall notify its 2657
sponsor in writing of that fact at least one hundred eighty days 2658
prior to the expiration of the contract. Such a community school 2659
may enter into a contract with a new sponsor in accordance with 2660
section 3314.03 of the Revised Code upon the expiration of the 2661
previous contract. 2662

(E) A sponsor of a community school and the officers, 2663
directors, or employees of such a sponsor are immune from civil 2664
liability for any action authorized under this chapter or the 2665
contract entered into with the school under section 3314.03 of 2666
the Revised Code that is taken to fulfill the sponsor's 2667
responsibility to oversee and monitor the school. The sponsor 2668
and its officers, directors, or employees are not liable in 2669
damages in a tort or other civil action for harm allegedly 2670
arising from either of the following: 2671

(1) A failure of the community school or any of its 2672
officers, directors, or employees to perform any statutory or 2673
common law duty or responsibility or any other legal obligation; 2674

(2) An action or omission of the community school or any 2675
of its officers, directors, or employees that results in harm. 2676

(F) As used in this section: 2677

(1) "Harm" means injury, death, or loss to person or 2678

property. 2679

(2) "Tort action" means a civil action for damages for 2680
injury, death, or loss to person or property other than a civil 2681
action for damages for a breach of contract or another agreement 2682
between persons. 2683

Sec. 3314.074. Divisions (A) and (B) of this section apply 2684
only to the extent permitted under Chapter 1702. of the Revised 2685
Code. 2686

(A) If any community school established under this chapter 2687
permanently closes and ceases its operation as a community 2688
school, the assets of that school shall be distributed first to 2689
the retirement funds of employees of the school, employees of 2690
the school, and private creditors who are owed compensation, and 2691
then any remaining funds shall be paid to the department of 2692
education for redistribution to the school districts in which 2693
the students who were enrolled in the school at the time it 2694
ceased operation were entitled to attend school under section 2695
3313.64 or 3313.65 of the Revised Code. The amount distributed 2696
to each school district shall be proportional to the district's 2697
share of the total enrollment in the community school. 2698

(B) If a community school closes and ceases to operate as 2699
a community school and the school has received computer hardware 2700
or software from the former Ohio SchoolNet commission or the 2701
former eTech Ohio commission, such hardware or software shall be 2702
turned over to the department of education, which shall 2703
redistribute the hardware and software, to the extent such 2704
redistribution is possible, to school districts in conformance 2705
with the provisions of the programs as they were operated and 2706
administered by the former eTech Ohio commission. 2707

(C) If the assets of the school are insufficient to pay 2708
all persons or entities to whom compensation is owed, the 2709
prioritization of the distribution of the assets to individual 2710
persons or entities within each class of payees may be 2711
determined by decree of a court in accordance with this section 2712
and Chapter 1702. of the Revised Code. 2713

(D) A community school that engages in a merger or 2714
consolidation pursuant to division (B) of section 1702.41 of the 2715
Revised Code and becomes a single public benefit corporation 2716
shall not be required to distribute assets pursuant to divisions 2717
(A), (B), and (C) of this section, provided that the governing 2718
authority of the community school created by the merger or 2719
consolidation enters into a contract for sponsorship under 2720
section 3314.03 of the Revised Code with an entity rated as 2721
"exemplary" by the department of education pursuant to section 2722
3314.016 of the Revised Code. 2723

Sec. 3314.08. (A) As used in this section: 2724

(1) (a) "Category one career-technical education student" 2725
means a student who is receiving the career-technical education 2726
services described in division (A) of section 3317.014 of the 2727
Revised Code. 2728

(b) "Category two career-technical student" means a 2729
student who is receiving the career-technical education services 2730
described in division (B) of section 3317.014 of the Revised 2731
Code. 2732

(c) "Category three career-technical student" means a 2733
student who is receiving the career-technical education services 2734
described in division (C) of section 3317.014 of the Revised 2735
Code. 2736

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

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

(2) (a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(3) (a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(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.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(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.

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(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.	2794
(2) The governing authority of each community school established under this chapter to annually report all of the following:	2795 2796 2797
(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;	2798 2799 2800 2801
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	2802 2803 2804 2805
(c) The number of students reported under division (B) (2) (b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	2806 2807 2808 2809
(d) The full-time equivalent number of students reported under divisions (B) (2) (a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	2810 2811 2812 2813 2814
(e) The number of students reported under divisions (B) (2) (a) and (b) of this section who are not reported under division (B) (2) (d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	2815 2816 2817 2818 2819 2820 2821 2822

