

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 2**

**Representatives Dovilla, Roegner**

**Cosponsors: Representatives Brenner, Anielski, Blessing, Buchy, Burkley, Cupp, Dever, DeVitis, Duffey, Grossman, Hackett, Hagan, Hayes, Henne, Koehler, Kraus, Kunze, Manning, McClain, Pelanda, Perales, Romanchuk, Scherer, Slaby, Smith, R., Terhar, Thompson, Young, Speaker Rosenberger**

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**A BILL**

To amend sections 3301.52, 3301.53, 3301.541, 1  
3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 2  
3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3  
3314.029, 3314.03, 3314.06, 3314.07, 3314.074, 4  
3314.08, 3314.19, and 3314.23, to enact sections 5  
3313.131, 3314.019, 3314.025, 3314.031, 6  
3314.032, 3314.034, 3314.035, 3314.036, 7  
3314.037, 3314.038, 3314.039, and 3314.46, and 8  
to repeal section 3314.026 of the Revised Code 9  
with regard to sponsorship and management of 10  
community schools. 11

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

**Section 1.** That sections 3301.52, 3301.53, 3301.541, 12  
3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3314.015, 13  
3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3314.06, 14  
3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 be amended and 15  
sections 3313.131, 3314.019, 3314.025, 3314.031, 3314.032, 16  
3314.034, 3314.035, 3314.036, 3314.037, 3314.038, 3314.039, and 17

3314.46 of the Revised Code be enacted to read as follows:	18
<b>Sec. 3301.52.</b> As used in sections 3301.52 to 3301.59 of	19
the Revised Code:	20
(A) "Preschool program" means either of the following:	21
(1) A child care program for preschool children that is	22
operated by a school district board of education or an eligible	23
nonpublic school.	24
(2) A child care program for preschool children age three	25
or older that is operated by a county DD board <u>or a community</u>	26
<u>school</u> .	27
(B) "Preschool child" or "child" means a child who has not	28
entered kindergarten and is not of compulsory school age.	29
(C) "Parent, guardian, or custodian" means the person or	30
government agency that is or will be responsible for a child's	31
school attendance under section 3321.01 of the Revised Code.	32
(D) "Superintendent" means the superintendent of a school	33
district or the chief administrative officer of <u>a community</u>	34
<u>school or an eligible nonpublic school</u> .	35
(E) "Director" means the director, head teacher,	36
elementary principal, or site administrator who is the	37
individual on site and responsible for supervision of a	38
preschool program.	39
(F) "Preschool staff member" means a preschool employee	40
whose primary responsibility is care, teaching, or supervision	41
of preschool children.	42
(G) "Nonteaching employee" means a preschool program or	43
school child program employee whose primary responsibilities are	44

duties other than care, teaching, and supervision of preschool children or school children. 45  
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(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. 47  
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(I) "County DD board" means a county board of developmental disabilities. 52  
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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. 54  
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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. 58  
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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. 61  
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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. 64  
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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. 70  
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<u>(0) "Community school" means either of the following:</u>	73
<u>(1) A community school established under Chapter 3314. of</u>	74
<u>the Revised Code after the effective date of this amendment that</u>	75
<u>is sponsored by an entity that is rated "exemplary" under</u>	76
<u>section 3314.016 of the Revised Code;</u>	77
<u>(2) A community school established under Chapter 3314. of</u>	78
<u>the Revised Code that has received, on its most recent report</u>	79
<u>card, either of the following:</u>	80
<u>(a) If the school offers any of grade levels four through</u>	81
<u>twelve, a grade of "C" or better for the overall value-added</u>	82
<u>progress dimension under division (C) (1) (e) of section 3302.03</u>	83
<u>of the Revised Code and for the performance index score under</u>	84
<u>division (C) (1) (b) of section 3302.03 of the Revised Code;</u>	85
<u>(b) If the school does not offer a grade level higher than</u>	86
<u>three, a grade of "C" or better for making progress in improving</u>	87
<u>literacy in grades kindergarten through three under division (C)</u>	88
<u>(1) (g) of section 3302.03 of the Revised Code.</u>	89
<b>Sec. 3301.53.</b> (A) The state board of education, in	90
consultation with the director of job and family services, shall	91
formulate and prescribe by rule adopted under Chapter 119. of	92
the Revised Code minimum standards to be applied to preschool	93
programs operated by school district boards of education, county	94
DD boards, <u>community schools,</u> or eligible nonpublic schools. The	95
rules shall include the following:	96
(1) Standards ensuring that the preschool program is	97
located in a safe and convenient facility that accommodates the	98
enrollment of the program, is of the quality to support the	99
growth and development of the children according to the program	100
objectives, and meets the requirements of section 3301.55 of the	101

Revised Code;	102
(2) Standards ensuring that supervision, discipline, and	103
programs will be administered according to established	104
objectives and procedures;	105
(3) Standards ensuring that preschool staff members and	106
nonteaching employees are recruited, employed, assigned,	107
evaluated, and provided inservice education without	108
discrimination on the basis of age, color, national origin,	109
race, or sex; and that preschool staff members and nonteaching	110
employees are assigned responsibilities in accordance with	111
written position descriptions commensurate with their training	112
and experience;	113
(4) A requirement that boards of education intending to	114
establish a preschool program demonstrate a need for a preschool	115
program prior to establishing the program;	116
(5) Requirements that children participating in preschool	117
programs have been immunized to the extent considered	118
appropriate by the state board to prevent the spread of	119
communicable disease;	120
(6) Requirements that the parents of preschool children	121
complete the emergency medical authorization form specified in	122
section 3313.712 of the Revised Code.	123
(B) The state board of education in consultation with the	124
director of job and family services shall ensure that the rules	125
adopted by the state board under sections 3301.52 to 3301.58 of	126
the Revised Code are consistent with and meet or exceed the	127
requirements of Chapter 5104. of the Revised Code with regard to	128
child day-care centers. The state board and the director of job	129
and family services shall review all such rules at least once	130

every five years. 131

(C) The state board of education, in consultation with the 132  
director of job and family services, shall adopt rules for 133  
school child programs that are consistent with and meet or 134  
exceed the requirements of the rules adopted for school-age 135  
child care centers under Chapter 5104. of the Revised Code. 136

**Sec. 3301.541.** (A) (1) The director, head teacher, 137  
elementary principal, or site administrator of a preschool 138  
program shall request the superintendent of the bureau of 139  
criminal identification and investigation to conduct a criminal 140  
records check with respect to any applicant who has applied to 141  
the preschool program for employment as a person responsible for 142  
the care, custody, or control of a child. If the applicant does 143  
not present proof that the applicant has been a resident of this 144  
state for the five-year period immediately prior to the date 145  
upon which the criminal records check is requested or does not 146  
provide evidence that within that five-year period the 147  
superintendent has requested information about the applicant 148  
from the federal bureau of investigation in a criminal records 149  
check, the director, head teacher, or elementary principal shall 150  
request that the superintendent obtain information from the 151  
federal bureau of investigation as a part of the criminal 152  
records check for the applicant. If the applicant presents proof 153  
that the applicant has been a resident of this state for that 154  
five-year period, the director, head teacher, or elementary 155  
principal may request that the superintendent include 156  
information from the federal bureau of investigation in the 157  
criminal records check. 158

(2) Any director, head teacher, elementary principal, or 159  
site administrator required by division (A) (1) of this section 160

to request a criminal records check shall provide to each 161  
applicant a copy of the form prescribed pursuant to division (C) 162  
(1) of section 109.572 of the Revised Code, provide to each 163  
applicant a standard impression sheet to obtain fingerprint 164  
impressions prescribed pursuant to division (C)(2) of section 165  
109.572 of the Revised Code, obtain the completed form and 166  
impression sheet from each applicant, and forward the completed 167  
form and impression sheet to the superintendent of the bureau of 168  
criminal identification and investigation at the time the person 169  
requests a criminal records check pursuant to division (A)(1) of 170  
this section. 171

(3) Any applicant who receives pursuant to division (A)(2) 172  
of this section a copy of the form prescribed pursuant to 173  
division (C)(1) of section 109.572 of the Revised Code and a 174  
copy of an impression sheet prescribed pursuant to division (C) 175  
(2) of that section and who is requested to complete the form 176  
and provide a set of fingerprint impressions shall complete the 177  
form or provide all the information necessary to complete the 178  
form and provide the impression sheet with the impressions of 179  
the applicant's fingerprints. If an applicant, upon request, 180  
fails to provide the information necessary to complete the form 181  
or fails to provide impressions of the applicant's fingerprints, 182  
the preschool program shall not employ that applicant for any 183  
position for which a criminal records check is required by 184  
division (A)(1) of this section. 185

(B)(1) Except as provided in rules adopted by the 186  
department of education in accordance with division (E) of this 187  
section, no preschool program shall employ a person as a person 188  
responsible for the care, custody, or control of a child if the 189  
person previously has been convicted of or pleaded guilty to any 190  
of the following: 191

(a) A violation of section 2903.01, 2903.02, 2903.03, 192  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 193  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 194  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 195  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 196  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 197  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 198  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 199  
section 2905.04 of the Revised Code as it existed prior to July 200  
1, 1996, a violation of section 2919.23 of the Revised Code that 201  
would have been a violation of section 2905.04 of the Revised 202  
Code as it existed prior to July 1, 1996, had the violation 203  
occurred prior to that date, a violation of section 2925.11 of 204  
the Revised Code that is not a minor drug possession offense, or 205  
felonious sexual penetration in violation of former section 206  
2907.12 of the Revised Code; 207

(b) A violation of an existing or former law of this 208  
state, any other state, or the United States that is 209  
substantially equivalent to any of the offenses or violations 210  
described in division (B) (1) (a) of this section. 211

(2) A preschool program may employ an applicant 212  
conditionally until the criminal records check required by this 213  
section is completed and the preschool program receives the 214  
results of the criminal records check. If the results of the 215  
criminal records check indicate that, pursuant to division (B) 216  
(1) of this section, the applicant does not qualify for 217  
employment, the preschool program shall release the applicant 218  
from employment. 219

(C) (1) Each preschool program shall pay to the bureau of 220  
criminal identification and investigation the fee prescribed 221



pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the preschool program pays under division (C) (1) of this section. If a fee is charged under this division, the preschool program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

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

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

standards in regard to rehabilitation set by the department. 252

(F) Any person required by division (A)(1) of this section 253  
to request a criminal records check shall inform each person, at 254  
the time of the person's initial application for employment, 255  
that the person is required to provide a set of impressions of 256  
the person's fingerprints and that a criminal records check is 257  
required to be conducted and satisfactorily completed in 258  
accordance with section 109.572 of the Revised Code if the 259  
person comes under final consideration for appointment or 260  
employment as a precondition to employment for that position. 261

(G) As used in this section: 262

(1) "Applicant" means a person who is under final 263  
consideration for appointment or employment in a position with a 264  
preschool program as a person responsible for the care, custody, 265  
or control of a child, except that "applicant" does not include 266  
a person already employed by a board of education, community 267  
school, or chartered nonpublic school in a position of care, 268  
custody, or control of a child who is under consideration for a 269  
different position with such board or school. 270

(2) "Criminal records check" has the same meaning as in 271  
section 109.572 of the Revised Code. 272

(3) "Minor drug possession offense" has the same meaning 273  
as in section 2925.01 of the Revised Code. 274

(H) If the board of education of a local school district 275  
adopts a resolution requesting the assistance of the educational 276  
service center in which the local district has territory in 277  
conducting criminal records checks of substitute teachers under 278  
this section, the appointing or hiring officer of such 279  
educational service center governing board shall serve for 280

purposes of this section as the appointing or hiring officer of 281  
the local board in the case of hiring substitute teachers for 282  
employment in the local district. 283

**Sec. 3301.55.** (A) A school district, county DD board, 284  
community school, or eligible nonpublic school operating a 285  
preschool program shall house the program in buildings that meet 286  
the following requirements: 287

(1) The building is operated by the district, county DD 288  
board, community school, or eligible nonpublic school and has 289  
been approved by the division of industrial compliance in the 290  
department of commerce or a certified municipal, township, or 291  
county building department for the purpose of operating a 292  
program for preschool children. Any such structure shall be 293  
constructed, equipped, repaired, altered, and maintained in 294  
accordance with applicable provisions of Chapters 3781. and 295  
3791. and with rules adopted by the board of building standards 296  
under Chapter 3781. of the Revised Code for the safety and 297  
sanitation of structures erected for this purpose. 298

(2) The building is in compliance with fire and safety 299  
laws and regulations as evidenced by reports of annual school 300  
fire and safety inspections as conducted by appropriate local 301  
authorities. 302

(3) The school is in compliance with rules established by 303  
the state board of education regarding school food services. 304

(4) The facility includes not less than thirty-five square 305  
feet of indoor space for each child in the program. Safe play 306  
space, including both indoor and outdoor play space, totaling 307  
not less than sixty square feet for each child using the space 308  
at any one time, shall be regularly available and scheduled for 309

use. 310

(5) First aid facilities and space for temporary placement 311  
or isolation of injured or ill children are provided. 312

(B) Each school district, county DD board, community 313  
school, or eligible nonpublic school that operates, or proposes 314  
to operate, a preschool program shall submit a building plan 315  
including all information specified by the state board of 316  
education to the board not later than the first day of September 317  
of the school year in which the program is to be initiated. The 318  
board shall determine whether the buildings meet the 319  
requirements of this section and section 3301.53 of the Revised 320  
Code, and notify the superintendent of its determination. If the 321  
board determines, on the basis of the building plan or any other 322  
information, that the buildings do not meet those requirements, 323  
it shall cause the buildings to be inspected by the department 324  
of education. The department shall make a report to the 325  
superintendent specifying any aspects of the building that are 326  
not in compliance with the requirements of this section and 327  
section 3301.53 of the Revised Code and the time period that 328  
will be allowed the district, county DD board, or school to meet 329  
the requirements. 330

**Sec. 3301.56.** (A) The director, head teacher, elementary 331  
principal, or site administrator who is on site and responsible 332  
for supervision of each preschool program shall be responsible 333  
for the following: 334

(1) Ensuring that the health and safety of the children 335  
are safeguarded by an organized program of school health 336  
services designed to identify child health problems and to 337  
coordinate school and community health resources for children, 338  
as evidenced by but not limited to: 339

(a) Requiring immunization and compliance with emergency	340
medical authorization requirements in accordance with rules	341
adopted by the state board of education under section 3301.53 of	342
the Revised Code;	343
(b) Providing procedures for emergency situations,	344
including fire drills, rapid dismissals, tornado drills, and	345
school safety drills in accordance with section 3737.73 of the	346
Revised Code, and keeping records of such drills or dismissals;	347
(c) Posting emergency procedures in preschool rooms and	348
making them available to school personnel, children, and	349
parents;	350
(d) Posting emergency numbers by each telephone;	351
(e) Supervising grounds, play areas, and other facilities	352
when scheduled for use by children;	353
(f) Providing first-aid facilities and materials.	354
(2) Maintaining cumulative records for each child;	355
(3) Supervising each child's admission, placement, and	356
withdrawal according to established procedures;	357
(4) Preparing at least once annually for each group of	358
children in the program a roster of names and telephone numbers	359
of parents, guardians, and custodians of children in the group	360
and, on request, furnishing the roster for each group to the	361
parents, guardians, and custodians of children in that group.	362
The director may prepare a similar roster of all children in the	363
program and, on request, make it available to the parents,	364
guardians, and custodians, of children in the program. The	365
director shall not include in either roster the name or	366
telephone number of any parent, guardian, or custodian who	367

requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.

