

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 2**

**Representatives Dovilla, Roegner**

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**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 3302.03, 3314.011, 3314.02, 7  
3314.023, 3314.03, 3314.19, and 3314.23 be amended and sections 8  
3314.025, 3314.031, 3314.032, 3314.034, and 3314.46 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 3302.03.** Annually, not later than the fifteenth day 11  
of September or the preceding Friday when that day falls on a 12  
Saturday or Sunday, the department of education shall assign a 13  
letter grade for overall academic performance and for each 14  
separate performance measure for each school district, and each 15  
school building in a district, in accordance with this section. 16  
The state board shall adopt rules pursuant to Chapter 119. of 17  
the Revised Code to establish performance criteria for each 18  
letter grade and prescribe a method by which the department 19

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, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

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

(a) Annual measurable objectives;

(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 adopted by the state board. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the state board of education 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."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter

grades under division (A) (1) (c) of this section, the state board 50  
shall designate ninety per cent or higher for an "A." 51

(d) The four- and five-year adjusted cohort graduation 52  
rates. 53

In adopting benchmarks for assigning letter grades under 54  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 55  
department shall designate a four-year adjusted cohort 56  
graduation rate of ninety-three per cent or higher for an "A" 57  
and a five-year cohort graduation rate of ninety-five per cent 58  
or higher for an "A." 59

(e) The overall score under the value-added progress 60  
dimension of a school district or building, for which the 61  
department shall use up to three years of value-added data as 62  
available. The letter grade assigned for this growth measure 63  
shall be as follows: 64

(i) A score that is at least two standard errors of 65  
measure above the mean score shall be designated as an "A." 66

(ii) A score that is at least one standard error of 67  
measure but less than two standard errors of measure above the 68  
mean score shall be designated as a "B." 69

(iii) A score that is less than one standard error of 70  
measure above the mean score but greater than or equal to one 71  
standard error of measure below the mean score shall be 72  
designated as a "C." 73

(iv) A score that is not greater than one standard error 74  
of measure below the mean score but is greater than or equal to 75  
two standard errors of measure below the mean score shall be 76  
designated as a "D." 77

(v) A score that is not greater than two standard errors 78  
of measure below the mean score shall be designated as an "F." 79

Whenever the value-added progress dimension is used as a 80  
graded performance measure, whether as an overall measure or as 81  
a measure of separate subgroups, the grades for the measure 82  
shall be calculated in the same manner as prescribed in division 83  
(A) (1) (e) of this section. 84

(f) The value-added progress dimension score for a school 85  
district or building disaggregated for each of the following 86  
subgroups: students identified as gifted, students with 87  
disabilities, and students whose performance places them in the 88  
lowest quintile for achievement on a statewide basis. Each 89  
subgroup shall be a separate graded measure. 90

(2) Not later than April 30, 2013, the state board of 91  
education shall adopt a resolution describing the performance 92  
measures, benchmarks, and grading system for the 2012-2013 93  
school year and, not later than June 30, 2013, shall adopt rules 94  
in accordance with Chapter 119. of the Revised Code that 95  
prescribe the methods by which the performance measures under 96  
division (A) (1) of this section shall be assessed and assigned a 97  
letter grade, including performance benchmarks for each letter 98  
grade. 99

At least forty-five days prior to the state board's 100  
adoption of rules to prescribe the methods by which the 101  
performance measures under division (A) (1) of this section shall 102  
be assessed and assigned a letter grade, the department shall 103  
conduct a public presentation before the standing committees of 104  
the house of representatives and the senate that consider 105  
education legislation describing such methods, including 106  
performance benchmarks. 107

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.	108 109
(B) (1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:	110 111 112
(a) Annual measurable objectives;	113
(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."	114 115 116 117 118 119 120 121
(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."	122 123 124 125 126 127 128
(d) The four- and five-year adjusted cohort graduation rates;	129 130
(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.	131 132 133 134
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following	135 136

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 separate graded measure.

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

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for

only those students to whom the district or building has 168  
administered the assessments prescribed by section 3301.0710 of 169  
the Revised Code for each of the two most recent consecutive 170  
school years. 171

As used in this division, "high mobility school district 172  
or building" means a school district or building where at least 173  
twenty-five per cent of its total enrollment is made up of 174  
students who have attended that school district or building for 175  
less than one year. 176

(2) In addition to the graded measures in division (B) (1) 177  
of this section, the department shall include on a school 178  
district's or building's report card all of the following 179  
without an assigned letter grade: 180

(a) The percentage of students enrolled in a district or 181  
building participating in advanced placement classes and the 182  
percentage of those students who received a score of three or 183  
better on advanced placement examinations; 184

(b) The number of a district's or building's students who 185  
have earned at least three college credits through dual 186  
enrollment or advanced standing programs, such as the post- 187  
secondary enrollment options program under Chapter 3365. of the 188  
Revised Code and state-approved career-technical courses offered 189  
through dual enrollment or statewide articulation, that appear 190  
on a student's transcript or other official document, either of 191  
which is issued by the institution of higher education from 192  
which the student earned the college credit. The credits earned 193  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 194  
this section shall not include any that are remedial or 195  
developmental and shall include those that count toward the 196  
curriculum requirements established for completion of a degree. 197

(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;

(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.

(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.

(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.

(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.

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 227  
education legislation describing such methods, including 228  
performance benchmarks. 229

(4) There shall not be an overall letter grade for a 230  
school district or building for the 2013-2014 school year. 231

(C) (1) For the 2014-2015 school year and each school year 232  
thereafter, the department shall issue grades as described in 233  
division (E) of this section for each of the performance 234  
measures prescribed in division (C) (1) of this section and an 235  
overall letter grade based on an aggregate of those measures, 236  
except for the performance measure set forth in division (C) (1) 237  
(h) of this section. The graded measures are as follows: 238

(a) Annual measurable objectives; 239

(b) Performance index score for a school district or 240  
building. Grades shall be awarded as a percentage of the total 241  
possible points on the performance index system as created by 242  
the department. In adopting benchmarks for assigning letter 243  
grades under division (C) (1) (b) of this section, the state board 244  
shall designate ninety per cent or higher for an "A," at least 245  
seventy per cent but not more than eighty per cent for a "C," 246  
and less than fifty per cent for an "F." 247