(f) The number of students reported under divisions (B) (2)	2823
(a) and (b) of this section who are category one to three	2824
limited English proficient students described in each of	2825
divisions (A) to (C) of section 3317.016 of the Revised Code;	2826
(g) The number of students reported under divisions (B) (2)	2827
(a) and (b) who are economically disadvantaged, as defined by	2828
the department. A student shall not be categorically excluded	2829
from the number reported under division (B) (2) (g) of this	2830
section based on anything other than family income.	2831
(h) For each student, the city, exempted village, or local	2832
school district in which the student is entitled to attend	2833
school under section 3313.64 or 3313.65 of the Revised Code;	2834
<u>(i) The number of students enrolled in a preschool program</u>	2835
<u>operated by the school that is licensed by the department of</u>	2836
<u>education under sections 3301.52 to 3301.59 of the Revised Code</u>	2837
<u>who are not receiving special education and related services</u>	2838
<u>pursuant to an IEP.</u>	2839
A school district board and a community school governing	2840
authority shall include in their respective reports under	2841
division (B) of this section any child admitted in accordance	2842
with division (A) (2) of section 3321.01 of the Revised Code.	2843
A governing authority of a community school shall not	2844
include in its report under division (B) (2) <u>divisions (B) (2) (a)</u>	2845
<u>to (h)</u> of this section any student for whom tuition is charged	2846
under division (F) of this section.	2847
(C) (1) Except as provided in division (C) (2) of this	2848
section, and subject to divisions (C) (3), (4), (5), (6), and (7)	2849
of this section, on a full-time equivalency basis, for each	2850
student enrolled in a community school established under this	2851

chapter, the department of education annually shall deduct from 2852
the state education aid of a student's resident district and, if 2853
necessary, from the payment made to the district under sections 2854
321.24 and 323.156 of the Revised Code and pay to the community 2855
school the sum of the following: 2856

(a) An opportunity grant in an amount equal to the formula 2857
amount; 2858

(b) The per pupil amount of targeted assistance funds 2859
calculated under division (A) of section 3317.0217 of the 2860
Revised Code for the student's resident district, as determined 2861
by the department, X 0.25; 2862

(c) Additional state aid for special education and related 2863
services provided under Chapter 3323. of the Revised Code as 2864
follows: 2865

(i) If the student is a category one special education 2866
student, the amount specified in division (A) of section 2867
3317.013 of the Revised Code; 2868

(ii) If the student is a category two special education 2869
student, the amount specified in division (B) of section 2870
3317.013 of the Revised Code; 2871

(iii) If the student is a category three special education 2872
student, the amount specified in division (C) of section 2873
3317.013 of the Revised Code; 2874

(iv) If the student is a category four special education 2875
student, the amount specified in division (D) of section 2876
3317.013 of the Revised Code; 2877

(v) If the student is a category five special education 2878
student, the amount specified in division (E) of section 2879

3317.013 of the Revised Code;	2880
(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.	2881 2882 2883
(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;	2884 2885 2886
(e) If the student is economically disadvantaged, an additional amount equal to the following:	2887 2888
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	2889 2890
(f) Limited English proficiency funds as follows:	2891
(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;	2892 2893 2894
(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;	2895 2896 2897
(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.	2898 2899 2900
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	2901 2902
(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;	2903 2904 2905
(ii) If the student is a category two career-technical	2906

education student, the amount specified in division (B) of 2907
section 3317.014 of the Revised Code; 2908

(iii) If the student is a category three career-technical 2909
education student, the amount specified in division (C) of 2910
section 3317.014 of the Revised Code; 2911

(iv) If the student is a category four career-technical 2912
education student, the amount specified in division (D) of 2913
section 3317.014 of the Revised Code; 2914

(v) If the student is a category five career-technical 2915
education student, the amount specified in division (E) of 2916
section 3317.014 of the Revised Code. 2917

Deduction and payment of funds under division (C) (1) (g) of 2918
this section is subject to approval by the lead district of a 2919
career-technical planning district or the department of 2920
education under section 3317.161 of the Revised Code. 2921

(2) When deducting from the state education aid of a 2922
student's resident district for students enrolled in an 2923
internet- or computer-based community school and making payments 2924
to such school under this section, the department shall make the 2925
deductions and payments described in only divisions (C) (1) (a), 2926
(c), and (g) of this section. 2927

No deductions or payments shall be made for a student 2928
enrolled in such school under division (C) (1) (b), (d), (e), or 2929
(f) of this section. 2930

(3) (a) If a community school's costs for a fiscal year for 2931
a student receiving special education and related services 2932
pursuant to an IEP for a disability described in divisions (B) 2933
to (F) of section 3317.013 of the Revised Code exceed the 2934
threshold catastrophic cost for serving the student as specified 2935

in division (B) of section 3317.0214 of the Revised Code, the 2936
school may submit to the superintendent of public instruction 2937
documentation, as prescribed by the superintendent, of all its 2938
costs for that student. Upon submission of documentation for a 2939
student of the type and in the manner prescribed, the department 2940
shall pay to the community school an amount equal to the 2941
school's costs for the student in excess of the threshold 2942
catastrophic costs. 2943