(5) Ensuring that clerical and custodial services are provided for the program;

(6) Supervising the instructional program and the daily operation of the program;

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

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

Age Group	Maximum Group Size	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	
12 months to less than 18 months	12	1:6	
18 months to less than 30 months	14	1:7	
30 months to less than 3 years	16	1:8	
3-year-olds	24	1:12	
4- and 5-year-olds not in school	28	1:14	

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age

group established under division (B)(1) of this section shall 401  
apply. 402

(3) In a room where children are napping, if all the 403  
children are at least eighteen months of age, the maximum number 404  
of children per preschool staff member shall, for a period not 405  
to exceed one and one-half hours in any twenty-four hour day, be 406  
twice the maximum number of children per preschool staff member 407  
established under division (B)(1) of this section if all the 408  
following criteria are met: 409

(a) At least one preschool staff member is present in the 410  
room; 411

(b) Sufficient preschool staff members are present on the 412  
preschool program premises to comply with division (B)(1) of 413  
this section; 414

(c) Naptime preparations have been completed and the 415  
children are resting or napping. 416

(4) Any accredited program that uses the Montessori method 417  
endorsed by the American Montessori society or the association 418  
Montessori internationale as its primary method of instruction 419  
and is licensed as a preschool program under section 3301.58 of 420  
the Revised Code may combine preschool children of ages three to 421  
five years old with children enrolled in kindergarten. 422  
Notwithstanding anything to the contrary in division (B)(2) of 423  
this section, when such age groups are combined, the maximum 424  
number of children per preschool staff member shall be twelve 425  
and the maximum group size shall be twenty-four children. 426

(C) In each building in which a preschool program is 427  
operated there shall be on the premises, and readily available 428  
at all times, at least one employee who has completed a course 429

in first aid and in the prevention, recognition, and management 430  
of communicable diseases which is approved by the state 431  
department of health, and an employee who has completed a course 432  
in child abuse recognition and prevention. 433

(D) Any parent, guardian, or custodian of a child enrolled 434  
in a preschool program shall be permitted unlimited access to 435  
the school during its hours of operation to contact the 436  
parent's, guardian's, or custodian's child, evaluate the care 437  
provided by the program, or evaluate the premises, or for other 438  
purposes approved by the director. Upon entering the premises, 439  
the parent, guardian, or custodian shall report to the school 440  
office. 441

**Sec. 3301.57.** (A) For the purpose of improving programs, 442  
facilities, and implementation of the standards promulgated by 443  
the state board of education under section 3301.53 of the 444  
Revised Code, the state department of education shall provide 445  
consultation and technical assistance to school districts, 446  
county DD boards, community schools, and eligible nonpublic 447  
schools operating preschool programs or school child programs, 448  
and inservice training to preschool staff members, school child 449  
program staff members, and nonteaching employees. 450

(B) The department and the school district board of 451  
education, county DD board, community school, or eligible 452  
nonpublic school shall jointly monitor each preschool program 453  
and each school child program. 454

If the program receives any grant or other funding from 455  
the state or federal government, the department annually shall 456  
monitor all reports on attendance, financial support, and 457  
expenditures according to provisions for use of the funds. 458



(C) The department of education, at least once during 459  
every twelve-month period of operation of a preschool program or 460  
a licensed school child program, shall inspect the program and 461  
provide a written inspection report to the superintendent of the 462  
school district, county DD board, community school, or eligible 463  
nonpublic school. The department may inspect any program more 464  
than once, as considered necessary by the department, during any 465  
twelve-month period of operation. All inspections may be 466  
unannounced. No person shall interfere with any inspection 467  
conducted pursuant to this division or to the rules adopted 468  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 469

Upon receipt of any complaint that a preschool program or 470  
a licensed school child program is out of compliance with the 471  
requirements in sections 3301.52 to 3301.59 of the Revised Code 472  
or the rules adopted under those sections, the department shall 473  
investigate and may inspect the program. 474

(D) If a preschool program or a licensed school child 475  
program is determined to be out of compliance with the 476  
requirements of sections 3301.52 to 3301.59 of the Revised Code 477  
or the rules adopted under those sections, the department of 478  
education shall notify the appropriate superintendent, county DD 479  
board, community school, or eligible nonpublic school in writing 480  
regarding the nature of the violation, what must be done to 481  
correct the violation, and by what date the correction must be 482  
made. If the correction is not made by the date established by 483  
the department, it may commence action under Chapter 119. of the 484  
Revised Code to close the program or to revoke the license of 485  
the program. If a program does not comply with an order to cease 486  
operation issued in accordance with Chapter 119. of the Revised 487  
Code, the department shall notify the attorney general, the 488  
prosecuting attorney of the county in which the program is 489

located, or the city attorney, village solicitor, or other chief 490  
legal officer of the municipal corporation in which the program 491  
is located that the program is operating in violation of 492  
sections 3301.52 to 3301.59 of the Revised Code or the rules 493  
adopted under those sections and in violation of an order to 494  
cease operation issued in accordance with Chapter 119. of the 495  
Revised Code. Upon receipt of the notification, the attorney 496  
general, prosecuting attorney, city attorney, village solicitor, 497  
or other chief legal officer shall file a complaint in the court 498  
of common pleas of the county in which the program is located 499  
requesting the court to issue an order enjoining the program 500  
from operating. The court shall grant the requested injunctive 501  
relief upon a showing that the program named in the complaint is 502  
operating in violation of sections 3301.52 to 3301.59 of the 503  
Revised Code or the rules adopted under those sections and in 504  
violation of an order to cease operation issued in accordance 505  
with Chapter 119. of the Revised Code. 506

(E) The department of education shall prepare an annual 507  
report on inspections conducted under this section. The report 508  
shall include the number of inspections conducted, the number 509  
and types of violations found, and the steps taken to address 510  
the violations. The department shall file the report with the 511  
governor, the president and minority leader of the senate, and 512  
the speaker and minority leader of the house of representatives 513  
on or before the first day of January of each year, beginning in 514  
1999. 515

**Sec. 3301.58.** (A) The department of education is 516  
responsible for the licensing of preschool programs and school 517  
child programs and for the enforcement of sections 3301.52 to 518  
3301.59 of the Revised Code and of any rules adopted under those 519  
sections. No school district board of education, county DD 520

board, community school, or eligible nonpublic school shall 521  
operate, establish, manage, conduct, or maintain a preschool 522  
program without a license issued under this section. A school 523  
district board of education, county DD board, community school, 524  
or eligible nonpublic school may obtain a license under this 525  
section for a school child program. The school district board of 526  
education, county DD board, community school, or eligible 527  
nonpublic school shall post the license for each preschool 528  
program and licensed school child program it operates, 529  
establishes, manages, conducts, or maintains in a conspicuous 530  
place in the preschool program or licensed school child program 531  
that is accessible to parents, custodians, or guardians and 532  
employees and staff members of the program at all times when the 533  
program is in operation. 534

(B) Any school district board of education, county DD 535  
board, community school, or eligible nonpublic school that 536  
desires to operate, establish, manage, conduct, or maintain a 537  
preschool program shall apply to the department of education for 538  
a license on a form that the department shall prescribe by rule. 539  
Any school district board of education, county DD board, 540  
community school, or eligible nonpublic school that desires to 541  
obtain a license for a school child program shall apply to the 542  
department for a license on a form that the department shall 543  
prescribe by rule. The department shall provide at no charge to 544  
each applicant for a license under this section a copy of the 545  
requirements under sections 3301.52 to 3301.59 of the Revised 546  
Code and any rules adopted under those sections. The department 547  
may establish application fees by rule adopted under Chapter 548  
119. of the Revised Code, and all applicants for a license shall 549  
pay any fee established by the department at the time of making 550  
an application for a license. All fees collected pursuant to 551

this section shall be paid into the state treasury to the credit of the general revenue fund. 552  
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(C) Upon the filing of an application for a license, the department of education shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department of education shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked. 554  
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(D) The department of education shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department of education determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department of education shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations. 569  
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(E) The department of education annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the 579  
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requirements of sections 3301.52 to 3301.59 of the Revised Code 582  
and any rules adopted under those sections are met by the 583  
program, and shall notify the program of the results. 584

(F) The license or provisional license shall state the 585  
name of the school district board of education, county DD board, 586  
community school, or eligible nonpublic school that operates the 587  
preschool program or school child program and the license 588  
capacity of the program. 589

(G) The department of education may revoke the license of 590  
any preschool program or school child program that is not in 591  
compliance with the requirements of sections 3301.52 to 3301.59 592  
of the Revised Code and any rules adopted under those sections. 593

(H) If the department of education revokes a license, the 594  
department shall not issue a license to the program within two 595  
years from the date of the revocation. All actions of the 596  
department with respect to licensing preschool programs and 597  
school child programs shall be in accordance with Chapter 119. 598  
of the Revised Code. 599

**Sec. 3302.03.** Annually, not later than the fifteenth day 600  
of September or the preceding Friday when that day falls on a 601  
Saturday or Sunday, the department of education shall assign a 602  
letter grade for overall academic performance and for each 603  
separate performance measure for each school district, and each 604  
school building in a district, in accordance with this section. 605  
The state board shall adopt rules pursuant to Chapter 119. of 606  
the Revised Code to establish performance criteria for each 607  
letter grade and prescribe a method by which the department 608  
assigns each letter grade. For a school building to which any of 609  
the performance measures do not apply, due to grade levels 610  
served by the building, the state board shall designate the 611

performance measures that are applicable to the building and 612  
that must be calculated separately and used to calculate the 613  
building's overall grade. The department shall issue annual 614  
report cards reflecting the performance of each school district, 615  
each building within each district, and for the state as a whole 616  
using the performance measures and letter grade system described 617  
in this section. The department shall include on the report card 618  
for each district and each building within each district the 619  
most recent two-year trend data in student achievement for each 620  
subject and each grade. 621

(A) (1) For the 2012-2013 school year, the department shall 622  
issue grades as described in division (E) of this section for 623  
each of the following performance measures: 624

(a) Annual measurable objectives; 625

(b) Performance index score for a school district or 626  
building. Grades shall be awarded as a percentage of the total 627  
possible points on the performance index system as adopted by 628  
the state board. In adopting benchmarks for assigning letter 629  
grades under division (A) (1) (b) of this section, the state board 630  
of education shall designate ninety per cent or higher for an 631  
"A," at least seventy per cent but not more than eighty per cent 632  
for a "C," and less than fifty per cent for an "F." 633

(c) The extent to which the school district or building 634  
meets each of the applicable performance indicators established 635  
by the state board under section 3302.02 of the Revised Code and 636  
the percentage of applicable performance indicators that have 637  
been achieved. In adopting benchmarks for assigning letter 638  
grades under division (A) (1) (c) of this section, the state board 639  
shall designate ninety per cent or higher for an "A." 640

(d) The four- and five-year adjusted cohort graduation rates. 641  
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In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A." 643  
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(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. The letter grade assigned for this growth measure shall be as follows: 649  
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(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A." 654  
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(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B." 656  
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(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C." 659  
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(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 663  
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(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 667  
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Whenever the value-added progress dimension is used as a 669  
graded performance measure, whether as an overall measure or as 670  
a measure of separate subgroups, the grades for the measure 671  
shall be calculated in the same manner as prescribed in division 672  
(A) (1) (e) of this section. 673

(f) The value-added progress dimension score for a school 674  
district or building disaggregated for each of the following 675  
subgroups: students identified as gifted, students with 676  
disabilities, and students whose performance places them in the 677  
lowest quintile for achievement on a statewide basis. Each 678  
subgroup shall be a separate graded measure. 679

(2) Not later than April 30, 2013, the state board of 680  
education shall adopt a resolution describing the performance 681  
measures, benchmarks, and grading system for the 2012-2013 682  
school year and, not later than June 30, 2013, shall adopt rules 683  
in accordance with Chapter 119. of the Revised Code that 684  
prescribe the methods by which the performance measures under 685  
division (A) (1) of this section shall be assessed and assigned a 686  
letter grade, including performance benchmarks for each letter 687  
grade. 688

At least forty-five days prior to the state board's 689  
adoption of rules to prescribe the methods by which the 690  
performance measures under division (A) (1) of this section shall 691  
be assessed and assigned a letter grade, the department shall 692  
conduct a public presentation before the standing committees of 693  
the house of representatives and the senate that consider 694  
education legislation describing such methods, including 695  
performance benchmarks. 696

(3) There shall not be an overall letter grade for a 697  
school district or building for the 2012-2013 school year. 698



(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:

(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 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."

(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."

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

(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.