(c) The extent to which the school district or building 248  
meets each of the applicable performance indicators established 249  
by the state board under section 3302.03 of the Revised Code and 250  
the percentage of applicable performance indicators that have 251  
been achieved. In adopting benchmarks for assigning letter 252  
grades under division (C) (1) (c) of this section, the state board 253  
shall designate ninety per cent or higher for an "A." 254

(d) The four- and five-year adjusted cohort graduation 255

rates;	256
(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.	257 258 259 260 261
In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C) (1) (f) of this section is a "B" or higher.	262 263 264 265 266 267 268
For the metric prescribed by division (C) (1) (e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A) (1) (e) of this section.	269 270 271 272 273 274 275
(f) The value-added progress dimension score of 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, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.	276 277 278 279 280 281 282 283 284

The state board may adopt student academic progress 285  
measures to be used instead of the value-added progress 286  
dimension. If the state board adopts such measures, it also 287  
shall prescribe a method for assigning letter grades for the new 288  
measures that is comparable to the method prescribed in division 289  
(A) (1) (e) of this section. 290

(g) Whether a school district or building is making 291  
progress in improving literacy in grades kindergarten through 292  
three, as determined using a method prescribed by the state 293  
board. The state board shall adopt rules to prescribe benchmarks 294  
and standards for assigning grades to a district or building for 295  
purposes of division (C) (1) (g) of this section. The state board 296  
shall designate for a "C" grade a value that is not lower than 297  
the statewide average value for this measure. No grade shall be 298  
issued under division (C) (1) (g) of this section for a district 299  
or building in which less than five per cent of students have 300  
scored below grade level on the kindergarten diagnostic 301  
assessment under division (B) (1) of section 3313.608 of the 302  
Revised Code. 303

(h) For a high mobility school district or building, an 304  
additional value-added progress dimension score. For this 305  
measure, the department shall use value-added data from the most 306  
recent school year available and shall use assessment scores for 307  
only those students to whom the district or building has 308  
administered the assessments prescribed by section 3301.0710 of 309  
the Revised Code for each of the two most recent consecutive 310  
school years. 311

As used in this division, "high mobility school district 312  
or building" means a school district or building where at least 313  
twenty-five per cent of its total enrollment is made up of 314

students who have attended that school district or building for 315  
less than one year. 316

(2) In addition to the graded measures in division (C) (1) 317  
of this section, the department shall include on a school 318  
district's or building's report card all of the following 319  
without an assigned letter grade: 320

(a) The percentage of students enrolled in a district or 321  
building who have taken a national standardized test used for 322  
college admission determinations and the percentage of those 323  
students who are determined to be remediation-free in accordance 324  
with the standards adopted under division (F) of section 325  
3345.061 of the Revised Code; 326

(b) The percentage of students enrolled in a district or 327  
building participating in advanced placement classes and the 328  
percentage of those students who received a score of three or 329  
better on advanced placement examinations; 330

(c) The percentage of a district's or building's students 331  
who have earned at least three college credits through advanced 332  
standing programs, such as the college credit plus program under 333  
Chapter 3365. of the Revised Code and state-approved career- 334  
technical courses offered through dual enrollment or statewide 335  
articulation, that appear on a student's college transcript 336  
issued by the institution of higher education from which the 337  
student earned the college credit. The credits earned that are 338  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 339  
shall not include any that are remedial or developmental and 340  
shall include those that count toward the curriculum 341  
requirements established for completion of a degree. 342

(d) The percentage of the district's or building's 343

students who receive an honor's diploma under division (B) of 344  
section 3313.61 of the Revised Code; 345

(e) The percentage of the district's or building's 346  
students who receive industry-recognized credentials; 347

(f) The percentage of students enrolled in a district or 348  
building who are participating in an international baccalaureate 349  
program and the percentage of those students who receive a score 350  
of four or better on the international baccalaureate 351  
examinations; 352

(g) The results of the college and career-ready 353  
assessments administered under division (B) (1) of section 354  
3301.0712 of the Revised Code. 355

(3) The state board shall adopt rules pursuant to Chapter 356  
119. of the Revised Code that establish a method to assign an 357  
overall grade for a school district or school building for the 358  
2014-2015 school year and each school year thereafter. The rules 359  
shall group the performance measures in divisions (C) (1) and (2) 360  
of this section into the following components: 361

(a) Gap closing, which shall include the performance 362  
measure in division (C) (1) (a) of this section; 363

(b) Achievement, which shall include the performance 364  
measures in divisions (C) (1) (b) and (c) of this section; 365

(c) Progress, which shall include the performance measures 366  
in divisions (C) (1) (e) and (f) of this section; 367

(d) Graduation, which shall include the performance 368  
measure in division (C) (1) (d) of this section; 369

(e) Kindergarten through third-grade literacy, which shall 370  
include the performance measure in division (C) (1) (g) of this 371

section; 372

(f) Prepared for success, which shall include the 373  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 374  
and (f) of this section. The state board shall develop a method 375  
to determine a grade for the component in division (C) (3) (f) of 376  
this section using the performance measures in divisions (C) (2) 377  
(a), (b), (c), (d), (e), and (f) of this section. When 378  
available, the state board may incorporate the performance 379  
measure under division (C) (2) (g) of this section into the 380  
component under division (C) (3) (f) of this section. When 381  
determining the overall grade for the prepared for success 382  
component prescribed by division (C) (3) (f) of this section, no 383  
individual student shall be counted in more than one performance 384  
measure. However, if a student qualifies for more than one 385  
performance measure in the component, the state board may, in 386  
its method to determine a grade for the component, specify an 387  
additional weight for such a student that is not greater than or 388  
equal to 1.0. In determining the overall score under division 389  
(C) (3) (f) of this section, the state board shall ensure that the 390  
pool of students included in the performance measures aggregated 391  
under that division are all of the students included in the 392  
four- and five-year adjusted graduation cohort. 393

In the rules adopted under division (C) (3) of this 394  
section, the state board shall adopt a method for determining a 395  
grade for each component in divisions (C) (3) (a) to (f) of this 396  
section. The state board also shall establish a method to assign 397  
an overall grade of "A," "B," "C," "D," or "F" using the grades 398  
assigned for each component. The method the state board adopts 399  
for assigning an overall grade shall give equal weight to the 400  
components in divisions (C) (3) (b) and (c) of this section. 401