(b) The community school shall report under division (C) 2944
(3)(a) of this section, and the department shall pay for, only 2945
the costs of educational expenses and the related services 2946
provided to the student in accordance with the student's 2947
individualized education program. Any legal fees, court costs, 2948
or other costs associated with any cause of action relating to 2949
the student may not be included in the amount. 2950

(4) In any fiscal year, a community school receiving funds 2951
under division (C)(1)(g) of this section shall spend those funds 2952
only for the purposes that the department designates as approved 2953
for career-technical education expenses. Career-technical 2954
education expenses approved by the department shall include only 2955
expenses connected to the delivery of career-technical 2956
programming to career-technical students. The department shall 2957
require the school to report data annually so that the 2958
department may monitor the school's compliance with the 2959
requirements regarding the manner in which funding received 2960
under division (C)(1)(g) of this section may be spent. 2961

(5) All funds received under division (C)(1)(g) of this 2962
section shall be spent in the following manner: 2963

(a) At least seventy-five per cent of the funds shall be 2964
spent on curriculum development, purchase, and implementation; 2965

instructional resources and supplies; industry-based program 2966
certification; student assessment, credentialing, and placement; 2967
curriculum specific equipment purchases and leases; career- 2968
technical student organization fees and expenses; home and 2969
agency linkages; work-based learning experiences; professional 2970
development; and other costs directly associated with career- 2971
technical education programs including development of new 2972
programs. 2973

(b) Not more than twenty-five per cent of the funds shall 2974
be used for personnel expenditures. 2975

(6) A community school shall spend the funds it receives 2976
under division (C) (1) (e) of this section in accordance with 2977
section 3317.25 of the Revised Code. 2978

(7) If the sum of the payments computed under divisions 2979
(C) (1) and (8) (a) of this section for the students entitled to 2980
attend school in a particular school district under sections 2981
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 2982
district's state education aid and its payment under sections 2983
321.24 and 323.156 of the Revised Code, the department shall 2984
calculate and apply a proration factor to the payments to all 2985
community schools under that division for the students entitled 2986
to attend school in that district. 2987

(8) (a) Subject to division (C) (7) of this section, the 2988
department annually shall pay to each community school, 2989
including each internet- or computer-based community school, an 2990
amount equal to the following: 2991

(The number of students reported by the community school 2992
under division (B) (2) (e) of this section X the formula amount 2993
X .20) 2994

(b) For each payment made to a community school under 2995
division (C) (8) (a) of this section, the department shall deduct 2996
from the state education aid of each city, local, and exempted 2997
village school district and, if necessary, from the payment made 2998
to the district under sections 321.24 and 323.156 of the Revised 2999
Code an amount equal to the following: 3000

(The number of the district's students reported by the 3001
community school under division (B) (2) (e) of this section X the 3002
formula amount X .20) 3003

(D) A board of education sponsoring a community school may 3004
utilize local funds to make enhancement grants to the school or 3005
may agree, either as part of the contract or separately, to 3006
provide any specific services to the community school at no cost 3007
to the school. 3008

(E) A community school may not levy taxes or issue bonds 3009
secured by tax revenues. 3010

(F) No community school shall charge tuition for the 3011
enrollment of any student who is a resident of this state. A 3012
community school may charge tuition for the enrollment of any 3013
student who is not a resident of this state. 3014

(G) (1) (a) A community school may borrow money to pay any 3015
necessary and actual expenses of the school in anticipation of 3016
the receipt of any portion of the payments to be received by the 3017
school pursuant to division (C) of this section. The school may 3018
issue notes to evidence such borrowing. The proceeds of the 3019
notes shall be used only for the purposes for which the 3020
anticipated receipts may be lawfully expended by the school. 3021

(b) A school may also borrow money for a term not to 3022
exceed fifteen years for the purpose of acquiring facilities. 3023

(2) Except for any amount guaranteed under section 3318.50 3024
of the Revised Code, the state is not liable for debt incurred 3025
by the governing authority of a community school. 3026

(H) The department of education shall adjust the amounts 3027
subtracted and paid under division (C) of this section to 3028
reflect any enrollment of students in community schools for less 3029
than the equivalent of a full school year. The state board of 3030
education within ninety days after April 8, 2003, shall adopt in 3031
accordance with Chapter 119. of the Revised Code rules governing 3032
the payments to community schools under this section including 3033
initial payments in a school year and adjustments and reductions 3034
made in subsequent periodic payments to community schools and 3035
corresponding deductions from school district accounts as 3036
provided under division (C) of this section. For purposes of 3037
this section: 3038