(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 728  
whose performance places them in the lowest quintile for 729  
achievement on a statewide basis. Each subgroup shall be a 730  
separate graded measure. 731

(g) Whether a school district or building is making 732  
progress in improving literacy in grades kindergarten through 733  
three, as determined using a method prescribed by the state 734  
board. The state board shall adopt rules to prescribe benchmarks 735  
and standards for assigning grades to districts and buildings 736  
for purposes of division (B) (1) (g) of this section. In adopting 737  
benchmarks for assigning letter grades under divisions (B) (1) (g) 738  
and (C) (1) (g) of this section, the state board shall determine 739  
progress made based on the reduction in the total percentage of 740  
students scoring below grade level, or below proficient, 741  
compared from year to year on the reading and writing diagnostic 742  
assessments administered under section 3301.0715 of the Revised 743  
Code and the third grade English language arts assessment under 744  
section 3301.0710 of the Revised Code, as applicable. The state 745  
board shall designate for a "C" grade a value that is not lower 746  
than the statewide average value for this measure. No grade 747  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 748  
section for a district or building in which less than five per 749  
cent of students have scored below grade level on the diagnostic 750  
assessment administered to students in kindergarten under 751  
division (B) (1) of section 3313.608 of the Revised Code. 752

(h) For a high mobility school district or building, an 753  
additional value-added progress dimension score. For this 754  
measure, the department shall use value-added data from the most 755  
recent school year available and shall use assessment scores for 756  
only those students to whom the district or building has 757  
administered the assessments prescribed by section 3301.0710 of 758

the Revised Code for each of the two most recent consecutive 759  
school years. 760

As used in this division, "high mobility school district 761  
or building" means a school district or building where at least 762  
twenty-five per cent of its total enrollment is made up of 763  
students who have attended that school district or building for 764  
less than one year. 765

(2) In addition to the graded measures in division (B) (1) 766  
of this section, the department shall include on a school 767  
district's or building's report card all of the following 768  
without an assigned letter grade: 769

(a) The percentage of students enrolled in a district or 770  
building participating in advanced placement classes and the 771  
percentage of those students who received a score of three or 772  
better on advanced placement examinations; 773

(b) The number of a district's or building's students who 774  
have earned at least three college credits through dual 775  
enrollment or advanced standing programs, such as the post- 776  
secondary enrollment options program under Chapter 3365. of the 777  
Revised Code and state-approved career-technical courses offered 778  
through dual enrollment or statewide articulation, that appear 779  
on a student's transcript or other official document, either of 780  
which is issued by the institution of higher education from 781  
which the student earned the college credit. The credits earned 782  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 783  
this section shall not include any that are remedial or 784  
developmental and shall include those that count toward the 785  
curriculum requirements established for completion of a degree. 786

(c) The percentage of students enrolled in a district or 787

building who have taken a national standardized test used for 788  
college admission determinations and the percentage of those 789  
students who are determined to be remediation-free in accordance 790  
with standards adopted under division (F) of section 3345.061 of 791  
the Revised Code; 792

(d) The percentage of the district's or the building's 793  
students who receive industry-recognized credentials. The state 794  
board shall adopt criteria for acceptable industry-recognized 795  
credentials. 796

(e) The percentage of students enrolled in a district or 797  
building who are participating in an international baccalaureate 798  
program and the percentage of those students who receive a score 799  
of four or better on the international baccalaureate 800  
examinations. 801

(f) The percentage of the district's or building's 802  
students who receive an honors diploma under division (B) of 803  
section 3313.61 of the Revised Code. 804

(3) Not later than December 31, 2013, the state board 805  
shall adopt rules in accordance with Chapter 119. of the Revised 806  
Code that prescribe the methods by which the performance 807  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 808  
will be assessed and assigned a letter grade, including 809  
performance benchmarks for each grade. 810

At least forty-five days prior to the state board's 811  
adoption of rules to prescribe the methods by which the 812  
performance measures under division (B) (1) of this section shall 813  
be assessed and assigned a letter grade, the department shall 814  
conduct a public presentation before the standing committees of 815  
the house of representatives and the senate that consider 816

education legislation describing such methods, including 817  
performance benchmarks. 818

(4) There shall not be an overall letter grade for a 819  
school district or building for the 2013-2014 school year. 820

(C) (1) For the 2014-2015 school year and each school year 821  
thereafter, the department shall issue grades as described in 822  
division (E) of this section for each of the performance 823  
measures prescribed in division (C) (1) of this section and an 824  
overall letter grade based on an aggregate of those measures, 825  
except for the performance measure set forth in division (C) (1) 826  
(h) of this section. The graded measures are as follows: 827

(a) Annual measurable objectives; 828

(b) Performance index score for a school district or 829  
building. Grades shall be awarded as a percentage of the total 830  
possible points on the performance index system as created by 831  
the department. In adopting benchmarks for assigning letter 832  
grades under division (C) (1) (b) of this section, the state board 833  
shall designate ninety per cent or higher for an "A," at least 834  
seventy per cent but not more than eighty per cent for a "C," 835  
and less than fifty per cent for an "F." 836

(c) The extent to which the school district or building 837  
meets each of the applicable performance indicators established 838  
by the state board under section 3302.03 of the Revised Code and 839  
the percentage of applicable performance indicators that have 840  
been achieved. In adopting benchmarks for assigning letter 841  
grades under division (C) (1) (c) of this section, the state board 842  
shall designate ninety per cent or higher for an "A." 843

(d) The four- and five-year adjusted cohort graduation 844  
rates; 845

(e) The overall score under the value-added progress 846  
dimension, or another measure of student academic progress if 847  
adopted by the state board, of a school district or building, 848  
for which the department shall use up to three years of value- 849  
added data as available. 850

In adopting benchmarks for assigning letter grades for 851  
overall score on value-added progress dimension under division 852  
(C) (1) (e) of this section, the state board shall prohibit the 853  
assigning of a grade of "A" for that measure unless the 854  
district's or building's grade assigned for value-added progress 855  
dimension for all subgroups under division (C) (1) (f) of this 856  
section is a "B" or higher. 857

For the metric prescribed by division (C) (1) (e) of this 858  
section, the state board may adopt a student academic progress 859  
measure to be used instead of the value-added progress 860  
dimension. If the state board adopts such a measure, it also 861  
shall prescribe a method for assigning letter grades for the new 862  
measure that is comparable to the method prescribed in division 863  
(A) (1) (e) of this section. 864

(f) The value-added progress dimension score of a school 865  
district or building disaggregated for each of the following 866  
subgroups: students identified as gifted in superior cognitive 867  
ability and specific academic ability fields under Chapter 3324. 868  
of the Revised Code, students with disabilities, and students 869  
whose performance places them in the lowest quintile for 870  
achievement on a statewide basis, as determined by a method 871  
prescribed by the state board. Each subgroup shall be a separate 872  
graded measure. 873

The state board may adopt student academic progress 874  
measures to be used instead of the value-added progress 875

dimension. If the state board adopts such measures, it also 876  
shall prescribe a method for assigning letter grades for the new 877  
measures that is comparable to the method prescribed in division 878  
(A) (1) (e) of this section. 879

(g) Whether a school district or building is making 880  
progress in improving literacy in grades kindergarten through 881  
three, as determined using a method prescribed by the state 882  
board. The state board shall adopt rules to prescribe benchmarks 883  
and standards for assigning grades to a district or building for 884  
purposes of division (C) (1) (g) of this section. The state board 885  
shall designate for a "C" grade a value that is not lower than 886  
the statewide average value for this measure. No grade shall be 887  
issued under division (C) (1) (g) of this section for a district 888  
or building in which less than five per cent of students have 889  
scored below grade level on the kindergarten diagnostic 890  
assessment under division (B) (1) of section 3313.608 of the 891  
Revised Code. 892

(h) For a high mobility school district or building, an 893  
additional value-added progress dimension score. For this 894  
measure, the department shall use value-added data from the most 895  
recent school year available and shall use assessment scores for 896  
only those students to whom the district or building has 897  
administered the assessments prescribed by section 3301.0710 of 898  
the Revised Code for each of the two most recent consecutive 899  
school years. 900

As used in this division, "high mobility school district 901  
or building" means a school district or building where at least 902  
twenty-five per cent of its total enrollment is made up of 903  
students who have attended that school district or building for 904  
less than one year. 905

(2) In addition to the graded measures in division (C) (1) 906  
of this section, the department shall include on a school 907  
district's or building's report card all of the following 908  
without an assigned letter grade: 909

(a) The percentage of students enrolled in a district or 910  
building who have taken a national standardized test used for 911  
college admission determinations and the percentage of those 912  
students who are determined to be remediation-free in accordance 913  
with the standards adopted under division (F) of section 914  
3345.061 of the Revised Code; 915

(b) The percentage of students enrolled in a district or 916  
building participating in advanced placement classes and the 917  
percentage of those students who received a score of three or 918  
better on advanced placement examinations; 919

(c) The percentage of a district's or building's students 920  
who have earned at least three college credits through advanced 921  
standing programs, such as the college credit plus program under 922  
Chapter 3365. of the Revised Code and state-approved career- 923  
technical courses offered through dual enrollment or statewide 924  
articulation, that appear on a student's college transcript 925  
issued by the institution of higher education from which the 926  
student earned the college credit. The credits earned that are 927  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 928  
shall not include any that are remedial or developmental and 929  
shall include those that count toward the curriculum 930  
requirements established for completion of a degree. 931

(d) The percentage of the district's or building's 932  
students who receive an honor's diploma under division (B) of 933  
section 3313.61 of the Revised Code; 934



(e) The percentage of the district's or building's students who receive industry-recognized credentials;	935 936
(f) 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;	937 938 939 940 941
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	942 943 944
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	945 946 947 948 949 950
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	951 952
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	953 954
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	955 956
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	957 958
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	959 960 961
(f) Prepared for success, which shall include the	962

performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 963  
and (f) of this section. The state board shall develop a method 964  
to determine a grade for the component in division (C)(3)(f) of 965  
this section using the performance measures in divisions (C)(2) 966  
(a), (b), (c), (d), (e), and (f) of this section. When 967  
available, the state board may incorporate the performance 968  
measure under division (C)(2)(g) of this section into the 969  
component under division (C)(3)(f) of this section. When 970  
determining the overall grade for the prepared for success 971  
component prescribed by division (C)(3)(f) of this section, no 972  
individual student shall be counted in more than one performance 973  
measure. However, if a student qualifies for more than one 974  
performance measure in the component, the state board may, in 975  
its method to determine a grade for the component, specify an 976  
additional weight for such a student that is not greater than or 977  
equal to 1.0. In determining the overall score under division 978  
(C)(3)(f) of this section, the state board shall ensure that the 979  
pool of students included in the performance measures aggregated 980  
under that division are all of the students included in the 981  
four- and five-year adjusted graduation cohort. 982

In the rules adopted under division (C)(3) of this 983  
section, the state board shall adopt a method for determining a 984  
grade for each component in divisions (C)(3)(a) to (f) of this 985  
section. The state board also shall establish a method to assign 986  
an overall grade of "A," "B," "C," "D," or "F" using the grades 987  
assigned for each component. The method the state board adopts 988  
for assigning an overall grade shall give equal weight to the 989  
components in divisions (C)(3)(b) and (c) of this section. 990

At least forty-five days prior to the state board's 991  
adoption of rules to prescribe the methods for calculating the 992  
overall grade for the report card, as required by this division, 993

the department shall conduct a public presentation before the 994  
standing committees of the house of representatives and the 995  
senate that consider education legislation describing the format 996  
for the report card, weights that will be assigned to the 997  
components of the overall grade, and the method for calculating 998  
the overall grade. 999

(D) Not later than July 1, 2015, the state board shall 1000  
develop a measure of student academic progress for high school 1001  
students using only data from assessments in English language 1002  
arts and mathematics. For the 2014-2015 school year, the 1003  
department shall include this measure on a school district or 1004  
building's report card, as applicable, without an assigned 1005  
letter grade. Beginning with the report card for the 2015-2016 1006  
school year, each school district and applicable school building 1007  
shall be assigned a separate letter grade for this measure and 1008  
the district's or building's grade for that measure shall be 1009  
included in determining the district's or building's overall 1010  
letter grade. This measure shall be included within the measure 1011  
prescribed in division (C) (3) (c) of this section in the 1012  
calculation for the overall letter grade. 1013

(E) The letter grades assigned to a school district or 1014  
building under this section shall be as follows: 1015

(1) "A" for a district or school making excellent 1016  
progress; 1017

(2) "B" for a district or school making above average 1018  
progress; 1019

(3) "C" for a district or school making average progress; 1020

(4) "D" for a district or school making below average 1021  
progress; 1022

(5) "F" for a district or school failing to meet minimum progress.	1023 1024
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1025 1026 1027
(1) Performance of students by grade-level;	1028
(2) Performance of students by race and ethnic group;	1029
(3) Performance of students by gender;	1030
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1031 1032
(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;	1033 1034 1035
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1036 1037
(7) Performance of students grouped by those who are economically disadvantaged;	1038 1039
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1040 1041 1042
(9) Performance of students grouped by those who are classified as limited English proficient;	1043 1044
(10) Performance of students grouped by those who have disabilities;	1045 1046
(11) Performance of students grouped by those who are classified as migrants;	1047 1048

(12) Performance of students grouped by those who are 1049  
identified as gifted in superior cognitive ability and the 1050  
specific academic ability fields of reading and math pursuant to 1051  
Chapter 3324. of the Revised Code. In disaggregating specific 1052  
academic ability fields for gifted students, the department 1053  
shall use data for those students with specific academic ability 1054  
in math and reading. If any other academic field is assessed, 1055  
the department shall also include data for students with 1056  
specific academic ability in that field as well. 1057

(13) Performance of students grouped by those who perform 1058  
in the lowest quintile for achievement on a statewide basis, as 1059  
determined by a method prescribed by the state board. 1060

The department may disaggregate data on student 1061  
performance according to other categories that the department 1062  
determines are appropriate. To the extent possible, the 1063  
department shall disaggregate data on student performance 1064  
according to any combinations of two or more of the categories 1065  
listed in divisions (F)(1) to (13) of this section that it deems 1066  
relevant. 1067

In reporting data pursuant to division (F) of this 1068  
section, the department shall not include in the report cards 1069  
any data statistical in nature that is statistically unreliable 1070  
or that could result in the identification of individual 1071  
students. For this purpose, the department shall not report 1072  
student performance data for any group identified in division 1073  
(F) of this section that contains less than ten students. If the 1074  
department does not report student performance data for a group 1075  
because it contains less than ten students, the department shall 1076  
indicate on the report card that is why data was not reported. 1077

(G) The department may include with the report cards any 1078

additional education and fiscal performance data it deems 1079  
valuable. 1080

(H) The department shall include on each report card a 1081  
list of additional information collected by the department that 1082  
is available regarding the district or building for which the 1083  
report card is issued. When available, such additional 1084  
information shall include student mobility data disaggregated by 1085  
race and socioeconomic status, college enrollment data, and the 1086  
reports prepared under section 3302.031 of the Revised Code. 1087