At least forty-five days prior to the state board's 402  
adoption of rules to prescribe the methods for calculating the 403  
overall grade for the report card, as required by this division, 404  
the department shall conduct a public presentation before the 405  
standing committees of the house of representatives and the 406  
senate that consider education legislation describing the format 407  
for the report card, weights that will be assigned to the 408  
components of the overall grade, and the method for calculating 409  
the overall grade. 410

(D) Not later than July 1, 2015, the state board shall 411  
develop a measure of student academic progress for high school 412  
students using only data from assessments in English language 413  
arts and mathematics. For the 2014-2015 school year, the 414  
department shall include this measure on a school district or 415  
building's report card, as applicable, without an assigned 416  
letter grade. Beginning with the report card for the 2015-2016 417  
school year, each school district and applicable school building 418  
shall be assigned a separate letter grade for this measure and 419  
the district's or building's grade for that measure shall be 420  
included in determining the district's or building's overall 421  
letter grade. This measure shall be included within the measure 422  
prescribed in division (C) (3) (c) of this section in the 423  
calculation for the overall letter grade. 424

(E) The letter grades assigned to a school district or 425  
building under this section shall be as follows: 426

(1) "A" for a district or school making excellent 427  
progress; 428

(2) "B" for a district or school making above average 429  
progress; 430

(3) "C" for a district or school making average progress;	431
(4) "D" for a district or school making below average progress;	432 433
(5) "F" for a district or school failing to meet minimum progress.	434 435
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	436 437 438
(1) Performance of students by grade-level;	439
(2) Performance of students by race and ethnic group;	440
(3) Performance of students by gender;	441
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	442 443
(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;	444 445 446
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	447 448
(7) Performance of students grouped by those who are economically disadvantaged;	449 450
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	451 452 453
(9) Performance of students grouped by those who are classified as limited English proficient;	454 455
(10) Performance of students grouped by those who have	456



disabilities; 457

(11) Performance of students grouped by those who are 458  
classified as migrants; 459

(12) Performance of students grouped by those who are 460  
identified as gifted in superior cognitive ability and the 461  
specific academic ability fields of reading and math pursuant to 462  
Chapter 3324. of the Revised Code. In disaggregating specific 463  
academic ability fields for gifted students, the department 464  
shall use data for those students with specific academic ability 465  
in math and reading. If any other academic field is assessed, 466  
the department shall also include data for students with 467  
specific academic ability in that field as well. 468

(13) Performance of students grouped by those who perform 469  
in the lowest quintile for achievement on a statewide basis, as 470  
determined by a method prescribed by the state board. 471

The department may disaggregate data on student 472  
performance according to other categories that the department 473  
determines are appropriate. To the extent possible, the 474  
department shall disaggregate data on student performance 475  
according to any combinations of two or more of the categories 476  
listed in divisions (F) (1) to (13) of this section that it deems 477  
relevant. 478

In reporting data pursuant to division (F) of this 479  
section, the department shall not include in the report cards 480  
any data statistical in nature that is statistically unreliable 481  
or that could result in the identification of individual 482  
students. For this purpose, the department shall not report 483  
student performance data for any group identified in division 484  
(F) of this section that contains less than ten students. If the 485

department does not report student performance data for a group 486  
because it contains less than ten students, the department shall 487  
indicate on the report card that is why data was not reported. 488

(G) The department may include with the report cards any 489  
additional education and fiscal performance data it deems 490  
valuable. 491

(H) The department shall include on each report card a 492  
list of additional information collected by the department that 493  
is available regarding the district or building for which the 494  
report card is issued. When available, such additional 495  
information shall include student mobility data disaggregated by 496  
race and socioeconomic status, college enrollment data, and the 497  
reports prepared under section 3302.031 of the Revised Code. 498

The department shall maintain a site on the world wide 499  
web. The report card shall include the address of the site and 500  
shall specify that such additional information is available to 501  
the public at that site. The department shall also provide a 502  
copy of each item on the list to the superintendent of each 503  
school district. The district superintendent shall provide a 504  
copy of any item on the list to anyone who requests it. 505

(I) ~~Division~~ Until July 1, 2016, division (I) of this 506  
section does not apply to conversion community schools that 507  
primarily enroll students between sixteen and twenty-two years 508  
of age who dropped out of high school or are at risk of dropping 509  
out of high school due to poor attendance, disciplinary 510  
problems, or suspensions. On and after July 1, 2016, division 511  
(I) of this section shall apply to such schools. 512

(1) For any district that sponsors a conversion community 513  
school under Chapter 3314. of the Revised Code, the department 514

shall combine data regarding the academic performance of 515  
students enrolled in the community school with comparable data 516  
from the schools of the district for the purpose of determining 517  
the performance of the district as a whole on the report card 518  
issued for the district under this section or section 3302.033 519  
of the Revised Code. 520

(2) Any district that leases a building to a community 521  
school located in the district or that enters into an agreement 522  
with a community school located in the district whereby the 523  
district and the school endorse each other's programs may elect 524  
to have data regarding the academic performance of students 525  
enrolled in the community school combined with comparable data 526  
from the schools of the district for the purpose of determining 527  
the performance of the district as a whole on the district 528  
report card. Any district that so elects shall annually file a 529  
copy of the lease or agreement with the department. 530

(3) Any municipal school district, as defined in section 531  
3311.71 of the Revised Code, that sponsors a community school 532  
located within the district's territory, or that enters into an 533  
agreement with a community school located within the district's 534  
territory whereby the district and the community school endorse 535  
each other's programs, may exercise either or both of the 536  
following elections: 537

(a) To have data regarding the academic performance of 538  
students enrolled in that community school combined with 539  
comparable data from the schools of the district for the purpose 540  
of determining the performance of the district as a whole on the 541  
district's report card; 542

(b) To have the number of students attending that 543  
community school noted separately on the district's report card. 544

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

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

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

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

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

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the

district or building through the time of the spring 574  
administration of any assessment prescribed by division (A) (1) 575  
or (B) (1) of section 3301.0710 or division (B) of section 576  
3301.0712 of the Revised Code that is administered to the 577  
student's grade level; 578

(b) Include cumulative totals from both the fall and 579  
spring administrations of the third grade English language arts 580  
achievement assessment; 581

(c) Except as required by the No Child Left Behind Act of 582  
2001, exclude for each district or building any limited English 583  
proficient student who has been enrolled in United States 584  
schools for less than one full school year. 585

(L) Beginning with the 2015-2016 school year and at least 586  
once every three years thereafter, the state board of education 587  
shall review and may adjust the benchmarks for assigning letter 588  
grades to the performance measures and components prescribed 589  
under divisions (C) (3) and (D) of this section. 590

**Sec. 3314.011.** Every community school established under 591  
this chapter shall have a designated fiscal officer, who shall 592  
be employed by or engaged under a contract with the governing 593  
authority of the community school. The auditor of state may 594  
require by rule that the fiscal officer of any community school, 595  
before entering upon duties as fiscal officer of the school, 596  
execute a bond in an amount and with surety to be approved by 597  
the governing authority of the school, payable to the state, 598  
conditioned for the faithful performance of all the official 599  
duties required of the fiscal officer. Any such bond shall be 600  
deposited with the governing authority of the school, and a copy 601  
thereof, certified by the governing authority, shall be filed 602  
with the county auditor. 603

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.