(1) A student shall be considered enrolled in the 3039
community school for any portion of the school year the student 3040
is participating at a college under Chapter 3365. of the Revised 3041
Code. 3042

(2) A student shall be considered to be enrolled in a 3043
community school for the period of time beginning on the later 3044
of the date on which the school both has received documentation 3045
of the student's enrollment from a parent and the student has 3046
commenced participation in learning opportunities as defined in 3047
the contract with the sponsor, or thirty days prior to the date 3048
on which the student is entered into the education management 3049
information system established under section 3301.0714 of the 3050
Revised Code. For purposes of applying this division and 3051
divisions (H) (3) and (4) of this section to a community school 3052
student, "learning opportunities" shall be defined in the 3053

contract, which shall describe both classroom-based and non- 3054
classroom-based learning opportunities and shall be in 3055
compliance with criteria and documentation requirements for 3056
student participation which shall be established by the 3057
department. Any student's instruction time in non-classroom- 3058
based learning opportunities shall be certified by an employee 3059
of the community school. A student's enrollment shall be 3060
considered to cease on the date on which any of the following 3061
occur: 3062

(a) The community school receives documentation from a 3063
parent terminating enrollment of the student. 3064

(b) The community school is provided documentation of a 3065
student's enrollment in another public or private school. 3066

(c) The community school ceases to offer learning 3067
opportunities to the student pursuant to the terms of the 3068
contract with the sponsor or the operation of any provision of 3069
this chapter. 3070

Except as otherwise specified in this paragraph, beginning 3071
in the 2011-2012 school year, any student who completed the 3072
prior school year in an internet- or computer-based community 3073
school shall be considered to be enrolled in the same school in 3074
the subsequent school year until the student's enrollment has 3075
ceased as specified in division (H)(2) of this section. The 3076
department shall continue subtracting and paying amounts for the 3077
student under division (C) of this section without interruption 3078
at the start of the subsequent school year. However, if the 3079
student without a legitimate excuse fails to participate in the 3080
first one hundred five consecutive hours of learning 3081
opportunities offered to the student in that subsequent school 3082
year, the student shall be considered not to have re-enrolled in 3083

the school for that school year and the department shall 3084
recalculate the payments to the school for that school year to 3085
account for the fact that the student is not enrolled. 3086

(3) The department shall determine each community school 3087
student's percentage of full-time equivalency based on the 3088
percentage of learning opportunities offered by the community 3089
school to that student, reported either as number of hours or 3090
number of days, is of the total learning opportunities offered 3091
by the community school to a student who attends for the 3092
school's entire school year. However, no internet- or computer- 3093
based community school shall be credited for anytime a student 3094
spends participating in learning opportunities beyond ten hours 3095
within any period of twenty-four consecutive hours. Whether it 3096
reports hours or days of learning opportunities, each community 3097
school shall offer not less than nine hundred twenty hours of 3098
learning opportunities during the school year. 3099

(4) With respect to the calculation of full-time 3100
equivalency under division (H) (3) of this section, the 3101
department shall waive the number of hours or days of learning 3102
opportunities not offered to a student because the community 3103
school was closed during the school year due to disease 3104
epidemic, hazardous weather conditions, law enforcement 3105
emergencies, inoperability of school buses or other equipment 3106
necessary to the school's operation, damage to a school 3107
building, or other temporary circumstances due to utility 3108
failure rendering the school building unfit for school use, so 3109
long as the school was actually open for instruction with 3110
students in attendance during that school year for not less than 3111
the minimum number of hours required by this chapter. The 3112
department shall treat the school as if it were open for 3113
instruction with students in attendance during the hours or days 3114

waived under this division. 3115

(I) The department of education shall reduce the amounts 3116
paid under this section to reflect payments made to colleges 3117
under section 3365.07 of the Revised Code. 3118

(J) (1) No student shall be considered enrolled in any 3119
internet- or computer-based community school or, if applicable 3120
to the student, in any community school that is required to 3121
provide the student with a computer pursuant to division (C) of 3122
section 3314.22 of the Revised Code, unless both of the 3123
following conditions are satisfied: 3124

(a) The student possesses or has been provided with all 3125
required hardware and software materials and all such materials 3126
are operational so that the student is capable of fully 3127
participating in the learning opportunities specified in the 3128
contract between the school and the school's sponsor as required 3129
by division (A) (23) of section 3314.03 of the Revised Code; 3130

(b) The school is in compliance with division (A) of 3131
section 3314.22 of the Revised Code, relative to such student. 3132

(2) In accordance with policies adopted jointly by the 3133
superintendent of public instruction and the auditor of state, 3134
the department shall reduce the amounts otherwise payable under 3135
division (C) of this section to any community school that 3136
includes in its program the provision of computer hardware and 3137
software materials to any student, if such hardware and software 3138
materials have not been delivered, installed, and activated for 3139
each such student in a timely manner or other educational 3140
materials or services have not been provided according to the 3141
contract between the individual community school and its 3142
sponsor. 3143