The department shall maintain a site on the world wide 1088  
web. The report card shall include the address of the site and 1089  
shall specify that such additional information is available to 1090  
the public at that site. The department shall also provide a 1091  
copy of each item on the list to the superintendent of each 1092  
school district. The district superintendent shall provide a 1093  
copy of any item on the list to anyone who requests it. 1094

(I) ~~Division~~ Until July 1, 2016, division (I) of this 1095  
section does not apply to conversion community schools that 1096  
primarily enroll students between sixteen and twenty-two years 1097  
of age who dropped out of high school or are at risk of dropping 1098  
out of high school due to poor attendance, disciplinary 1099  
problems, or suspensions. On and after July 1, 2016, division  
(I) of this section shall apply to such schools. 1100  
1101

(1) For any district that sponsors a conversion community 1102  
school under Chapter 3314. of the Revised Code, the department 1103  
shall combine data regarding the academic performance of 1104  
students enrolled in the community school with comparable data 1105  
from the schools of the district for the purpose of determining 1106  
the performance of the district as a whole on the report card 1107  
issued for the district under this section or section 3302.033 1108

of the Revised Code. For purposes of division (I)(1) of this 1109  
section, the department shall use student academic performance 1110  
data only of those students enrolled in the community school who 1111  
are entitled to attend school in that district under section 1112  
3313.64 or 3313.65 of the Revised Code. 1113

(2) Any district that leases a building to a community 1114  
school located in the district or that enters into an agreement 1115  
with a community school located in the district whereby the 1116  
district and the school endorse each other's programs may elect 1117  
to have data regarding the academic performance of students 1118  
enrolled in the community school combined with comparable data 1119  
from the schools of the district for the purpose of determining 1120  
the performance of the district as a whole on the district 1121  
report card. Any district that so elects shall annually file a 1122  
copy of the lease or agreement with the department. 1123

(3) Any municipal school district, as defined in section 1124  
3311.71 of the Revised Code, that sponsors a community school 1125  
located within the district's territory, or that enters into an 1126  
agreement with a community school located within the district's 1127  
territory whereby the district and the community school endorse 1128  
each other's programs, may exercise either or both of the 1129  
following elections: 1130

(a) To have data regarding the academic performance of 1131  
students enrolled in that community school combined with 1132  
comparable data from the schools of the district for the purpose 1133  
of determining the performance of the district as a whole on the 1134  
district's report card; 1135

(b) To have the number of students attending that 1136  
community school noted separately on the district's report card. 1137

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 1167  
administration of any assessment prescribed by division (A) (1) 1168  
or (B) (1) of section 3301.0710 or division (B) of section 1169  
3301.0712 of the Revised Code that is administered to the 1170  
student's grade level; 1171

(b) Include cumulative totals from both the fall and 1172  
spring administrations of the third grade English language arts 1173  
achievement assessment; 1174

(c) Except as required by the No Child Left Behind Act of 1175  
2001, exclude for each district or building any limited English 1176  
proficient student who has been enrolled in United States 1177  
schools for less than one full school year. 1178

(L) Beginning with the 2015-2016 school year and at least 1179  
once every three years thereafter, the state board of education 1180  
shall review and may adjust the benchmarks for assigning letter 1181  
grades to the performance measures and components prescribed 1182  
under divisions (C) (3) and (D) of this section. 1183

Sec. 3313.131. No person who is a member of the governing 1184  
authority of a community school established under Chapter 3314. 1185  
of the Revised Code shall be a member of a board of education. 1186

Sec. 3314.011. (A) Every community school established 1187  
under this chapter shall have a designated fiscal officer. 1188  
Except as provided for in division (C) of this section, the 1189  
fiscal officer shall be employed by or engaged under a contract 1190  
with the governing authority of the community school. The 1191  
auditor of state may require by rule that the fiscal officer of 1192  
any community school, before entering upon duties as fiscal 1193  
officer of the school, execute a bond in an amount and with 1194  
surety to be approved by the governing authority of the school, 1195

payable to the state, conditioned for the faithful performance 1196  
of all the official duties required of the fiscal officer. Any 1197  
such bond shall be deposited with the governing authority of the 1198  
school, and a copy thereof, certified by the governing 1199  
authority, shall be filed with the county auditor. 1200

(B) Prior to assuming the duties of fiscal officer, the 1201  
fiscal officer designated under this section shall be licensed 1202  
under section 3301.074 of the Revised Code. Any person serving 1203  
as a fiscal officer of a community school ~~on the effective date~~ 1204  
~~of this amendment~~ March 22, 2013, who is not licensed as a 1205  
treasurer shall be permitted to serve as a fiscal officer for 1206  
not more than one year following ~~the effective date of this~~ 1207  
~~amendment~~ March 22, 2013. Beginning on that date and thereafter, 1208  
no community school shall permit any individual to serve as a 1209  
fiscal officer without a license as required by this section. 1210

(C) (1) The governing authority of a community school may 1211  
adopt a resolution waiving the requirement that the governing 1212  
authority is the party responsible to employ or contract with 1213  
the designated fiscal officer, as prescribed by division (A) of 1214  
this section, so long as the school's sponsor also approves the 1215  
resolution. The resolution shall be valid for one year. A new 1216  
resolution shall be adopted for each year that the governing 1217  
authority wishes to waive this requirement, so long as the 1218  
school's sponsor also approves the resolution. 1219

No resolution adopted pursuant to this division may waive 1220  
the requirement for a community school to have a designated 1221  
fiscal officer. 1222

(2) If the governing authority adopts a resolution 1223  
pursuant to division (C) (1) of this section, the school's 1224  
designated fiscal officer annually shall meet with the governing 1225

<u>authority to review the school's financial status.</u>	1226
<u>(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.</u>	1227
	1228
	1229
<b>Sec. 3314.015.</b> (A) The department of education shall be responsible for the oversight of any and all sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:	1230
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(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training sessions and distribute informational materials;	1239
	1240
	1241
(2) Approve entities to be sponsors of community schools;	1242
(3) Monitor and evaluate, as required under section 3314.016 of the Revised Code, the effectiveness of any and all sponsors in their oversight of the schools with which they have contracted;	1243
	1244
	1245
	1246
(4) By December thirty-first of each year, issue a report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees principally responsible for education matters regarding the effectiveness of academic programs, operations, and legal compliance and of the financial condition of all community schools established under this chapter and on the performance of community school sponsors;	1247
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(5) From time to time, make legislative recommendations to 1255  
the general assembly designed to enhance the operation and 1256  
performance of community schools. 1257

(B) (1) Except as provided in sections 3314.021 and 1258  
3314.027 of the Revised Code, no entity listed in division (C) 1259  
(1) of section 3314.02 of the Revised Code shall enter into a 1260  
preliminary agreement under division (C) (2) of section 3314.02 1261  
of the Revised Code until it has received approval from the 1262  
department of education to sponsor community schools under this 1263  
chapter and has entered into a written agreement with the 1264  
department regarding the manner in which the entity will conduct 1265  
such sponsorship. 1266

The initial term of a sponsor's agreement with the 1267  
department shall be for up to seven years. For every year that 1268  
the sponsor satisfies the conditions of division (B) (1) (a) or 1269  
(b) of this section, as applicable, the department shall add one 1270  
year to the agreement term, subject to divisions (C) and (F) of 1271  
this section, unless the sponsor notifies the department that it 1272  
does not wish to have the term of the agreement so extended. 1273

To qualify for the extension of the term of the sponsor's 1274  
agreement, the sponsor shall satisfy one of the following, as 1275  
applicable: 1276

(a) Prior to January 1, 2015, the sponsor is not in the 1277  
lowest twenty per cent of sponsors statewide according to the 1278  
composite performance index score as ranked under section 1279  
3314.016 of the Revised Code, as that section exists prior to 1280  
that date, and the sponsor continues to meet all the 1281  
requirements of this chapter pertaining to community school 1282  
sponsors. 1283

(b) On or after January 1, 2015, the sponsor is rated as 1284  
"exemplary" or "effective" under section 3314.016 of the Revised 1285  
Code, as that section exists on and after that date, and the 1286  
sponsor continues to meet all the requirements of this chapter 1287  
pertaining to community school sponsors. 1288

Notwithstanding anything to the contrary in this section, 1289  
the department may add additional years to any renewal 1290  
agreement, not to exceed a total of twelve years, subject to 1291  
divisions (C) and (F) of this section, if, on or after the 1292  
effective date of this amendment, the sponsor is rated as 1293  
"exemplary" under section 3314.016 of the Revised Code, and the 1294  
sponsor continues to meet all the requirements of this chapter. 1295

The department shall adopt in accordance with Chapter 119. 1296  
of the Revised Code rules containing criteria, procedures, and 1297  
deadlines for processing applications for approval of sponsors, 1298  
for oversight of sponsors, for notifying a sponsor of 1299  
noncompliance with applicable laws and administrative rules 1300  
under division (F) of this section, for revocation of the 1301  
approval of sponsors under division (C) of this section, and for 1302  
entering into written agreements with sponsors. The rules shall 1303  
require an entity to submit evidence of the entity's ability and 1304  
willingness to comply with the provisions of division (D) of 1305  
section 3314.03 of the Revised Code. The rules also shall 1306  
require entities approved as sponsors on and after June 30, 1307  
2005, to demonstrate a record of financial responsibility and 1308  
successful implementation of educational programs. If an entity 1309  
seeking approval on or after June 30, 2005, to sponsor community 1310  
schools in this state sponsors or operates schools in another 1311  
state, at least one of the schools sponsored or operated by the 1312  
entity must be comparable to or better than the performance of 1313  
Ohio schools in need of continuous improvement under section 1314

3302.03 of the Revised Code, as determined by the department. 1315

Subject to section 3314.016 of the Revised Code, an entity 1316  
that sponsors community schools may enter into preliminary 1317  
agreements and sponsor up to one hundred schools, provided each 1318  
school and the contract for sponsorship meets the requirements 1319  
of this chapter. 1320

(2) The state board of education shall determine, pursuant 1321  
to criteria specified in rules adopted in accordance with 1322  
Chapter 119. of the Revised Code, whether the mission proposed 1323  
to be specified in the contract of a community school to be 1324  
sponsored by a state university board of trustees or the board's 1325  
designee under division (C) (1) (e) of section 3314.02 of the 1326  
Revised Code complies with the requirements of that division. 1327  
Such determination of the state board is final. 1328

(3) The state board of education shall determine, pursuant 1329  
to criteria specified in rules adopted in accordance with 1330  
Chapter 119. of the Revised Code, if any tax-exempt entity under 1331  
section 501(c) (3) of the Internal Revenue Code that is proposed 1332  
to be a sponsor of a community school is an education-oriented 1333  
entity for purpose of satisfying the condition prescribed in 1334  
division (C) (1) (f) (iii) of section 3314.02 of the Revised Code. 1335  
Such determination of the state board is final. 1336

(C) If at any time the state board of education finds that 1337  
a sponsor is not in compliance or is no longer willing to comply 1338  
with its contract with any community school or with the 1339  
department's rules for sponsorship, the state board or designee 1340  
shall conduct a hearing in accordance with Chapter 119. of the 1341  
Revised Code on that matter. If after the hearing, the state 1342  
board or designee has confirmed the original finding, the 1343  
department of education may revoke the sponsor's approval to 1344

sponsor community schools. In that case, the department's office 1345  
of Ohio school sponsorship, established under section 3314.029 1346  
of the Revised Code, may assume the sponsorship of any schools 1347  
with which the sponsor has contracted until the earlier of the 1348  
expiration of two school years or until a new sponsor as 1349  
described in division (C) (1) of section 3314.02 of the Revised 1350  
Code is secured by the school's governing authority. The office 1351  
of Ohio school sponsorship may extend the term of the contract 1352  
in the case of a school for which it has assumed sponsorship 1353  
under this division as necessary to accommodate the term of the 1354  
department's authorization to sponsor the school specified in 1355  
this division. Community schools sponsored under this division 1356  
shall not apply to the limit on directly authorized community 1357  
schools under division (A) (3) of section 3314.029 of the Revised 1358  
Code. However, nothing in this division shall preclude a 1359  
community school affected by this division from applying for 1360  
sponsorship under that section. 1361

(D) The decision of the department to disapprove an entity 1362  
for sponsorship of a community school or to revoke approval for 1363  
such sponsorship under division (C) of this section, may be 1364  
appealed by the entity in accordance with section 119.12 of the 1365  
Revised Code. 1366

(E) The department shall adopt procedures for use by a 1367  
community school governing authority and sponsor when the school 1368  
permanently closes and ceases operation, which shall include at 1369  
least procedures for data reporting to the department, handling 1370  
of student records, distribution of assets in accordance with 1371  
section 3314.074 of the Revised Code, and other matters related 1372  
to ceasing operation of the school. 1373

(F) (1) In lieu of revoking a sponsor's authority to 1374

sponsor community schools under division (C) of this section, if 1375  
the department finds that a sponsor is not in compliance with 1376  
applicable laws and administrative rules, the department shall 1377  
declare in a written notice to the sponsor the specific laws or 1378  
rules, or both, for which the sponsor is noncompliant. A sponsor 1379  
notified under division (F)(1) of this section shall respond to 1380  
the department not later than fourteen days after the 1381  
notification with a proposed plan to remedy the conditions for 1382  
which the sponsor was found to be noncompliant. The department 1383  
shall approve or disapprove the plan not later than fourteen 1384  
days after receiving it. If the plan is disapproved, the sponsor 1385  
may submit a revised plan to the department not later than 1386  
fourteen days after receiving notification of disapproval from 1387  
the department or not later than sixty days after the date the 1388  
sponsor received notification of noncompliance from the 1389  
department, whichever is earlier. The department shall approve 1390  
or disapprove the revised plan not later than fourteen days 1391  
after receiving it or not later than sixty days after the date 1392  
the sponsor received notification of noncompliance from the 1393  
department, whichever is earlier. A sponsor may continue to make 1394  
revisions by the deadlines prescribed in division (F)(1) of this 1395  
section to any revised plan that is disapproved by the 1396  
department until the sixtieth day after the date the sponsor 1397  
received notification of noncompliance from the department. 1398