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

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which either has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

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

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

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

(b) A school district that meets one of the following 633  
conditions: 634

(i) On March 22, 2013, the district was in a state of 635  
academic emergency or in a state of academic watch under section 636  
3302.03 of the Revised Code, as that section existed prior to 637  
March 22, 2013; 638

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 639  
school years, the district received a grade of "D" or "F" for 640  
the performance index score and a grade of "F" for the value- 641  
added progress dimension under section 3302.03 of the Revised 642  
Code; 643

(iii) For the 2015-2016 school year and for any school 644  
year thereafter, the district has received an overall grade of 645  
"D" or "F" under division (C) (3) of section 3302.03 of the 646  
Revised Code, or, for at least two of the three most recent 647  
school years, the district received a grade of "F" for the 648  
value-added progress dimension under division (C) (1) (e) of that 649  
section. 650

(c) A big eight school district; 651

(d) A school district ranked in the lowest five per cent 652  
of school districts according to performance index score under 653  
section 3302.21 of the Revised Code. 654

(4) "Big eight school district" means a school district 655  
that for fiscal year 1997 had both of the following: 656

(a) A percentage of children residing in the district and 657  
participating in the predecessor of Ohio works first greater 658  
than thirty per cent, as reported pursuant to section 3317.10 of 659  
the Revised Code; 660

(b) An average daily membership greater than twelve 661  
thousand, as reported pursuant to former division (A) of section 662  
3317.03 of the Revised Code. 663

(5) "New start-up school" means a community school other 664  
than one created by converting all or part of an existing public 665  
school or educational service center building, as designated in 666  
the school's contract pursuant to division (A)(17) of section 667  
3314.03 of the Revised Code. 668

(6) "Urban school district" means one of the state's 669  
twenty-one urban school districts as defined in division (O) of 670  
section 3317.02 of the Revised Code as that section existed 671  
prior to July 1, 1998. 672

(7) "Internet- or computer-based community school" means a 673  
community school established under this chapter in which the 674  
enrolled students work primarily from their residences on 675  
assignments in nonclassroom-based learning opportunities 676  
provided via an internet- or other computer-based instructional 677  
method that does not rely on regular classroom instruction or 678  
via comprehensive instructional methods that include internet- 679  
based, other computer-based, and noncomputer-based learning 680  
opportunities. 681

(8) "Operator" means either of the following: 682

(a) An individual or organization that manages the daily 683  
operations of a community school pursuant to a contract between 684  
the operator and the school's governing authority; 685

(b) A nonprofit organization that provides programmatic 686  
oversight and support to a community school under a contract 687  
with the school's governing authority and that retains the right 688  
to terminate its affiliation with the school if the school fails 689



to meet the organization's quality standards. 690

(9) "Alliance municipal school district" has the same 691  
meaning as in section 3311.86 of the Revised Code. 692

(B) (1) Any person or group of individuals may initially 693  
propose under this division the conversion of all or a portion 694  
of a public school to a community school. The proposal shall be 695  
made to the board of education of the city, local, exempted 696  
village, or joint vocational school district in which the public 697  
school is proposed to be converted. 698

(2) Any person or group of individuals may initially 699  
propose under this division the conversion of all or a portion 700  
of a building operated by an educational service center to a 701  
community school. The proposal shall be made to the governing 702  
board of the service center. 703

A service center that proposes the establishment of a 704  
conversion community school located in a county within the 705  
territory of the service center or in a county contiguous to 706  
such county is exempt from approval from the department of 707  
education, except as provided under division (B) (4) of this 708  
section, and from the agreement required under division (B) (1) 709  
of section 3314.015 of the Revised Code. 710

However, a service center that proposes the establishment 711  
of a conversion community school located in a county outside of 712  
the territory of the service center or a county contiguous to 713  
such county shall be subject to approval from the department of 714  
education and from the agreement required under that section. 715

Division (B) (2) of this section does not apply to an 716  
educational service center that sponsors community schools and 717  
that is exempted under section 3314.021 or 3314.027 of the 718

Revised Code from the requirement to be approved for sponsorship 719  
under divisions (A) (2) and (B) (1) of section 3314.015 of the 720  
Revised Code. 721

(3) Upon receipt of a proposal, a board may enter into a 722  
preliminary agreement with the person or group proposing the 723  
conversion of the public school or service center building, 724  
indicating the intention of the board to support the conversion 725  
to a community school. A proposing person or group that has a 726  
preliminary agreement under this division may proceed to 727  
finalize plans for the school, establish a governing authority 728  
for the school, and negotiate a contract with the board. 729  
Provided the proposing person or group adheres to the 730  
preliminary agreement and all provisions of this chapter, the 731  
board shall negotiate in good faith to enter into a contract in 732  
accordance with section 3314.03 of the Revised Code and division 733  
(C) of this section. 734

(4) The sponsor of a conversion community school proposed 735  
to open in an alliance municipal school district shall be 736  
subject to approval by the department of education for 737  
sponsorship of that school using the criteria established under 738  
division (A) of section 3311.87 of the Revised Code. 739

Division (B) (4) of this section does not apply to a 740  
sponsor that is exempted under section 3314.021 or 3314.027 of 741  
the Revised Code from the requirement to be approved for 742  
sponsorship under divisions (A) (2) and (B) (1) of section 743  
3314.015 of the Revised Code. 744

(C) (1) Any person or group of individuals may propose 745  
under this division the establishment of a new start-up school 746  
to be located in a challenged school district. The proposal may 747  
be made to any of the following entities: 748