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

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

(K) (1) If the department determines that a review of a
community school's enrollment is necessary, such review shall be
completed and written notice of the findings shall be provided
to the governing authority of the community school and its
sponsor within ninety days of the end of the community school's
fiscal year, unless extended for a period not to exceed thirty
additional days for one of the following reasons:

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

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

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

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

(b) The board or its designee shall conduct an informal
hearing on the matter within thirty days of receipt of such an

appeal and shall issue a decision within fifteen days of the 3173
conclusion of the hearing. 3174

(c) If the board has enlisted a designee to conduct the 3175
hearing, the designee shall certify its decision to the board. 3176
The board may accept the decision of the designee or may reject 3177
the decision of the designee and issue its own decision on the 3178
matter. 3179

(d) Any decision made by the board under this division is 3180
final. 3181

(3) If it is decided that the community school owes moneys 3182
to the state, the department shall deduct such amount from the 3183
school's future payments in accordance with guidelines issued by 3184
the superintendent of public instruction. 3185

(L) The department shall not subtract from a school 3186
district's state aid account and shall not pay to a community 3187
school under division (C) of this section any amount for any of 3188
the following: 3189

(1) Any student who has graduated from the twelfth grade 3190
of a public or nonpublic high school; 3191

(2) Any student who is not a resident of the state; 3192

(3) Any student who was enrolled in the community school 3193
during the previous school year when assessments were 3194
administered under section 3301.0711 of the Revised Code but did 3195
not take one or more of the assessments required by that section 3196
and was not excused pursuant to division (C) (1) or (3) of that 3197
section, unless the superintendent of public instruction grants 3198
the student a waiver from the requirement to take the assessment 3199
and a parent is not paying tuition for the student pursuant to 3200
section 3314.26 of the Revised Code. The superintendent may 3201

grant a waiver only for good cause in accordance with rules 3202
adopted by the state board of education. 3203

(4) Any student who has attained the age of twenty-two 3204
years, except for veterans of the armed services whose 3205
attendance was interrupted before completing the recognized 3206
twelve-year course of the public schools by reason of induction 3207
or enlistment in the armed forces and who apply for enrollment 3208
in a community school not later than four years after 3209
termination of war or their honorable discharge. If, however, 3210
any such veteran elects to enroll in special courses organized 3211
for veterans for whom tuition is paid under federal law, or 3212
otherwise, the department shall not subtract from a school 3213
district's state aid account and shall not pay to a community 3214
school under division (C) of this section any amount for that 3215
veteran. 3216

Sec. 3314.19. The sponsor of each community school 3217
annually shall provide the following assurances in writing to 3218
the department of education not later than ten business days 3219
prior to the opening of the school: 3220

(A) That a current copy of the contract between the 3221
sponsor and the governing authority of the school entered into 3222
under section 3314.03 of the Revised Code has been filed with 3223
the department and that any subsequent modifications to that 3224
contract will be filed with the department; 3225

(B) That the school has submitted to the sponsor a plan 3226
for providing special education and related services to students 3227
with disabilities and has demonstrated the capacity to provide 3228
those services in accordance with Chapter 3323. of the Revised 3229
Code and federal law; 3230

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;	3231 3232 3233 3234
(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;	3235 3236 3237 3238 3239 3240 3241
(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;	3242 3243 3244
(F) That the school will enroll at least the minimum number of students required by division (A) (11) (a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;	3245 3246 3247 3248
(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	3249 3250 3251 3252
(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	3253 3254
(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	3255 3256 3257 3258
(J) That the school holds all of the following:	3259

(1) Proof of property ownership or a lease for the facilities used by the school;	3260 3261
(2) A certificate of occupancy;	3262
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	3263 3264 3265 3266
(4) A satisfactory health and safety inspection;	3267
(5) A satisfactory fire inspection;	3268
(6) A valid food permit, if applicable.	3269
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	3270 3271 3272
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	3273 3274 3275 3276
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	3277 3278 3279
<u>(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:</u>	3280 3281 3282 3283
<u>(1) An indication of what blended learning model or models will be used;</u>	3284 3285
<u>(2) A description of how student instructional needs will</u>	3286