If a plan or a revised plan is approved, the sponsor shall 1399  
implement it not later than sixty days after the date the 1400  
sponsor received notification of noncompliance from the 1401  
department or not later than thirty days after the plan is 1402  
approved, whichever is later. If a sponsor does not respond to 1403  
the department or implement an approved compliance plan by the 1404  
deadlines prescribed by division (F)(1) of this section, or if a 1405



sponsor does not receive approval of a compliance plan on or 1406  
before the sixtieth day after the date the sponsor received 1407  
notification of noncompliance from the department, the 1408  
department shall declare in written notice to the sponsor that 1409  
the sponsor is in probationary status, and may limit the 1410  
sponsor's ability to sponsor additional schools. 1411

(2) A sponsor that has been placed on probationary status 1412  
under division (F) (1) of this section may apply to the 1413  
department for its probationary status to be lifted. The 1414  
application for a sponsor's probationary status to be lifted 1415  
shall include evidence, occurring after the initial notification 1416  
of noncompliance, of the sponsor's compliance with applicable 1417  
laws and administrative rules. Not later than fourteen days 1418  
after receiving an application from the sponsor, the department 1419  
shall decide whether or not to remove the sponsor's probationary 1420  
status. 1421

(G) In carrying out its duties under this chapter, the 1422  
department shall not impose requirements on community schools or 1423  
their sponsors that are not permitted by law or duly adopted 1424  
rules. 1425

(H) This section applies to entities that sponsor 1426  
conversion community schools and new start-up schools. 1427

**Sec. 3314.016.** This section applies to any entity that 1428  
sponsors a community school, regardless of whether section 1429  
3314.021 or 3314.027 of the Revised Code exempts the entity from 1430  
the requirement to be approved for sponsorship under divisions 1431  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 1432  
office of Ohio school sponsorship established under section 1433  
3314.029 of the Revised Code shall be rated under division (B) 1434  
of this section, but divisions (A) and (C) of this section do 1435

not apply to the office. 1436

(A) An entity that sponsors a community school shall be 1437  
permitted to enter into contracts under section 3314.03 of the 1438  
Revised Code to sponsor additional community schools only if the 1439  
entity meets both of the following criteria: 1440

(1) The entity is in compliance with all provisions of 1441  
this chapter requiring sponsors of community schools to report 1442  
data or information to the department of education. 1443

(2) The entity is not rated as "ineffective" under 1444  
division (B)(6) of this section. 1445

(B)(1) For purposes of this section, the department shall 1446  
develop and implement an evaluation system that rates each 1447  
entity that sponsors a community school based on the following 1448  
components: 1449

(a) Academic performance of students enrolled in community 1450  
schools sponsored by the same entity; 1451

(b) Adherence by a sponsor to the quality practices 1452  
prescribed by the department under division (B)(3) of this 1453  
section. The department shall not include this measure in the 1454  
sponsor evaluation rating system until the department prescribes 1455  
quality practices and develops an instrument to measure 1456  
adherence to those practices under division (B)(3) of this 1457  
section. 1458

(c) Compliance with applicable laws and administrative 1459  
rules by an entity that sponsors a community school. 1460

(2) In calculating an academic performance component, the 1461  
department shall exclude all of the following: 1462

(a) All community schools that have been in operation for 1463

not more than two full school years; 1464

(b) All community schools described in division (A) (4) (b) 1465  
of section 3314.35 of the Revised Code. 1466

(3) The department, in consultation with entities that 1467  
sponsor community schools, shall prescribe quality practices for 1468  
community school sponsors and develop an instrument to measure 1469  
adherence to those quality practices. The quality practices 1470  
shall be based on standards developed by the national 1471  
association of charter school authorizers or any other 1472  
nationally organized community school organization. 1473

(4) (a) The department may permit peer review of a 1474  
sponsor's adherence to the quality practices prescribed under 1475  
division (B) (3) of this section. 1476

(b) The department shall require individuals participating 1477  
in peer review under division (B) (4) (a) of this section to 1478  
complete training approved or established by the department. 1479

(c) The department may enter into an agreement with 1480  
another entity to provide training to individuals conducting 1481  
peer review of sponsors. Prior to entering into an agreement 1482  
with an entity, the department shall review and approve of the 1483  
entity's training program. 1484

(5) Not later than July 1, 2013, the state board of 1485  
education shall adopt rules in accordance with Chapter 119. of 1486  
the Revised Code prescribing standards for measuring compliance 1487  
with applicable laws and rules under division (B) (1) (c) of this 1488  
section. 1489

(6) The department annually shall rate all entities that 1490  
sponsor community schools as either "exemplary," "effective," or 1491  
"ineffective," based on the components prescribed by division 1492

(B) of this section, where each component is weighted equally, 1493  
except that entities sponsoring community schools for the first 1494  
time may be assigned the rating of "emerging" for only the first 1495  
two consecutive years. 1496

The department shall publish the ratings between the first 1497  
day of October and the fifteenth day of October. 1498

(7) (a) Prior to the 2014-2015 school year, student 1499  
academic performance prescribed under division (B) (1) (a) of this 1500  
section shall not include student academic performance data from 1501  
community schools that primarily serve students enrolled in a 1502  
dropout prevention and recovery program as described in division 1503  
(A) (4) (a) of section 3314.35 of the Revised Code. 1504

(b) For the 2014-2015 school year and each school year 1505  
thereafter, student academic performance prescribed under 1506  
division (B) (1) (a) of this section shall include student 1507  
academic performance data from community schools that primarily 1508  
serve students enrolled in a dropout prevention and recovery 1509  
program. 1510

(C) If the governing authority of a community school 1511  
enters into a contract with a sponsor prior to the date on which 1512  
the sponsor is prohibited from sponsoring additional schools 1513  
under division (A) of this section and the school has not opened 1514  
for operation as of that date, that contract shall be void and 1515  
the school shall not open until the governing authority secures 1516  
a new sponsor by entering into a contract with the new sponsor 1517  
under section 3314.03 of the Revised Code. However, the 1518  
department's office of Ohio school sponsorship, established 1519  
under section 3314.029 of the Revised Code, may assume the 1520  
sponsorship of the school until the earlier of the expiration of 1521  
two school years or until a new sponsor is secured by the 1522

school's governing authority. A community school sponsored by 1523  
the department under this division shall not be included when 1524  
calculating the maximum number of directly authorized community 1525  
schools permitted under division (A) (3) of section 3314.029 of 1526  
the Revised Code. 1527

(D) (1) In addition to the incentives prescribed under 1528  
division (D) (2) of this section, the department may establish 1529  
incentives based upon the entity's overall rating. 1530

(2) Entities with an overall rating of "exemplary" may 1531  
take advantage of the following incentives: 1532

(a) The ability to extend the term of the contract between 1533  
the sponsoring entity and the community school beyond the term 1534  
described in the written agreement with the department; 1535

(b) An exemption from the preliminary agreement and 1536  
contract adoption and execution deadline requirements prescribed 1537  
in division (D) of section 3314.02 of the Revised Code; 1538

(c) An exemption from the automatic contract expiration 1539  
requirement, should a new community school fail to open by the 1540  
thirtieth day of September of the calendar year in which the 1541  
community school contract is executed. 1542

**Sec. 3314.019.** A community school's sponsor shall be the 1543  
party responsible for communicating and meeting with the auditor 1544  
of state regarding an audit of the school or the condition of 1545  
financial and enrollment records of the school, regardless of 1546  
whether the sponsor has entered into an agreement with another 1547  
entity to perform all or part of the sponsor's oversight duties. 1548

**Sec. 3314.02.** (A) As used in this chapter: 1549

(1) "Sponsor" means the board of education of a school 1550

district or the governing board of an educational service center 1551  
that agrees to the conversion of all or part of a school or 1552  
building under division (B) of this section, or an entity listed 1553  
in division (C) (1) of this section, which either has been 1554  
approved by the department of education to sponsor community 1555  
schools or is exempted by section 3314.021 or 3314.027 of the 1556  
Revised Code from obtaining approval, and with which the 1557  
governing authority of a community school enters into a contract 1558  
under section 3314.03 of the Revised Code. 1559

(2) "Pilot project area" means the school districts 1560  
included in the territory of the former community school pilot 1561  
project established by former Section 50.52 of Am. Sub. H.B. No. 1562  
215 of the 122nd general assembly. 1563

(3) "Challenged school district" means any of the 1564  
following: 1565

(a) A school district that is part of the pilot project 1566  
area; 1567

(b) A school district that meets one of the following 1568  
conditions: 1569

(i) On March 22, 2013, the district was in a state of 1570  
academic emergency or in a state of academic watch under section 1571  
3302.03 of the Revised Code, as that section existed prior to 1572  
March 22, 2013; 1573

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 1574  
school years, the district received a grade of "D" or "F" for 1575  
the performance index score and a grade of "F" for the value- 1576  
added progress dimension under section 3302.03 of the Revised 1577  
Code; 1578

(iii) For the 2015-2016 school year and for any school 1579

year thereafter, the district has received an overall grade of "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 1608  
community school established under this chapter in which the 1609  
enrolled students work primarily from their residences on 1610  
assignments in nonclassroom-based learning opportunities 1611  
provided via an internet- or other computer-based instructional 1612  
method that does not rely on regular classroom instruction or 1613  
via comprehensive instructional methods that include internet- 1614  
based, other computer-based, and noncomputer-based learning 1615  
opportunities. 1616

(8) "Operator" means either of the following: 1617

(a) An individual or organization that manages the daily 1618  
operations of a community school pursuant to a contract between 1619  
the operator and the school's governing authority; 1620

(b) A nonprofit organization that provides programmatic 1621  
oversight and support to a community school under a contract 1622  
with the school's governing authority and that retains the right 1623  
to terminate its affiliation with the school if the school fails 1624  
to meet the organization's quality standards. 1625

(9) "Alliance municipal school district" has the same 1626  
meaning as in section 3311.86 of the Revised Code. 1627

(B) (1) Any person or group of individuals may initially 1628  
propose under this division the conversion of all or a portion 1629  
of a public school to a community school. The proposal shall be 1630  
made to the board of education of the city, local, exempted 1631  
village, or joint vocational school district in which the public 1632  
school is proposed to be converted. 1633

(2) Any person or group of individuals may initially 1634  
propose under this division the conversion of all or a portion 1635  
of a building operated by an educational service center to a 1636



community school. The proposal shall be made to the governing 1637  
board of the service center. 1638

A service center that proposes the establishment of a 1639  
conversion community school located in a county within the 1640  
territory of the service center or in a county contiguous to 1641  
such county is exempt from approval from the department of 1642  
education, except as provided under division (B) (4) of this 1643  
section, and from the agreement required under division (B) (1) 1644  
of section 3314.015 of the Revised Code. 1645

However, a service center that proposes the establishment 1646  
of a conversion community school located in a county outside of 1647  
the territory of the service center or a county contiguous to 1648  
such county shall be subject to approval from the department of 1649  
education and from the agreement required under that section. 1650

Division (B) (2) of this section does not apply to an 1651  
educational service center that sponsors community schools and 1652  
that is exempted under section 3314.021 or 3314.027 of the 1653  
Revised Code from the requirement to be approved for sponsorship 1654  
under divisions (A) (2) and (B) (1) of section 3314.015 of the 1655  
Revised Code. 1656

(3) Upon receipt of a proposal, a board may enter into a 1657  
preliminary agreement with the person or group proposing the 1658  
conversion of the public school or service center building, 1659  
indicating the intention of the board to support the conversion 1660  
to a community school. A proposing person or group that has a 1661  
preliminary agreement under this division may proceed to 1662  
finalize plans for the school, establish a governing authority 1663  
for the school, and negotiate a contract with the board. 1664  
Provided the proposing person or group adheres to the 1665  
preliminary agreement and all provisions of this chapter, the 1666

board shall negotiate in good faith to enter into a contract in 1667  
accordance with section 3314.03 of the Revised Code and division 1668  
(C) of this section. 1669

(4) The sponsor of a conversion community school proposed 1670  
to open in an alliance municipal school district shall be 1671  
subject to approval by the department of education for 1672  
sponsorship of that school using the criteria established under 1673  
division (A) of section 3311.87 of the Revised Code. 1674

Division (B) (4) of this section does not apply to a 1675  
sponsor that is exempted under section 3314.021 or 3314.027 of 1676  
the Revised Code from the requirement to be approved for 1677  
sponsorship under divisions (A) (2) and (B) (1) of section 1678  
3314.015 of the Revised Code. 1679

(C) (1) Any person or group of individuals may propose 1680  
under this division the establishment of a new start-up school 1681  
to be located in a challenged school district. The proposal may 1682  
be made to any of the following entities: 1683

(a) The board of education of the district in which the 1684  
school is proposed to be located; 1685

(b) The board of education of any joint vocational school 1686  
district with territory in the county in which is located the 1687  
majority of the territory of the district in which the school is 1688  
proposed to be located; 1689

(c) The board of education of any other city, local, or 1690  
exempted village school district having territory in the same 1691  
county where the district in which the school is proposed to be 1692  
located has the major portion of its territory; 1693

(d) The governing board of any educational service center, 1694  
regardless of the location of the proposed school, may sponsor a 1695

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

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

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

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

(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 preparation program approved by the state board of education;

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

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

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

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

3314.015 of the Revised Code and the entity has a demonstrated 1724  
record of successful implementation of educational programs. 1725

(iv) The entity is not a community school. 1726

(g) The mayor of a city in which the majority of the 1727  
territory of a school district to which section 3311.60 of the 1728  
Revised Code applies is located, regardless of whether that 1729  
district has created the position of independent auditor as 1730  
prescribed by that section. The mayor's sponsorship authority 1731  
under this division is limited to community schools that are 1732  
located in that school district. Such mayor may sponsor 1733  
community schools only with the approval of the city council of 1734  
that city, after establishing standards with which community 1735  
schools sponsored by the mayor must comply, and after entering 1736  
into a sponsor agreement with the department as prescribed under 1737  
section 3314.015 of the Revised Code. The mayor shall establish 1738  
the standards for community schools sponsored by the mayor not 1739  
later than one hundred eighty days after July 15, 2013, and 1740  
shall submit them to the department upon their establishment. 1741  
The department shall approve the mayor to sponsor community 1742  
schools in the district, upon receipt of an application by the 1743  
mayor to do so. Not later than ninety days after the 1744  
department's approval of the mayor as a community school 1745  
sponsor, the department shall enter into the sponsor agreement 1746  
with the mayor. 1747