- (a) The board of education of the district in which the school is proposed to be located; 749  
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- (b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 751  
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- (c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 755  
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- (d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 759  
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- (i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 763  
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- (ii) It is approved to do so by the department; 765
- (iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 766  
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- (e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher 768  
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preparation program approved by the state board of education; 778

(f) Any qualified tax-exempt entity under section 501(c) 779  
(3) of the Internal Revenue Code as long as all of the following 780  
conditions are satisfied: 781

(i) The entity has been in operation for at least five 782  
years prior to applying to be a community school sponsor. 783

(ii) The entity has assets of at least five hundred 784  
thousand dollars and a demonstrated record of financial 785  
responsibility. 786

(iii) The department has determined that the entity is an 787  
education-oriented entity under division (B) (3) of section 788  
3314.015 of the Revised Code and the entity has a demonstrated 789  
record of successful implementation of educational programs. 790

(iv) The entity is not a community school. 791

(g) The mayor of a city in which the majority of the 792  
territory of a school district to which section 3311.60 of the 793  
Revised Code applies is located, regardless of whether that 794  
district has created the position of independent auditor as 795  
prescribed by that section. The mayor's sponsorship authority 796  
under this division is limited to community schools that are 797  
located in that school district. Such mayor may sponsor 798  
community schools only with the approval of the city council of 799  
that city, after establishing standards with which community 800  
schools sponsored by the mayor must comply, and after entering 801  
into a sponsor agreement with the department as prescribed under 802  
section 3314.015 of the Revised Code. The mayor shall establish 803  
the standards for community schools sponsored by the mayor not 804  
later than one hundred eighty days after July 15, 2013, and 805  
shall submit them to the department upon their establishment. 806

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

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

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

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

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

(D) A majority vote of the board of a sponsoring entity

and a majority vote of the members of the governing authority of 836  
a community school shall be required to adopt a contract and 837  
convert the public school or educational service center building 838  
to a community school or establish the new start-up school. 839  
Beginning September 29, 2005, adoption of the contract shall 840  
occur not later than the fifteenth day of March, and signing of 841  
the contract shall occur not later than the fifteenth day of 842  
May, prior to the school year in which the school will open. The 843  
governing authority shall notify the department of education 844  
when the contract has been signed. Subject to sections 3314.013 845  
and 3314.016 of the Revised Code, an unlimited number of 846  
community schools may be established in any school district 847  
provided that a contract is entered into for each community 848  
school pursuant to this chapter. 849

(E) (1) As used in this division, "immediate relatives" are 850  
limited to spouses, children, parents, grandparents, siblings, 851  
and in-laws. 852

Each new start-up community school established under this 853  
chapter shall be under the direction of a governing authority 854  
which shall consist of a board of not less than five 855  
individuals. 856

No person shall serve on the governing authority or 857  
operate the community school under contract with the governing 858  
authority so long as the person owes the state any money or is 859  
in a dispute over whether the person owes the state any money 860  
concerning the operation of a community school that has closed. 861

(2) No person shall serve on the governing authorities of 862  
more than five start-up community schools at the same time. 863

(3) No present or former member, or immediate relative of 864

a present or former member, of the governing authority of any 865  
community school established under this chapter shall be an 866  
owner, employee, or consultant of any sponsor or operator of a 867  
community school, unless at least one year has elapsed since the 868  
conclusion of the person's membership. 869

(4) The governing authority of a start-up community school 870  
may provide by resolution for the compensation of its members. 871  
However, no individual who serves on the governing authority of 872  
a start-up community school shall be compensated more than four 873  
hundred twenty-five dollars per meeting of that governing 874  
authority and no such individual shall be compensated more than 875  
a total amount of five thousand dollars per year for all 876  
governing authorities upon which the individual serves. 877

(5) No person who is the employee of a school district or 878  
educational service center or is the employee of a vendor that 879  
is engaged under a contract with a school district or service 880  
center shall serve on the governing authority of any community 881  
school sponsored by that school district or service center. 882

(6) Each member of the governing authority of a community 883  
school shall annually file a disclosure statement setting forth 884  
the names of any immediate relatives or business associates 885  
employed by the sponsor or operator of that community school, 886  
school district or educational service center that has 887  
contracted with that community school, or a vender that is 888  
currently engaged in business or has previously engaged in 889  
business with that community school. 890

(F) (1) A new start-up school that is established prior to 891  
August 15, 2003, in an urban school district that is not also a 892  
big-eight school district may continue to operate after that 893  
date and the contract between the school's governing authority 894

and the school's sponsor may be renewed, as provided under this 895  
chapter, after that date, but no additional new start-up schools 896  
may be established in such a district unless the district is a 897  
challenged school district as defined in this section as it 898  
exists on and after that date. 899

(2) A community school that was established prior to June 900  
29, 1999, and is located in a county contiguous to the pilot 901  
project area and in a school district that is not a challenged 902  
school district may continue to operate after that date, 903  
provided the school complies with all provisions of this 904  
chapter. The contract between the school's governing authority 905  
and the school's sponsor may be renewed, but no additional 906  
start-up community school may be established in that district 907  
unless the district is a challenged school district. 908

(3) Any educational service center that, on June 30, 2007, 909  
sponsors a community school that is not located in a county 910  
within the territory of the service center or in a county 911  
contiguous to such county may continue to sponsor that community 912  
school on and after June 30, 2007, and may renew its contract 913  
with the school. However, the educational service center shall 914  
not enter into a contract with any additional community school, 915  
unless the school is located in a county within the territory of 916  
the service center or in a county contiguous to such county, or 917  
unless the governing board of the service center has entered 918  
into an agreement with the department authorizing the service 919  
center to sponsor a community school in any challenged school 920  
district in the state. 921

**Sec. 3314.023.** In order to provide monitoring and 922  
technical assistance, a representative of the sponsor of a 923  
community school shall meet with the governing authority or 924



treasurer of the school and shall review the financial and 925  
enrollment records of the school at least once every month. 926  
Copies of those financial and enrollment records shall be 927  
furnished to the community school sponsor, members of the 928  
governing authority, and the fiscal officer designated in 929  
section 3314.011 of the Revised Code on a monthly basis. 930