<u>be determined and documented;</u>	3287
<u>(3) The method to be used for determining competency,</u>	3288
<u>granting credit, and promoting students to a higher grade level;</u>	3289
<u>(4) The school's attendance requirements, including how</u>	3290
<u>the school will document participation in learning</u>	3291
<u>opportunities;</u>	3292
<u>(5) A statement describing how student progress will be</u>	3293
<u>monitored;</u>	3294
<u>(6) A statement describing how private student data will</u>	3295
<u>be protected;</u>	3296
<u>(7) A description of the professional development</u>	3297
<u>activities that will be offered to teachers.</u>	3298
Sec. 3314.23. (A) Subject to division (B) of this section,	3299
each internet- or computer-based community school shall do the	3300
applicable one of the following:	3301
(1) If the general assembly has enacted standards for the	3302
operation of internet- or computer-based community schools by	3303
January 1, 2013, comply with the standards so enacted;	3304
(2) If the general assembly has not enacted such standards	3305
by that date, comply with the standards developed by the	3306
international association for K-12 online learning.	3307
(B) Each internet- or computer-based community school that	3308
initially opens for operation on or after January 1, 2013, shall	3309
comply with the standards required by division (A) of this	3310
section at the time it opens. Each internet- or computer-based	3311
community school that initially opened for operation prior to	3312
January 1, 2013, shall comply with the standards required by	3313
division (A) of this section not later than July 1, 2013.	3314

(C) The sponsor of each internet- or computer-based 3315
community school shall be responsible for monitoring and 3316
ensuring compliance with the online learning standards described 3317
in divisions (A) and (B) of this section and shall report a 3318
school's failure to comply with these standards to the 3319
department of education in the manner prescribed by the 3320
department. 3321

Sec. 3314.46. As used in this section, "sponsor" includes 3322
any officer, director, employee, agent, representative, 3323
subsidiary, or independent contractor of the sponsor of a 3324
community school. 3325

(A) Except as provided in division (B) of this section, no 3326
sponsor of a community school shall sell any goods or services 3327
to any community school it sponsors. 3328

(B) If the sponsor of a community school entered into a 3329
contract prior to the effective date of this section that 3330
involves the sale of goods or services to a community school it 3331
sponsors, the sponsor shall not be required to comply with 3332
division (A) of this section with respect to that school until 3333
the expiration of the contract. 3334

Section 2. That existing sections 3301.52, 3301.53, 3335
3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3336
3314.015, 3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3337
3314.06, 3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 and 3338
section 3314.026 of the Revised Code are hereby repealed. 3339

Section 3. Not later than December 31, 2015, the State 3340
Board of Education shall make recommendations to the General 3341
Assembly, in accordance with section 101.68 of the Revised Code, 3342
and the Governor regarding the following: 3343

(A) Performance standards for community schools in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code;

(B) The feasibility of removal of the exemption from permanent closure, prescribed by division (A) (4) (b) of section 3314.35 of the Revised Code, for schools described in division (A) of this section.

Section 4. For fiscal years 2016 and 2017, the Department of Education shall distribute funds appropriated for early childhood education in accordance with this section. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section:

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in

division (D) of this section.	3373
(3) In the case of a community school, "new eligible provider" means any of the following:	3374
	3375
(a) A community school established under Chapter 3314. of the Revised Code after the effective date of this section that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;	3376
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(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:	3383
	3384
(i) It has received, on its most recent report card, either of the following:	3385
	3386
(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code;	3387
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	3391
(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code.	3392
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	3395
(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.	3396
	3397
(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.	3398
	3399
(c) A community school established under Chapter 3314. of	3400

the Revised Code that is sponsored by a municipal school 3401
district and operates a program that uses the Montessori method 3402
endorsed by the American Montessori Society, the Montessori 3403
Accreditation Council for Teacher Education, or the Association 3404
Montessori Internationale as its primary method of instruction, 3405
as authorized by division (A) of section 3314.06 of the Revised 3406
Code, that did not receive state funding for Early Childhood 3407
Education in the previous year or demonstrates a need for early 3408
childhood programs as defined in division (D) of this section. 3409

(4) "Eligible child," between July 1, 2015, and June 30, 3410
2016, means a child who is at least three years of age as of the 3411
district entry date for kindergarten, is not of the age to be 3412
eligible for kindergarten, and whose family earns not more than 3413
two hundred per cent of the federal poverty guidelines as 3414
defined in division (A) (3) of section 5101.46 of the Revised 3415
Code. Children with an Individualized Education Program and 3416
where the Early Childhood Education program is the least 3417
restrictive environment may be enrolled on their third birthday. 3418

(5) "Eligible child," beginning July 1, 2016, means a 3419
child who is at least four years of age as of the district entry 3420
date for kindergarten, is not of the age to be eligible for 3421
kindergarten, and whose family earns not more than two hundred 3422
per cent of the federal poverty guidelines as defined in 3423
division (A) (3) of section 5101.46 of the Revised Code. Children 3424
with an Individualized Education Program and where the Early 3425
Childhood Education program is the least restrictive environment 3426
may be enrolled on their fourth birthday. 3427