Any entity described in division (C) (1) of this section 1748  
may enter into a preliminary agreement pursuant to division (C) 1749  
(2) of this section with the proposing person or group. 1750

(2) A preliminary agreement indicates the intention of an 1751  
entity described in division (C) (1) of this section to sponsor 1752  
the community school. A proposing person or group that has such 1753

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

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

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

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

school pursuant to this chapter. 1784

(E) (1) As used in this division, "immediate relatives" are 1785  
limited to spouses, children, parents, grandparents, siblings, 1786  
and in-laws. 1787

Each new start-up community school established under this 1788  
chapter shall be under the direction of a governing authority 1789  
which shall consist of a board of not less than five 1790  
individuals. 1791

No person shall serve on the governing authority or 1792  
operate the community school under contract with the governing 1793  
authority so long as the person owes the state any money or is 1794  
in a dispute over whether the person owes the state any money 1795  
concerning the operation of a community school that has closed. 1796

(2) No person shall serve on the governing authorities of 1797  
more than five start-up community schools at the same time. 1798

(3) No present or former member, or immediate relative of 1799  
a present or former member, of the governing authority of any 1800  
community school established under this chapter shall be an 1801  
owner, employee, or consultant of any sponsor or operator of a 1802  
community school, unless at least one year has elapsed since the 1803  
conclusion of the person's membership. 1804

(4) The governing authority of a start-up community school 1805  
may provide by resolution for the compensation of its members. 1806  
However, no individual who serves on the governing authority of 1807  
a start-up community school shall be compensated more than four 1808  
hundred twenty-five dollars per meeting of that governing 1809  
authority and no such individual shall be compensated more than 1810  
a total amount of five thousand dollars per year for all 1811  
governing authorities upon which the individual serves. 1812

(5) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center. 1813  
1814  
1815  
1816

(6) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years: 1817  
1818  
1819  
1820  
1821

(a) The sponsor or operator of that community school; 1822

(b) A school district or educational service center that has contracted with that community school; 1823  
1824

(c) A vendor that is currently engaged in business or has previously engaged in business with that community school. 1825  
1826

(7) No person who is a member of a school district board of education shall serve on the governing authority of any community school. 1827  
1828  
1829

(8) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any member of the governing authority of that community school. 1830  
1831  
1832  
1833

(F) (1) A new start-up school that is established prior to 1834  
August 15, 2003, in an urban school district that is not also a 1835  
big-eight school district may continue to operate after that 1836  
date and the contract between the school's governing authority 1837  
and the school's sponsor may be renewed, as provided under this 1838  
chapter, after that date, but no additional new start-up schools 1839  
may be established in such a district unless the district is a 1840  
challenged school district as defined in this section as it 1841

exists on and after that date. 1842

(2) A community school that was established prior to June 1843  
29, 1999, and is located in a county contiguous to the pilot 1844  
project area and in a school district that is not a challenged 1845  
school district may continue to operate after that date, 1846  
provided the school complies with all provisions of this 1847  
chapter. The contract between the school's governing authority 1848  
and the school's sponsor may be renewed, but no additional 1849  
start-up community school may be established in that district 1850  
unless the district is a challenged school district. 1851

(3) Any educational service center that, on June 30, 2007, 1852  
sponsors a community school that is not located in a county 1853  
within the territory of the service center or in a county 1854  
contiguous to such county may continue to sponsor that community 1855  
school on and after June 30, 2007, and may renew its contract 1856  
with the school. However, the educational service center shall 1857  
not enter into a contract with any additional community school, 1858  
unless the school is located in a county within the territory of 1859  
the service center or in a county contiguous to such county, or 1860  
unless the governing board of the service center has entered 1861  
into an agreement with the department authorizing the service 1862  
center to sponsor a community school in any challenged school 1863  
district in the state. 1864

**Sec. 3314.023.** In order to provide monitoring and 1865  
technical assistance, a representative of the sponsor of a 1866  
community school shall meet with the governing authority or 1867  
fiscal officer of the school and shall review the financial and 1868  
enrollment records of the school at least once every month. Not 1869  
later than ten days after each review, the sponsor shall provide 1870  
the governing authority and fiscal officer with a written report 1871



regarding the review. Copies of those financial and enrollment 1872  
records shall be furnished to the community school sponsor and 1873  
operator, members of the governing authority, and the fiscal 1874  
officer designated in section 3314.011 of the Revised Code on a 1875  
monthly basis. 1876

If a community school closes or is permanently closed, the 1877  
designated fiscal officer shall deliver all financial and 1878  
enrollment records to the school's sponsor within thirty days of 1879  
the school's closure. If the fiscal officer fails to provide the 1880  
records in a timely manner, the sponsor has the right of action 1881  
against the fiscal officer to compel delivery of all financial 1882  
and enrollment records of the school. 1883

**Sec. 3314.025.** (A) Each sponsor of a community school 1884  
shall annually submit a report, using the format and manner 1885  
prescribed by the state board of education as set forth in 1886  
division (B) of this section, describing the amount and type of 1887  
expenditures made to provide oversight and technical assistance 1888  
to the community schools it sponsors. The report shall also be 1889  
submitted to the operator of the community school. 1890

(B) Not later than ninety days after the effective date of 1891  
this section, the state board of education shall establish 1892  
requirements and a reporting procedure to aide each sponsor in 1893  
complying with division (A) of this section. 1894

**Sec. 3314.029.** This section establishes the Ohio school 1895  
sponsorship program. The department of education shall establish 1896  
an office of Ohio school sponsorship to perform the department's 1897  
duties prescribed by this section. 1898

(A) (1) Notwithstanding anything to the contrary in this 1899  
chapter, any person, group of individuals, or entity may apply 1900

to the department for direct authorization to establish a 1901  
community school and, upon approval of the application, may 1902  
establish the school. Notwithstanding anything to the contrary 1903  
in this chapter, the governing authority of an existing 1904  
community school, upon the expiration or termination of its 1905  
contract with the school's sponsor entered into under section 1906  
3314.03 of the Revised Code, may apply to the department for 1907  
direct authorization to continue operating the school and, upon 1908  
approval of the application, may continue to operate the school. 1909  
The department may establish a format and deadlines for an 1910  
application. 1911

Each application submitted to the department shall include 1912  
the following: 1913

(a) Evidence that the applicant will be able to comply 1914  
with division (C) of this section; 1915

(b) A statement indicating that the applicant agrees to 1916  
comply with all applicable provisions of this chapter, including 1917  
the requirement to be established as a nonprofit corporation or 1918  
public benefit corporation in accordance with division (A) (1) of 1919  
section 3314.03 of the Revised Code; 1920

(c) A statement attesting that no unresolved finding of 1921  
recovery has been issued by the auditor of state against any 1922  
person, group of individuals, or entity that is a party to the 1923  
application and that no person who is party to the application 1924  
has been a member of the governing authority of any community 1925  
school that has permanently closed and against which an 1926  
unresolved finding of recovery has been issued by the auditor of 1927  
state. In the case of an application submitted by the governing 1928  
authority of an existing community school, a person who is party 1929  
to the application shall include each individual member of that 1930

governing authority. 1931

(d) A statement that the school will be nonsectarian in 1932  
its programs, admission policies, employment practices, and all 1933  
other operations, and will not be operated by a sectarian school 1934  
or religious institution; 1935

(e) A statement of whether the school is to be created by 1936  
converting all or part of an existing public school or 1937  
educational service center building or is to be a new start-up 1938  
school. If it is a converted public school or service center 1939  
building, the statement shall include a specification of any 1940  
duties or responsibilities of an employer that the board of 1941  
education or service center governing board that operated the 1942  
school or building before conversion is delegating to the 1943  
governing authority of the community school with respect to all 1944  
or any specified group of employees, provided the delegation is 1945  
not prohibited by a collective bargaining agreement applicable 1946  
to such employees. 1947

(f) A statement that the school's teachers will be 1948  
licensed in the manner prescribed by division (A) (10) of section 1949  
3314.03 of the Revised Code; 1950

(g) A statement that the school will comply with all of 1951  
the provisions of law enumerated in divisions (A) (11) (d) and (e) 1952  
of section 3314.03 of the Revised Code and of division (A) (11) 1953  
(h) of that section, if applicable; 1954

(h) A statement that the school's graduation and 1955  
curriculum requirements will comply with division (A) (11) (f) of 1956  
section 3314.03 of the Revised Code; 1957

(i) A description of each of the following: 1958

(i) The school's mission and educational program, the 1959

characteristics of the students the school is expected to	1960
attract, the ages and grade levels of students, and the focus of	1961
the curriculum;	1962
(ii) The school's governing authority, which shall be in	1963
compliance with division (E) of section 3314.02 of the Revised	1964
Code;	1965
(iii) The school's admission and dismissal policies, which	1966
shall be in compliance with divisions (A) (5) and (6) of section	1967
3314.03 of the Revised Code;	1968
(iv) The school's business plan, including a five-year	1969
financial forecast;	1970
(v) In the case of an application to establish a community	1971
school, the applicant's resources and capacity to establish and	1972
operate the school;	1973
(vi) The school's academic goals to be achieved and the	1974
method of measurement that will be used to determine progress	1975
toward those goals, which shall include the statewide	1976
achievement assessments;	1977
(vii) The facilities to be used by the school and their	1978
locations;	1979
(viii) A description of the learning opportunities that	1980
will be offered to students including both classroom-based and	1981
nonclassroom-based learning opportunities that are in compliance	1982
with criteria for student participation established by the	1983
department under division (H) (2) of section 3314.08 of the	1984
Revised Code.	1985
(2) <u>(a)</u> Subject to <del>division</del> <u>divisions (A) (2) (b) and (A) (3)</u>	1986
of this section, the department shall approve each application,	1987

unless, within thirty days after receipt of the application, the 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 continue operation under division (A) of this section; however, of the twenty applications that may be approved each school year, only up to five may be for the establishment of new schools.

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

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

(B) The department and the governing authority of each community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A) (13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and

monitoring of the school that does not exceed three per cent of 2048  
the total amount of payments for operating expenses that the 2049  
school receives from the state. 2050

(C) The department may require a community school 2051  
authorized under this section to post and file with the 2052  
superintendent of public instruction a bond payable to the state 2053  
or to file with the state superintendent a guarantee, which 2054  
shall be used to pay the state any moneys owed by the community 2055  
school in the event the school closes. 2056

(D) Except as otherwise provided in this section, a 2057  
community school authorized under this section shall comply with 2058  
all applicable provisions of this chapter. The department may 2059  
take any action that a sponsor may take under this chapter to 2060  
enforce the school's compliance with this division and the terms 2061  
of the contract entered into under division (B) of this section. 2062

(E) Not later than December 31, 2012, and annually 2063  
thereafter, the department shall issue a report on the program, 2064  
including information about the number of community schools 2065  
participating in the program and their compliance with the 2066  
provisions of this chapter. In its fifth report, the department 2067  
shall include a complete evaluation of the program and 2068  
recommendations regarding the program's continuation. Each 2069  
report shall be provided to the general assembly, in accordance 2070  
with section 101.68 of the Revised Code, and to the governor. 2071

**Sec. 3314.03.** A copy of every contract entered into under 2072  
this section shall be filed with the superintendent of public 2073  
instruction. The department of education shall make available on 2074  
its web site a copy of every approved, executed contract filed 2075  
with the superintendent under this section. 2076

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	2077 2078 2079
(1) That the school shall be established as either of the following:	2080 2081
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	2082 2083 2084
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	2085 2086
(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;	2087 2088 2089 2090
(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;	2091 2092 2093 2094
(4) Performance standards, <u>including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code,</u> by which the success of the school will be evaluated by the sponsor;	2095 2096 2097 2098
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2099 2100 2101
(6) (a) Dismissal procedures;	2102
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically	2103 2104



withdrawing a student from the school if the student without a  
legitimate excuse fails to participate in one hundred five  
consecutive hours of the learning opportunities offered to the  
student.

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

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

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

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

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

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

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

(10) Qualifications of teachers, including a requirement  
that the school's classroom teachers be licensed in accordance  
with sections 3319.22 to 3319.31 of the Revised Code, except  
that a community school may engage noncertificated persons to

teach up to twelve hours per week pursuant to section 3319.301 2133  
of the Revised Code. 2134

(11) That the school will comply with the following 2135  
requirements: 2136

(a) The school will provide learning opportunities to a 2137  
minimum of twenty-five students for a minimum of nine hundred 2138  
twenty hours per school year. 2139

(b) The governing authority will purchase liability 2140  
insurance, or otherwise provide for the potential liability of 2141  
the school. 2142

(c) The school will be nonsectarian in its programs, 2143  
admission policies, employment practices, and all other 2144  
operations, and will not be operated by a sectarian school or 2145  
religious institution. 2146

(d) The school will comply with sections 9.90, 9.91, 2147  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2148  
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 2149  
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 2150  
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 2151  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2152  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2153  
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 2154  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 2155  
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 2156  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 2157  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 2158  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 2159  
it were a school district and will comply with section 3301.0714 2160  
of the Revised Code in the manner specified in section 3314.17 2161

of the Revised Code. 2162

(e) The school shall comply with Chapter 102. and section 2163  
2921.42 of the Revised Code. 2164

(f) The school will comply with sections 3313.61, 2165  
3313.611, and 3313.614 of the Revised Code, except that for 2166  
students who enter ninth grade for the first time before July 1, 2167  
2010, the requirement in sections 3313.61 and 3313.611 of the 2168  
Revised Code that a person must successfully complete the 2169  
curriculum in any high school prior to receiving a high school 2170  
diploma may be met by completing the curriculum adopted by the 2171  
governing authority of the community school rather than the 2172  
curriculum specified in Title XXXVIII of the Revised Code or any 2173  
rules of the state board of education. Beginning with students 2174  
who enter ninth grade for the first time on or after July 1, 2175  
2010, the requirement in sections 3313.61 and 3313.611 of the 2176  
Revised Code that a person must successfully complete the 2177  
curriculum of a high school prior to receiving a high school 2178  
diploma shall be met by completing the requirements prescribed 2179  
in division (C) of section 3313.603 of the Revised Code, unless 2180  
the person qualifies under division (D) or (F) of that section. 2181  
Each school shall comply with the plan for awarding high school 2182  
credit based on demonstration of subject area competency, 2183  
adopted by the state board of education under division (J) of 2184  
section 3313.603 of the Revised Code. 2185