Sec. 3314.025. (A) Each sponsor of a community school 931  
shall annually submit a report, using the format and manner 932  
prescribed by the state board of education as set forth in 933  
division (B) of this section, describing the amount and type of 934  
expenditures made to provide oversight and technical assistance 935  
to each community school it sponsors. 936

(B) Not later than ninety days after the effective date of 937  
this section, the state board of education shall establish 938  
requirements and a reporting procedure to aide each sponsor in 939  
complying with division (A) of this section. 940

**Sec. 3314.03.** A copy of every contract entered into under 941  
this section shall be filed with the superintendent of public 942  
instruction. The department of education shall make available on 943  
its web site a copy of every approved, executed contract filed 944  
with the superintendent under this section. 945

(A) Each contract entered into between a sponsor and the 946  
governing authority of a community school shall specify the 947  
following: 948

(1) That the school shall be established as either of the 949  
following: 950

(a) A nonprofit corporation established under Chapter 951  
1702. of the Revised Code, if established prior to April 8, 952  
2003; 953

- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 954  
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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 956  
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 960  
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 964  
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 968  
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- (6) (a) Dismissal procedures; 971
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 972  
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 978  
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- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the 980  
981

school to be maintained in the same manner as are financial 982  
records of school districts, pursuant to rules of the auditor of 983  
state. Audits shall be conducted in accordance with section 984  
117.10 of the Revised Code. 985

(9) ~~The~~ An addendum to the contract outlining the 986  
facilities to be used and their locations, that contains at least 987  
the following information: 988

(a) A detailed description of each facility; 989

(b) The annual costs associated with leasing each 990  
facility; 991

(c) The annual mortgage principal and interest payments; 992

(d) The name of the lender. 993

(10) Qualifications of teachers, including a requirement 994  
that the school's classroom teachers be licensed in accordance 995  
with sections 3319.22 to 3319.31 of the Revised Code, except 996  
that a community school may engage noncertificated persons to 997  
teach up to twelve hours per week pursuant to section 3319.301 998  
of the Revised Code. 999

(11) That the school will comply with the following 1000  
requirements: 1001

(a) The school will provide learning opportunities to a 1002  
minimum of twenty-five students for a minimum of nine hundred 1003  
twenty hours per school year. 1004

(b) The governing authority will purchase liability 1005  
insurance, or otherwise provide for the potential liability of 1006  
the school. 1007

(c) The school will be nonsectarian in its programs, 1008

admission policies, employment practices, and all other 1009  
operations, and will not be operated by a sectarian school or 1010  
religious institution. 1011

(d) The school will comply with sections 9.90, 9.91, 1012  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1013  
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 1014  
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 1015  
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 1016  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1017  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1018  
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 1019  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 1020  
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 1021  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 1022  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 1023  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 1024  
it were a school district and will comply with section 3301.0714 1025  
of the Revised Code in the manner specified in section 3314.17 1026  
of the Revised Code. 1027

(e) The school shall comply with Chapter 102. and section 1028  
2921.42 of the Revised Code. 1029

(f) The school will comply with sections 3313.61, 1030  
3313.611, and 3313.614 of the Revised Code, except that for 1031  
students who enter ninth grade for the first time before July 1, 1032  
2010, the requirement in sections 3313.61 and 3313.611 of the 1033  
Revised Code that a person must successfully complete the 1034  
curriculum in any high school prior to receiving a high school 1035  
diploma may be met by completing the curriculum adopted by the 1036  
governing authority of the community school rather than the 1037  
curriculum specified in Title XXXVIII of the Revised Code or any 1038

rules of the state board of education. Beginning with students 1039  
who enter ninth grade for the first time on or after July 1, 1040  
2010, the requirement in sections 3313.61 and 3313.611 of the 1041  
Revised Code that a person must successfully complete the 1042  
curriculum of a high school prior to receiving a high school 1043  
diploma shall be met by completing the requirements prescribed 1044  
in division (C) of section 3313.603 of the Revised Code, unless 1045  
the person qualifies under division (D) or (F) of that section. 1046  
Each school shall comply with the plan for awarding high school 1047  
credit based on demonstration of subject area competency, 1048  
adopted by the state board of education under division (J) of 1049  
section 3313.603 of the Revised Code. 1050

(g) The school governing authority will submit within four 1051  
months after the end of each school year a report of its 1052  
activities and progress in meeting the goals and standards of 1053  
divisions (A) (3) and (4) of this section and its financial 1054  
status to the sponsor and the parents of all students enrolled 1055  
in the school. 1056

(h) The school, unless it is an internet- or computer- 1057  
based community school, will comply with section 3313.801 of the 1058  
Revised Code as if it were a school district. 1059

(i) If the school is the recipient of moneys from a grant 1060  
awarded under the federal race to the top program, Division (A), 1061  
Title XIV, Sections 14005 and 14006 of the "American Recovery 1062  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1063  
the school will pay teachers based upon performance in 1064  
accordance with section 3317.141 and will comply with section 1065  
3319.111 of the Revised Code as if it were a school district. 1066

(12) Arrangements for providing health and other benefits 1067  
to employees; 1068

(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. The school's financial plan is subject to review and approval by the department of education. In the case of an existing school, the contract shall require submission to the department of the school's two most recent financial statements.

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

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

(18) Provisions establishing procedures for resolving

disputes or differences of opinion between the sponsor and the 1098  
governing authority of the community school; 1099

(19) A provision requiring the governing authority to 1100  
adopt a policy regarding the admission of students who reside 1101  
outside the district in which the school is located. That policy 1102  
shall comply with the admissions procedures specified in 1103  
sections 3314.06 and 3314.061 of the Revised Code and, at the 1104  
sole discretion of the authority, shall do one of the following: 1105

(a) Prohibit the enrollment of students who reside outside 1106  
the district in which the school is located; 1107

(b) Permit the enrollment of students who reside in 1108  
districts adjacent to the district in which the school is 1109  
located; 1110

(c) Permit the enrollment of students who reside in any 1111  
other district in the state. 1112

(20) A provision recognizing the authority of the 1113  
department of education to take over the sponsorship of the 1114  
school in accordance with the provisions of division (C) of 1115  
section 3314.015 of the Revised Code; 1116

(21) A provision recognizing the sponsor's authority to 1117  
assume the operation of a school under the conditions specified 1118  
in division (B) of section 3314.073 of the Revised Code; 1119