(6) "Early learning program standards" means early 3428
learning program standards for school readiness developed by the 3429
Department of Education to assess the operation of early 3430

learning programs. 3431

(B) In each fiscal year, up to two per cent of the total 3432
appropriation for early childhood education may be used by the 3433
Department for program support and technical assistance. The 3434
Department shall distribute the remainder of the appropriation 3435
in each fiscal year to serve eligible children. 3436

(C) The Department shall provide an annual report to the 3437
Governor, the Speaker of the House of Representatives, and the 3438
President of the Senate and post the report to the Department's 3439
web site, regarding early childhood education programs operated 3440
under this section and the early learning program standards. 3441

(D) After setting aside the amounts to make payments due 3442
from the previous fiscal year, in fiscal year 2016, the 3443
Department shall distribute funds first to recipients of funds 3444
for early childhood education programs under Section 263.20 of 3445
Am. Sub. H.B. 59 of the 130th General Assembly in the previous 3446
fiscal year and the balance to new eligible providers of early 3447
childhood education programs under this section or to existing 3448
providers to serve more eligible children or for purposes of 3449
program expansion, improvement, or special projects to promote 3450
quality and innovation. 3451

After setting aside the amounts to make payments due from 3452
the previous fiscal year, in fiscal year 2017, the Department 3453
shall distribute funds first to providers of early childhood 3454
education programs under this section in the previous fiscal 3455
year and the balance to new eligible providers or to existing 3456
providers to serve more eligible children as outlined under 3457
division (E) of this section or for purposes of program 3458
expansion, improvement, or special projects to promote quality 3459
and innovation. 3460

(E) The Department shall distribute any new or remaining 3461
funding to existing providers of early childhood education 3462
programs or any new eligible providers in an effort to invest in 3463
high quality early childhood programs where there is a need as 3464
determined by the Department. The Department shall distribute 3465
the new or remaining funds to existing providers of early 3466
childhood education programs or any new eligible providers to 3467
serve additional eligible children based on community economic 3468
disadvantage, limited access to high quality preschool or 3469
childcare services, and demonstration of high quality preschool 3470
services as determined by the Department using new metrics 3471
developed pursuant to Ohio's Race to the Top—Early Learning 3472
Challenge Grant, awarded to the Department in December 2011. 3473

Awards under divisions (D) and (E) of this section shall 3474
be distributed on a per-pupil basis, and in accordance with 3475
division (I) of this section. The Department may adjust the per- 3476
pupil amount so that the per-pupil amount multiplied by the 3477
number of eligible children enrolled and receiving services on 3478
the first day of December or the business day closest to that 3479
date equals the amount allocated under this section. 3480

(F) Costs for developing and administering an early 3481
childhood education program may not exceed fifteen per cent of 3482
the total approved costs of the program. 3483

All providers shall maintain such fiscal control and 3484
accounting procedures as may be necessary to ensure the 3485
disbursement of, and accounting for, these funds. The control of 3486
funds provided in this program, and title to property obtained, 3487
shall be under the authority of the approved provider for 3488
purposes provided in the program unless, as described in 3489
division (K) of this section, the program waives its right for 3490

funding or a program's funding is eliminated or reduced due to 3491
its inability to meet financial or early learning program 3492
standards. The approved provider shall administer and use such 3493
property and funds for the purposes specified. 3494

(G) The Department may examine a provider's financial and 3495
program records. If the financial practices of the program are 3496
not in accordance with standard accounting principles or do not 3497
meet financial standards outlined under division (F) of this 3498
section, or if the program fails to substantially meet the early 3499
learning program standards, meet a quality rating level in the 3500
tiered quality rating and improvement system developed under 3501
section 5104.30 of the Revised Code as prescribed by the 3502
Department, or exhibits below average performance as measured 3503
against the standards, the early childhood education program 3504
shall propose and implement a corrective action plan that has 3505
been approved by the Department. The approved corrective action 3506
plan shall be signed by the chief executive officer and the 3507
executive of the official governing body of the provider. The 3508
corrective action plan shall include a schedule for monitoring 3509
by the Department. Such monitoring may include monthly reports, 3510
inspections, a timeline for correction of deficiencies, and 3511
technical assistance to be provided by the Department or 3512
obtained by the early childhood education program. The 3513
Department may withhold funding pending corrective action. If an 3514
early childhood education program fails to satisfactorily 3515
complete a corrective action plan, the Department may deny 3516
expansion funding to the program or withdraw all or part of the 3517
funding to the program and establish a new eligible provider 3518
through a selection process established by the Department. 3519

(H) (1) If the early childhood education program is 3520
licensed by the Department of Education and is not highly rated, 3521

as determined by the Director of Job and Family Services, under 3522
the tiered quality rating and improvement system described in 3523
section 5104.30 of the Revised Code, the program shall do all of 3524
the following: 3525