(g) The school governing authority will submit within four 2186  
months after the end of each school year a report of its 2187  
activities and progress in meeting the goals and standards of 2188  
divisions (A) (3) and (4) of this section and its financial 2189  
status to the sponsor and the parents of all students enrolled 2190  
in the school. 2191

(h) The school, unless it is an internet- or computer- 2192  
based community school, will comply with section 3313.801 of the 2193  
Revised Code as if it were a school district. 2194

(i) If the school is the recipient of moneys from a grant 2195  
awarded under the federal race to the top program, Division (A), 2196  
Title XIV, Sections 14005 and 14006 of the "American Recovery 2197  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2198  
the school will pay teachers based upon performance in 2199  
accordance with section 3317.141 and will comply with section 2200  
3319.111 of the Revised Code as if it were a school district. 2201

(j) If the school operates a preschool program that is 2202  
licensed by the department of education under sections 3301.52 2203  
to 3301.59 of the Revised Code, the school shall comply with 2204  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 2205  
standards for preschool programs prescribed in rules adopted by 2206  
the state board under section 3301.53 of the Revised Code. 2207

(12) Arrangements for providing health and other benefits 2208  
to employees; 2209

(13) The length of the contract, which shall begin at the 2210  
beginning of an academic year. No contract shall exceed five 2211  
years unless such contract has been renewed pursuant to division 2212  
(E) of this section. 2213

(14) The governing authority of the school, which shall be 2214  
responsible for carrying out the provisions of the contract; 2215

(15) A financial plan detailing an estimated school budget 2216  
for each year of the period of the contract and specifying the 2217  
total estimated per pupil expenditure amount for each such year. 2218

(16) Requirements and procedures regarding the disposition 2219  
of employees of the school in the event the contract is 2220

terminated or not renewed pursuant to section 3314.07 of the Revised Code; 2221  
2222

(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; 2223  
2224  
2225  
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(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 2234  
2235  
2236

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 2237  
2238  
2239  
2240  
2241  
2242

(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 2243  
2244

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 2245  
2246  
2247

(c) Permit the enrollment of students who reside in any other district in the state. 2248  
2249

(20) A provision recognizing the authority of the 2250  
department of education to take over the sponsorship of the 2251  
school in accordance with the provisions of division (C) of 2252  
section 3314.015 of the Revised Code; 2253

(21) A provision recognizing the sponsor's authority to 2254  
assume the operation of a school under the conditions specified 2255  
in division (B) of section 3314.073 of the Revised Code; 2256

(22) A provision recognizing both of the following: 2257

(a) The authority of public health and safety officials to 2258  
inspect the facilities of the school and to order the facilities 2259  
closed if those officials find that the facilities are not in 2260  
compliance with health and safety laws and regulations; 2261

(b) The authority of the department of education as the 2262  
community school oversight body to suspend the operation of the 2263  
school under section 3314.072 of the Revised Code if the 2264  
department has evidence of conditions or violations of law at 2265  
the school that pose an imminent danger to the health and safety 2266  
of the school's students and employees and the sponsor refuses 2267  
to take such action. 2268

(23) A description of the learning opportunities that will 2269  
be offered to students including both classroom-based and non- 2270  
classroom-based learning opportunities that is in compliance 2271  
with criteria for student participation established by the 2272  
department under division (H) (2) of section 3314.08 of the 2273  
Revised Code; 2274

(24) The school will comply with sections 3302.04 and 2275  
3302.041 of the Revised Code, except that any action required to 2276  
be taken by a school district pursuant to those sections shall 2277  
be taken by the sponsor of the school. However, the sponsor 2278

shall not be required to take any action described in division 2279  
(F) of section 3302.04 of the Revised Code. 2280

(25) Beginning in the 2006-2007 school year, the school 2281  
will open for operation not later than the thirtieth day of 2282  
September each school year, unless the mission of the school as 2283  
specified under division (A) (2) of this section is solely to 2284  
serve dropouts. In its initial year of operation, if the school 2285  
fails to open by the thirtieth day of September, or within one 2286  
year after the adoption of the contract pursuant to division (D) 2287  
of section 3314.02 of the Revised Code if the mission of the 2288  
school is solely to serve dropouts, the contract shall be void. 2289

(26) Whether the school's governing authority is planning 2290  
to seek designation for the school as a STEM school equivalent 2291  
under section 3326.032 of the Revised Code; 2292

(27) That the school's attendance and participation 2293  
policies and records will be available for public inspection; 2294

(28) If a school operates using the blended learning 2295  
model, as defined in section 3301.079 of the Revised Code, all 2296  
of the following information: 2297

(a) An indication of what blended learning model or models 2298  
will be used; 2299

(b) A description of how student instructional needs will 2300  
be determined and documented; 2301

(c) The method to be used for determining competency, 2302  
granting credit, and promoting students to a higher grade level; 2303

(d) The school's attendance requirements, including how 2304  
the school will document participation in learning 2305  
opportunities; 2306

<u>(e) A statement describing how student progress will be</u>	2307
<u>monitored;</u>	2308
<u>(f) A statement describing how private student data will</u>	2309
<u>be protected;</u>	2310
<u>(g) A description of the professional development</u>	2311
<u>activities that will be offered to teachers.</u>	2312
<u>(29) A provision requiring that all moneys the school's</u>	2313
<u>operator loans to the school, including facilities loans or cash</u>	2314
<u>flow assistance, must be accounted for, documented, and bear</u>	2315
<u>interest at a fair market rate.</u>	2316
(B) The community school shall also submit to the sponsor	2317
a comprehensive plan for the school. The plan shall specify the	2318
following:	2319
(1) The process by which the governing authority of the	2320
school will be selected in the future;	2321
(2) The management and administration of the school;	2322
(3) If the community school is a currently existing public	2323
school or educational service center building, alternative	2324
arrangements for current public school students who choose not	2325
to attend the converted school and for teachers who choose not	2326
to teach in the school or building after conversion;	2327
(4) The instructional program and educational philosophy	2328
of the school;	2329
(5) Internal financial controls.	2330
<u>When submitting the plan under this division, the school</u>	2331
<u>shall also submit copies of all policies and procedures</u>	2332
<u>regarding internal financial controls adopted by the governing</u>	2333



authority of the school. 2334

(C) A contract entered into under section 3314.02 of the 2335  
Revised Code between a sponsor and the governing authority of a 2336  
community school may provide for the community school governing 2337  
authority to make payments to the sponsor, which is hereby 2338  
authorized to receive such payments as set forth in the contract 2339  
between the governing authority and the sponsor. The total 2340  
amount of such payments for oversight and monitoring of the 2341  
school shall not exceed three per cent of the total amount of 2342  
payments for operating expenses that the school receives from 2343  
the state. 2344

(D) The contract shall specify the duties of the sponsor 2345  
which shall be in accordance with the written agreement entered 2346  
into with the department of education under division (B) of 2347  
section 3314.015 of the Revised Code and shall include the 2348  
following: 2349

(1) Monitor the community school's compliance with all 2350  
laws applicable to the school and with the terms of the 2351  
contract; 2352

(2) Monitor and evaluate the academic and fiscal 2353  
performance and the organization and operation of the community 2354  
school on at least an annual basis; 2355

(3) Report on an annual basis the results of the 2356  
evaluation conducted under division (D) (2) of this section to 2357  
the department of education and to the parents of students 2358  
enrolled in the community school; 2359

(4) Provide technical assistance to the community school 2360  
in complying with laws applicable to the school and terms of the 2361  
contract; 2362

(5) Take steps to intervene in the school's operation to 2363  
correct problems in the school's overall performance, declare 2364  
the school to be on probationary status pursuant to section 2365  
3314.073 of the Revised Code, suspend the operation of the 2366  
school pursuant to section 3314.072 of the Revised Code, or 2367  
terminate the contract of the school pursuant to section 3314.07 2368  
of the Revised Code as determined necessary by the sponsor; 2369

(6) Have in place a plan of action to be undertaken in the 2370  
event the community school experiences financial difficulties or 2371  
closes prior to the end of a school year. 2372

(E) Upon the expiration of a contract entered into under 2373  
this section, the sponsor of a community school may, with the 2374  
approval of the governing authority of the school, renew that 2375  
contract for a period of time determined by the sponsor, but not 2376  
ending earlier than the end of any school year, if the sponsor 2377  
finds that the school's compliance with applicable laws and 2378  
terms of the contract and the school's progress in meeting the 2379  
academic goals prescribed in the contract have been 2380  
satisfactory. Any contract that is renewed under this division 2381  
remains subject to the provisions of sections 3314.07, 3314.072, 2382  
and 3314.073 of the Revised Code. 2383

(F) If a community school fails to open for operation 2384  
within one year after the contract entered into under this 2385  
section is adopted pursuant to division (D) of section 3314.02 2386  
of the Revised Code or permanently closes prior to the 2387  
expiration of the contract, the contract shall be void and the 2388  
school shall not enter into a contract with any other sponsor. A 2389  
school shall not be considered permanently closed because the 2390  
operations of the school have been suspended pursuant to section 2391  
3314.072 of the Revised Code. 2392

Sec. 3314.031. (A) Beginning December 31, 2015, the 2393  
department of education shall do the following: 2394

(1) Maintain an accurate record of the names and 2395  
identifying information of all entities that have entered into a 2396  
contract with the governing authority of a community school to 2397  
manage or operate that school; 2398

(2) Receive from the governing authority of each community 2399  
school a copy of the contract between a governing authority and 2400  
its operator. A copy of each contract shall be made available on 2401  
the department's web site. 2402

(B) Not later than July 1, 2016, the department shall 2403  
develop and publish an annual performance report for all 2404  
operators of community schools in the state. The report shall be 2405  
made available on the department's web site. 2406

(C) The department shall include the performance report 2407  
obtained pursuant to division (B) of this section in the 2408  
department's annual report required by division (A) (4) of 2409  
section 3314.015 of the Revised Code. 2410

(D) For purposes of this section, "operator" has the same 2411  
meaning as in division (A) (8) of section 3314.02 of the Revised 2412  
Code. 2413

Sec. 3314.032. (A) On and after the effective date of this 2414  
section, any new or renewed contract between the governing 2415  
authority of a community school and an operator shall include at 2416  
least the following: 2417

(1) Criteria to be used for early termination of the 2418  
operator contract; 2419

(2) Required notification procedures and timeline for 2420

early termination or nonrenewal of the operator contract; 2421

(3) A stipulation of which entity owns all community 2422  
school facilities and property including, but not limited to, 2423  
equipment, furniture, fixtures, instructional materials and 2424  
supplies, computers, printers, and other digital devices 2425  
purchased by the governing authority or operator. 2426

(B) The operator with which the governing authority of a 2427  
community school contracts for services shall not lease any 2428  
parcel of real property to that community school for an amount 2429  
that exceeds the fair market rental value of that property by 2430  
more than five per cent. For each lease of a parcel of real 2431  
property that is entered into by the operator of a community 2432  
school on or after the effective date of this section, the 2433  
sponsor of the school shall verify that the lease does not 2434  
exceed the fair market rental value of that property by more 2435  
than five per cent. 2436

**Sec. 3314.034.** On and after December 31, 2015, any 2437  
community school that has had more than one sponsor in the 2438  
previous five years and to which either of the following 2439  
conditions apply shall first receive approval from the 2440  
department of education before it may enter into a contract with 2441  
a new sponsor: 2442

(A) The community school has received a grade of "D" or 2443  
"F" for the performance index score, under division (C) (1) (b) of 2444  
section 3302.03 of the Revised Code, and an overall grade of "D" 2445  
or "F" for the value-added progress dimension or another measure 2446  
of student academic progress if adopted by the state board, 2447  
under division (C) (1) (e) of that section, on the most recent 2448  
report card issued for the school pursuant to that section. 2449

(B) The community school is one in which a majority of the 2450  
students are enrolled in a dropout prevention and recovery 2451  
program, and it has received a rating of "does not meet 2452  
standards" for the annual student growth measure and combined 2453  
graduation rates on the most recent report card issued for the 2454  
school under section 3314.017 of the Revised Code. 2455

Sec. 3314.035. Each community school shall post on the 2456  
school's web site the name of each member of the school's 2457  
governing authority. Each community school also shall provide, 2458  
upon request, the name and address of each member of the 2459  
governing authority to the sponsor of the school and the 2460  
department of education. 2461

Sec. 3314.036. The governing authority of a community 2462  
school shall employ an attorney, who shall be independent from 2463  
the school's sponsor or the operator with which the school has 2464  
contracted, for any services related to the negotiation of the 2465  
community school's contract with the sponsor or the school's 2466  
contract with the operator. 2467

Sec. 3314.037. The members of the governing authority of a 2468  
community school, the designated fiscal officer of the school, 2469  
the chief administrative officer and other administrative 2470  
employees of the school, and all individuals performing 2471  
supervisory or administrative services for the school under a 2472  
contract with the operator of the school shall complete training 2473  
on an annual basis on the public records and open meetings laws, 2474  
so that they may comply with those laws as prescribed by 2475  
division (A) (11) (d) of section 3314.03 of the Revised Code. 2476

Sec. 3314.038. Each community school shall annually submit 2477  
to the department of education and auditor of state a report of 2478  
each instance under which a student who is enrolled in that 2479

community school resides in a children's residential center as 2480  
defined under section 5103.05 of the Revised Code. 2481

Sec. 3314.039. Notwithstanding anything in the Revised 2482  
Code to the contrary, beginning on the effective date of this 2483  
section, no community school shall change sponsors within its 2484  
first four years of operation, unless the department of 2485  
education authorizes the school to do so. 2486

**Sec. 3314.06.** The governing authority of each community 2487  
school established under this chapter shall adopt admission 2488  
procedures that specify the following: 2489

(A) That, except as otherwise provided in this section, 2490  
admission to the school shall be open to any individual age five 2491  
to twenty-two entitled to attend school pursuant to section 2492  
3313.64 or 3313.65 of the Revised Code in a school district in 2493  
the state. 2494

Additionally, except as otherwise provided in this 2495  
section, admission to the school may be open on a tuition basis 2496  
to any individual age five to twenty-two who is not a resident 2497  
of this state. The school shall not receive state funds under 2498  
section 3314.08 of the Revised Code for any student who is not a 2499  
resident of this state. 2500