(22) A provision recognizing both of the following: 1120

(a) The authority of public health and safety officials to 1121  
inspect the facilities of the school and to order the facilities 1122  
closed if those officials find that the facilities are not in 1123  
compliance with health and safety laws and regulations; 1124

(b) The authority of the department of education as the 1125

community school oversight body to suspend the operation of the 1126  
school under section 3314.072 of the Revised Code if the 1127  
department has evidence of conditions or violations of law at 1128  
the school that pose an imminent danger to the health and safety 1129  
of the school's students and employees and the sponsor refuses 1130  
to take such action. 1131

(23) A description of the learning opportunities that will 1132  
be offered to students including both classroom-based and non- 1133  
classroom-based learning opportunities that is in compliance 1134  
with criteria for student participation established by the 1135  
department under division (H) (2) of section 3314.08 of the 1136  
Revised Code; 1137

(24) The school will comply with sections 3302.04 and 1138  
3302.041 of the Revised Code, except that any action required to 1139  
be taken by a school district pursuant to those sections shall 1140  
be taken by the sponsor of the school. However, the sponsor 1141  
shall not be required to take any action described in division 1142  
(F) of section 3302.04 of the Revised Code. 1143

(25) Beginning in the 2006-2007 school year, the school 1144  
will open for operation not later than the thirtieth day of 1145  
September each school year, unless the mission of the school as 1146  
specified under division (A) (2) of this section is solely to 1147  
serve dropouts. In its initial year of operation, if the school 1148  
fails to open by the thirtieth day of September, or within one 1149  
year after the adoption of the contract pursuant to division (D) 1150  
of section 3314.02 of the Revised Code if the mission of the 1151  
school is solely to serve dropouts, the contract shall be void. 1152

(26) Whether the school's governing authority is planning 1153  
to seek designation for the school as a STEM school equivalent 1154  
under section 3326.032 of the Revised Code. 1155



(B) The community school shall also submit to the sponsor 1156  
a comprehensive plan for the school. The plan shall specify the 1157  
following: 1158

(1) The process by which the governing authority of the 1159  
school will be selected in the future; 1160

(2) The management and administration of the school; 1161

(3) If the community school is a currently existing public 1162  
school or educational service center building, alternative 1163  
arrangements for current public school students who choose not 1164  
to attend the converted school and for teachers who choose not 1165  
to teach in the school or building after conversion; 1166

(4) The instructional program and educational philosophy 1167  
of the school; 1168

(5) Internal financial controls. 1169

The department, in consultation with the auditor of state, 1170  
shall provide guidance to assist each community school in the 1171  
creation of policies and procedures related to internal 1172  
financial controls. 1173

(C) A contract entered into under section 3314.02 of the 1174  
Revised Code between a sponsor and the governing authority of a 1175  
community school may provide for the community school governing 1176  
authority to make payments to the sponsor, which is hereby 1177  
authorized to receive such payments as set forth in the contract 1178  
between the governing authority and the sponsor. The total 1179  
amount of such payments for oversight and monitoring of the 1180  
school shall not exceed three per cent of the total amount of 1181  
payments for operating expenses that the school receives from 1182  
the state. 1183

(D) The contract shall specify the duties of the sponsor 1184  
which shall be in accordance with the written agreement entered 1185  
into with the department of education under division (B) of 1186  
section 3314.015 of the Revised Code and shall include the 1187  
following: 1188

(1) Monitor the community school's compliance with all 1189  
laws applicable to the school and with the terms of the 1190  
contract; 1191

(2) Monitor and evaluate the academic and fiscal 1192  
performance and the organization and operation of the community 1193  
school on at least an annual basis; 1194

(3) Report on an annual basis the results of the 1195  
evaluation conducted under division (D) (2) of this section to 1196  
the department of education and to the parents of students 1197  
enrolled in the community school; 1198

(4) Provide technical assistance to the community school 1199  
in complying with laws applicable to the school and terms of the 1200  
contract; 1201

(5) Take steps to intervene in the school's operation to 1202  
correct problems in the school's overall performance, declare 1203  
the school to be on probationary status pursuant to section 1204  
3314.073 of the Revised Code, suspend the operation of the 1205  
school pursuant to section 3314.072 of the Revised Code, or 1206  
terminate the contract of the school pursuant to section 3314.07 1207  
of the Revised Code as determined necessary by the sponsor; 1208

(6) Have in place a plan of action to be undertaken in the 1209  
event the community school experiences financial difficulties or 1210  
closes prior to the end of a school year. 1211

(E) Upon the expiration of a contract entered into under 1212

this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

Sec. 3314.031. (A) Beginning December 31, 2015, the department of education shall do the following:

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

(2) Receive from the governing authority of each community school a copy of the contract between a governing authority and its operator.

(B) Not later than July 1, 2016, the department shall

develop and publish an annual performance report for all 1242  
operators of community schools in the state. The report shall be 1243  
made available on the department's web site. 1244

(C) For purposes of this section, "operator" has the same 1245  
meaning as in division (A) (8) of section 3314.02 of the Revised 1246  
Code. 1247

**Sec. 3314.032.** On and after the effective date of this 1248  
section, any new or renewed contract between the governing 1249  
authority of a community school and an operator shall include at 1250  
least the following: 1251

(A) Criteria to be used for early termination of the 1252  
operator contract; 1253

(B) Required notification procedures and timeline for 1254  
early termination or nonrenewal of the operator contract; 1255

(C) A stipulation of which entity owns all community 1256  
school facilities and property including, but not limited to, 1257  
equipment, furniture, fixtures, instructional materials and 1258  
supplies, computers, printers, and other digital devices 1259  
purchased by the governing authority or operator. 1260

**Sec. 3314.034.** On and after December 31, 2015, any 1261  
community school to which either of the following conditions 1262  
apply shall first receive approval from the department of 1263  
education before it may enter into a contract with a new 1264  
sponsor: 1265

(A) The community school has received a grade of "D" or 1266  
"F" for the performance index score, under division (C) (1) (b) of 1267  
section 3302.03 of the Revised Code, and an overall grade of "D" 1268  
or "F" for the value-added progress dimension or another measure 1269  
of student academic progress if adopted by the state board, 1270

under division (C)(1)(e) of that section, on the most recent 1271  
report card issued for the school pursuant to that section. 1272