(a) Meet teacher qualification requirements prescribed by 3526
section 3301.311 of the Revised Code; 3527

(b) Align curriculum to the early learning content 3528
standards developed by the Department; 3529

(c) Meet any child or program assessment requirements 3530
prescribed by the Department; 3531

(d) Require teachers, except teachers enrolled and working 3532
to obtain a degree pursuant to section 3301.311 of the Revised 3533
Code, to attend a minimum of twenty hours every two years of 3534
professional development as prescribed by the Department; 3535

(e) Document and report child progress as prescribed by 3536
the Department; 3537

(f) Meet and report compliance with the early learning 3538
program standards as prescribed by the Department; 3539

(g) Participate in the tiered quality rating and 3540
improvement system developed under section 5104.30 of the 3541
Revised Code. Effective July 1, 2016, all programs shall be 3542
rated through the system. 3543

(2) If the program is highly rated, as determined by the 3544
Director of Job and Family Services, under the tiered quality 3545
rating and improvement system developed under section 5104.30 of 3546
the Revised Code, the program shall comply with the requirements 3547
of that system. 3548

(I) Per-pupil funding for programs subject to this section 3549

shall be sufficient to provide eligible children with services 3550
for a standard early childhood schedule which shall be defined 3551
in this section as a minimum of twelve and one-half hours per 3552
school week as defined in section 3313.62 of the Revised Code 3553
for the minimum school year as defined in sections 3313.48, 3554
3313.481, and 3313.482 of the Revised Code. Nothing in this 3555
section shall be construed to prohibit program providers from 3556
utilizing other funds to serve eligible children in programs 3557
that exceed the twelve and one-half hours per week or that 3558
exceed the minimum school year. For any provider for which a 3559
standard early childhood education schedule creates a hardship 3560
or for which the provider shows evidence that the provider is 3561
working in collaboration with a preschool special education 3562
program, the provider may submit a waiver to the Department 3563
requesting an alternate schedule. If the Department approves a 3564
waiver for an alternate schedule that provides services for less 3565
time than the standard early childhood education schedule, the 3566
Department may reduce the provider's annual allocation 3567
proportionately. Under no circumstances shall an annual 3568
allocation be increased because of the approval of an alternate 3569
schedule. 3570

(J) For fiscal year 2016, each provider shall develop a 3571
sliding fee scale based on family incomes and shall charge 3572
families who earn more than two hundred per cent of the federal 3573
poverty guidelines, as defined in division (A)(3) of section 3574
5101.46 of the Revised Code, for the early childhood education 3575
program. 3576

The Department shall conduct an annual survey of each 3577
provider to determine whether the provider charges families 3578
tuition or fees, the amount families are charged relative to 3579
family income levels, and the number of families and students 3580

charged tuition and fees for the Early Childhood Education 3581
Program. 3582

(K) If an early childhood education program voluntarily 3583
waives its right for funding, or has its funding eliminated for 3584
not meeting financial standards or the early learning program 3585
standards, the provider shall transfer control of title to 3586
property, equipment, and remaining supplies obtained through the 3587
program to providers designated by the Department and return any 3588
unexpended funds to the Department along with any reports 3589
prescribed by the Department. The funding made available from a 3590
program that waives its right for funding or has its funding 3591
eliminated or reduced may be used by the Department for new 3592
grant awards or expansion grants. The Department may award new 3593
grants or expansion grants to eligible providers who apply. The 3594
eligible providers who apply must do so in accordance with the 3595
selection process established by the Department. 3596

(L) Eligible expenditures for the Early Childhood 3597
Education Program shall be claimed each fiscal year to help meet 3598
the state's TANF maintenance of effort requirement. The 3599
Superintendent of Public Instruction and the Director of Job and 3600
Family Services shall enter into an interagency agreement to 3601
carry out the requirements under this division, which shall 3602
include developing reporting guidelines for these expenditures. 3603

(M) (1) For fiscal year 2017, the Department of Education 3604
and the Department of Job and Family Services shall establish 3605
the following in common between early childhood education 3606
programs and publicly funded child care: 3607

(a) An application; 3608

(b) Program eligibility; 3609

(c) Funding;	3610
(d) An attendance policy;	3611
(e) An attendance tracking system.	3612
(2) Beginning July 1, 2016, in accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	3613 3614 3615 3616
(3) All providers, agencies, and school districts participating in the Early Childhood Education Program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.	3617 3618 3619 3620 3621
Section 5. Section 3301.57 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	3622 3623 3624 3625 3626 3627 3628 3629 3630
Section 6. Section 3314.08 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the	3631 3632 3633 3634 3635 3636 3637 3638

effective date of the section as presented in this act.

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