(B) The community school is one in which a majority of the 1273  
students are enrolled in a dropout prevention and recovery 1274  
program, and it has received a rating of "does not meet 1275  
standards" for the annual student growth measure and combined 1276  
graduation rates on the most recent report card issued for the 1277  
school under section 3314.017 of the Revised Code. 1278

**Sec. 3314.19.** The sponsor of each community school 1279  
annually shall provide the following assurances in writing to 1280  
the department of education not later than ten business days 1281  
prior to the opening of the school: 1282

(A) That a current copy of the contract between the 1283  
sponsor and the governing authority of the school entered into 1284  
under section 3314.03 of the Revised Code has been filed with 1285  
the department and that any subsequent modifications to that 1286  
contract will be filed with the department; 1287

(B) That the school has submitted to the sponsor a plan 1288  
for providing special education and related services to students 1289  
with disabilities and has demonstrated the capacity to provide 1290  
those services in accordance with Chapter 3323. of the Revised 1291  
Code and federal law; 1292

(C) That the school has a plan and procedures for 1293  
administering the achievement and diagnostic assessments 1294  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 1295  
the Revised Code; 1296

(D) That school personnel have the necessary training, 1297  
knowledge, and resources to properly use and submit information 1298  
to all databases maintained by the department for the collection 1299

of education data, including the education management 1300  
information system established under section 3301.0714 of the 1301  
Revised Code in accordance with methods and timelines 1302  
established under section 3314.17 of the Revised Code; 1303

(E) That all required information about the school has 1304  
been submitted to the Ohio education directory system or any 1305  
successor system; 1306

(F) That the school will enroll at least the minimum 1307  
number of students required by division (A) (11) (a) of section 1308  
3314.03 of the Revised Code in the school year for which the 1309  
assurances are provided; 1310

(G) That all classroom teachers are licensed in accordance 1311  
with sections 3319.22 to 3319.31 of the Revised Code, except for 1312  
noncertificated persons engaged to teach up to twelve hours per 1313  
week pursuant to section 3319.301 of the Revised Code; 1314

(H) That the school's fiscal officer is in compliance with 1315  
section 3314.011 of the Revised Code; 1316

(I) That the school has complied with sections 3319.39 and 1317  
3319.391 of the Revised Code with respect to all employees and 1318  
that the school has conducted a criminal records check of each 1319  
of its governing authority members; 1320

(J) That the school holds all of the following: 1321

(1) Proof of property ownership or a lease for the 1322  
facilities used by the school; 1323

(2) A certificate of occupancy; 1324

(3) Liability insurance for the school, as required by 1325  
division (A) (11) (b) of section 3314.03 of the Revised Code, that 1326  
the sponsor considers sufficient to indemnify the school's 1327

facilities, staff, and governing authority against risk;	1328
(4) A satisfactory health and safety inspection;	1329
(5) A satisfactory fire inspection;	1330
(6) A valid food permit, if applicable.	1331
(K) That the sponsor has conducted a pre-opening site	1332
visit to the school for the school year for which the assurances	1333
are provided;	1334
(L) That the school has designated a date it will open for	1335
the school year for which the assurances are provided that is in	1336
compliance with division (A) (25) of section 3314.03 of the	1337
Revised Code;	1338
(M) That the school has met all of the sponsor's	1339
requirements for opening and any other requirements of the	1340
sponsor.	1341
<u>(N) That, for any school that operates using the blended</u>	1342
<u>learning model, as defined in section 3301.079 of the Revised</u>	1343
<u>Code, the sponsor has reviewed the following information,</u>	1344
<u>submitted by the school:</u>	1345
<u>(1) An indication of what blended learning model or models</u>	1346
<u>will be used;</u>	1347
<u>(2) A description of how student instructional needs will</u>	1348
<u>be determined and documented;</u>	1349
<u>(3) The method to be used for determining competency,</u>	1350
<u>granting credit, and promoting students to a higher grade level;</u>	1351
<u>(4) The school's attendance requirements, including how</u>	1352
<u>the school will document participation in learning</u>	1353
<u>opportunities;</u>	1354

<u>(5) A statement describing how student progress will be</u>	1355
<u>monitored;</u>	1356
<u>(6) A statement describing how private student data will</u>	1357
<u>be protected;</u>	1358
<u>(7) A description of the professional development</u>	1359
<u>activities that will be offered to teachers.</u>	1360
<b>Sec. 3314.23.</b> (A) Subject to division (B) of this section,	1361
each internet- or computer-based community school shall do the	1362
applicable one of the following:	1363
(1) If the general assembly has enacted standards for the	1364
operation of internet- or computer-based community schools by	1365
January 1, 2013, comply with the standards so enacted;	1366
(2) If the general assembly has not enacted such standards	1367
by that date, comply with the standards developed by the	1368
international association for K-12 online learning.	1369
(B) Each internet- or computer-based community school that	1370
initially opens for operation on or after January 1, 2013, shall	1371
comply with the standards required by division (A) of this	1372
section at the time it opens. Each internet- or computer-based	1373
community school that initially opened for operation prior to	1374
January 1, 2013, shall comply with the standards required by	1375
division (A) of this section not later than July 1, 2013.	1376
<u>(C) The sponsor of each internet- or computer-based</u>	1377
<u>community school shall be responsible for monitoring and</u>	1378
<u>ensuring compliance with the online learning standards described</u>	1379
<u>in division (A) and (B) of this section and shall report a</u>	1380
<u>school's failure to comply with these standards to the</u>	1381
<u>department of education in the manner prescribed by the</u>	1382
<u>department.</u>	1383



Sec. 3314.46. As used in this section, "sponsor" includes any officer, director, employee, agent, representative, subsidiary, or independent contractor of the sponsor of a community school. 1384  
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(A) Except as provided in division (B) of this section, no sponsor of a community school shall sell any goods or services to any community school it sponsors. 1388  
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(B) If the sponsor of a community school entered into a contract prior to the effective date of this section that involves the sale of goods or services to a community school it sponsors, the sponsor shall not be required to comply with division (A) of this section with respect to that school until the expiration of the contract. 1391  
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**Section 2.** That existing sections 3302.03, 3314.011, 3314.02, 3314.023, 3314.03, 3314.19, and 3314.23 and section 3314.026 of the Revised Code are hereby repealed. 1397  
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**Section 3.** Not later than December 31, 2015, the State Board of Education shall make recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, and the Governor regarding the following: 1400  
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(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; 1404  
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(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. 1408  
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