An individual younger than five years of age may be 2501  
admitted to the school in accordance with division (A) (2) of 2502  
section 3321.01 of the Revised Code. The school shall receive 2503  
funds for an individual admitted under that division in the 2504  
manner provided under section 3314.08 of the Revised Code. 2505

If the school operates a program that uses the Montessori 2506  
method endorsed by the American Montessori society, the 2507  
Montessori accreditation council for teacher education, or the 2508

association Montessori internationale as its primary method of 2509  
instruction, admission to the school may be open to individuals 2510  
younger than five years of age, but the school shall not receive 2511  
funds under this chapter for those individuals. Notwithstanding 2512  
anything to the contrary in this chapter, individuals younger 2513  
than five years of age who are enrolled in a Montessori program 2514  
shall be offered at least four hundred fifty-five hours of 2515  
learning opportunities per school year. 2516

If the school operates a preschool program that is 2517  
licensed by the department of education under sections 3301.52 2518  
to 3301.59 of the Revised Code, admission to the school may be 2519  
open to individuals younger than five years of age, but the 2520  
school shall not receive funds under this chapter for those 2521  
individuals. 2522

(B) (1) That admission to the school may be limited to 2523  
students who have attained a specific grade level or are within 2524  
a specific age group; to students that meet a definition of "at- 2525  
risk," as defined in the contract; to residents of a specific 2526  
geographic area within the district, as defined in the contract; 2527  
or to separate groups of autistic students and nondisabled 2528  
students, as authorized in section 3314.061 of the Revised Code 2529  
and as defined in the contract. 2530

(2) For purposes of division (B) (1) of this section, "at- 2531  
risk" students may include those students identified as gifted 2532  
students under section 3324.03 of the Revised Code. 2533

(C) Whether enrollment is limited to students who reside 2534  
in the district in which the school is located or is open to 2535  
residents of other districts, as provided in the policy adopted 2536  
pursuant to the contract. 2537

(D) (1) That there will be no discrimination in the 2538  
admission of students to the school on the basis of race, creed, 2539  
color, disability, or sex except that: 2540

(a) The governing authority may do either of the following 2541  
for the purpose described in division (G) of this section: 2542

(i) Establish a single-gender school for either sex; 2543

(ii) Establish single-gender schools for each sex under 2544  
the same contract, provided substantially equal facilities and 2545  
learning opportunities are offered for both boys and girls. Such 2546  
facilities and opportunities may be offered for each sex at 2547  
separate locations. 2548

(b) The governing authority may establish a school that 2549  
simultaneously serves a group of students identified as autistic 2550  
and a group of students who are not disabled, as authorized in 2551  
section 3314.061 of the Revised Code. However, unless the total 2552  
capacity established for the school has been filled, no student 2553  
with any disability shall be denied admission on the basis of 2554  
that disability. 2555

(2) That upon admission of any student with a disability, 2556  
the community school will comply with all federal and state laws 2557  
regarding the education of students with disabilities. 2558

(E) That the school may not limit admission to students on 2559  
the basis of intellectual ability, measures of achievement or 2560  
aptitude, or athletic ability, except that a school may limit 2561  
its enrollment to students as described in division (B) of this 2562  
section. 2563

(F) That the community school will admit the number of 2564  
students that does not exceed the capacity of the school's 2565  
programs, classes, grade levels, or facilities. 2566



(G) That the purpose of single-gender schools that are 2567  
established shall be to take advantage of the academic benefits 2568  
some students realize from single-gender instruction and 2569  
facilities and to offer students and parents residing in the 2570  
district the option of a single-gender education. 2571

(H) That, except as otherwise provided under division (B) 2572  
of this section or section 3314.061 of the Revised Code, if the 2573  
number of applicants exceeds the capacity restrictions of 2574  
division (F) of this section, students shall be admitted by lot 2575  
from all those submitting applications, except preference shall 2576  
be given to students attending the school the previous year and 2577  
to students who reside in the district in which the school is 2578  
located. Preference may be given to siblings of students 2579  
attending the school the previous year. 2580

Notwithstanding divisions (A) to (H) of this section, in 2581  
the event the racial composition of the enrollment of the 2582  
community school is violative of a federal desegregation order, 2583  
the community school shall take any and all corrective measures 2584  
to comply with the desegregation order. 2585

**Sec. 3314.07.** (A) The expiration of the contract for a 2586  
community school between a sponsor and a school shall be the 2587  
date provided in the contract. A successor contract may be 2588  
entered into pursuant to division (E) of section 3314.03 of the 2589  
Revised Code unless the contract is terminated or not renewed 2590  
pursuant to this section. 2591

(B) (1) A sponsor may choose not to renew a contract at its 2592  
expiration or may choose to terminate a contract prior to its 2593  
expiration for any of the following reasons: 2594

(a) Failure to meet student performance requirements 2595

stated in the contract; 2596

(b) Failure to meet generally accepted standards of fiscal 2597  
management; 2598

(c) Violation of any provision of the contract or 2599  
applicable state or federal law; 2600

(d) Other good cause. 2601

(2) A sponsor may choose to terminate a contract prior to 2602  
its expiration if the sponsor has suspended the operation of the 2603  
contract under section 3314.072 of the Revised Code. 2604

(3) Not later than the first day of ~~February~~December in 2605  
the year in which the sponsor intends to terminate or take 2606  
actions not to renew the community school's contract, the 2607  
sponsor shall notify the school of the proposed action in 2608  
writing. The notice shall include the reasons for the proposed 2609  
action in detail, the effective date of the termination or 2610  
nonrenewal, and a statement that the school may, within fourteen 2611  
days of receiving the notice, request an informal hearing before 2612  
the sponsor. Such request must be in writing. The informal 2613  
hearing shall be held within fourteen days of the receipt of a 2614  
request for the hearing. Not later than fourteen days after the 2615  
informal hearing, the sponsor shall issue a written decision 2616  
either affirming or rescinding the decision to terminate or not 2617  
renew the contract. 2618

(4) A decision by the sponsor to terminate a contract may 2619  
be appealed to the state board of education. The notice of 2620  
appeal shall be filed with the state board not later than 2621  
fourteen days following receipt of the sponsor's written 2622  
decision to terminate the contract. Within sixty days of receipt 2623  
of the notice of appeal, the state board shall conduct a hearing 2624

and issue a written decision on the appeal. The written decision 2625  
of the state board shall include the reasons for affirming or 2626  
rescinding the decision of the sponsor. The decision by the 2627  
state board pertaining to an appeal under this division is 2628  
final. If the sponsor is the state board, its decision to 2629  
terminate a contract under division (B) (3) of this section shall 2630  
be final. 2631

(5) The termination of a contract under this section shall 2632  
be effective upon the occurrence of the later of the following 2633  
events: 2634

(a) The date the sponsor notifies the school of its 2635  
decision to terminate the contract as prescribed in division (B) 2636  
(3) of this section; 2637

(b) If an informal hearing is requested under division (B) 2638  
(3) of this section and as a result of that hearing the sponsor 2639  
affirms its decision to terminate the contract, the effective 2640  
date of the termination specified in the notice issued under 2641  
division (B) (3) of this section, or if that decision is appealed 2642  
to the state board under division (B) (4) of this section and the 2643  
state board affirms that decision, the date established in the 2644  
resolution of the state board affirming the sponsor's decision. 2645

(6) Any community school whose contract is terminated 2646  
under division (B) of this section shall close permanently at 2647  
the end of the current school year or on a date specified in the 2648  
notification of termination under division (B) (3) of this 2649  
section. Any community school whose contract is terminated under 2650  
this division shall not enter into a contract with any other 2651  
sponsor. 2652

(C) A child attending a community school whose contract 2653

has been terminated, nonrenewed, or suspended or that closes for 2654  
any reason shall be admitted to the schools of the district in 2655  
which the child is entitled to attend under section 3313.64 or 2656  
3313.65 of the Revised Code. Any deadlines established for the 2657  
purpose of admitting students under section 3313.97 or 3313.98 2658  
of the Revised Code shall be waived for students to whom this 2659  
division pertains. 2660

(D) If a community school does not intend to renew a 2661  
contract with its sponsor, the community school shall notify its 2662  
sponsor in writing of that fact at least one hundred eighty days 2663  
prior to the expiration of the contract. Such a community school 2664  
may enter into a contract with a new sponsor in accordance with 2665  
section 3314.03 of the Revised Code upon the expiration of the 2666  
previous contract. 2667

(E) A sponsor of a community school and the officers, 2668  
directors, or employees of such a sponsor are immune from civil 2669  
liability for any action authorized under this chapter or the 2670  
contract entered into with the school under section 3314.03 of 2671  
the Revised Code that is taken to fulfill the sponsor's 2672  
responsibility to oversee and monitor the school. The sponsor 2673  
and its officers, directors, or employees are not liable in 2674  
damages in a tort or other civil action for harm allegedly 2675  
arising from either of the following: 2676

(1) A failure of the community school or any of its 2677  
officers, directors, or employees to perform any statutory or 2678  
common law duty or responsibility or any other legal obligation; 2679

(2) An action or omission of the community school or any 2680  
of its officers, directors, or employees that results in harm. 2681

(F) As used in this section: 2682

(1) "Harm" means injury, death, or loss to person or property. 2683  
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(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons. 2685  
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**Sec. 3314.074.** Divisions (A) and (B) of this section apply only to the extent permitted under Chapter 1702. of the Revised Code. 2689  
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(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation, and then any remaining funds shall be paid to the department of education for redistribution to the school districts in which the students who were enrolled in the school at the time it ceased operation were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount distributed to each school district shall be proportional to the district's share of the total enrollment in the community school. 2692  
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(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the former Ohio SchoolNet commission or the former eTech Ohio commission, such hardware or software shall be turned over to the department of education, which shall redistribute the hardware and software, to the extent such redistribution is possible, to school districts in conformance with the provisions of the programs as they were operated and administered by the former eTech Ohio commission. 2704  
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(C) If the assets of the school are insufficient to pay 2713  
all persons or entities to whom compensation is owed, the 2714  
prioritization of the distribution of the assets to individual 2715  
persons or entities within each class of payees may be 2716  
determined by decree of a court in accordance with this section 2717  
and Chapter 1702. of the Revised Code. 2718

(D) A community school that engages in a merger or 2719  
consolidation pursuant to division (B) of section 1702.41 of the 2720  
Revised Code and becomes a single public benefit corporation 2721  
shall not be required to distribute assets pursuant to divisions 2722  
(A), (B), and (C) of this section, provided that the governing 2723  
authority of the community school created by the merger or 2724  
consolidation enters into a contract for sponsorship under 2725  
section 3314.03 of the Revised Code with an entity rated as 2726  
"exemplary" by the department of education pursuant to section 2727  
3314.016 of the Revised Code. 2728

**Sec. 3314.08.** (A) As used in this section: 2729

(1) (a) "Category one career-technical education student" 2730  
means a student who is receiving the career-technical education 2731  
services described in division (A) of section 3317.014 of the 2732  
Revised Code. 2733

(b) "Category two career-technical student" means a 2734  
student who is receiving the career-technical education services 2735  
described in division (B) of section 3317.014 of the Revised 2736  
Code. 2737

(c) "Category three career-technical student" means a 2738  
student who is receiving the career-technical education services 2739  
described in division (C) of section 3317.014 of the Revised 2740  
Code. 2741

(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.	2799
(2) The governing authority of each community school	2800
established under this chapter to annually report all of the	2801
following:	2802
(a) The number of students enrolled in grades one through	2803
twelve and the full-time equivalent number of students enrolled	2804
in kindergarten in the school who are not receiving special	2805
education and related services pursuant to an IEP;	2806
(b) The number of enrolled students in grades one through	2807
twelve and the full-time equivalent number of enrolled students	2808
in kindergarten, who are receiving special education and related	2809
services pursuant to an IEP;	2810
(c) The number of students reported under division (B) (2)	2811
(b) of this section receiving special education and related	2812
services pursuant to an IEP for a disability described in each	2813
of divisions (A) to (F) of section 3317.013 of the Revised Code;	2814
(d) The full-time equivalent number of students reported	2815
under divisions (B) (2) (a) and (b) of this section who are	2816
enrolled in career-technical education programs or classes	2817
described in each of divisions (A) to (E) of section 3317.014 of	2818
the Revised Code that are provided by the community school;	2819
(e) The number of students reported under divisions (B) (2)	2820
(a) and (b) of this section who are not reported under division	2821
(B) (2) (d) of this section but who are enrolled in career-	2822
technical education programs or classes described in each of	2823
divisions (A) to (E) of section 3317.014 of the Revised Code at	2824
a joint vocational school district or another district in the	2825
career-technical planning district to which the school is	2826
assigned;	2827

(f) The number of students reported under divisions (B) (2) 2828  
(a) and (b) of this section who are category one to three 2829  
limited English proficient students described in each of 2830  
divisions (A) to (C) of section 3317.016 of the Revised Code; 2831

(g) The number of students reported under divisions (B) (2) 2832  
(a) and (b) who are economically disadvantaged, as defined by 2833  
the department. A student shall not be categorically excluded 2834  
from the number reported under division (B) (2) (g) of this 2835  
section based on anything other than family income. 2836

(h) For each student, the city, exempted village, or local 2837  
school district in which the student is entitled to attend 2838  
school under section 3313.64 or 3313.65 of the Revised Code; 2839

(i) The number of students enrolled in a preschool program 2840  
operated by the school that is licensed by the department of 2841  
education under sections 3301.52 to 3301.59 of the Revised Code 2842  
who are not receiving special education and related services 2843  
pursuant to an IEP. 2844

A school district board and a community school governing 2845  
authority shall include in their respective reports under 2846  
division (B) of this section any child admitted in accordance 2847  
with division (A) (2) of section 3321.01 of the Revised Code. 2848

A governing authority of a community school shall not 2849  
include in its report under ~~division (B) (2)~~ divisions (B) (2) (a) 2850  
to (h) of this section any student for whom tuition is charged 2851  
under division (F) of this section. 2852

(C) (1) Except as provided in division (C) (2) of this 2853  
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 2854  
of this section, on a full-time equivalency basis, for each 2855  
student enrolled in a community school established under this 2856

chapter, the department of education annually shall deduct from 2857  
the state education aid of a student's resident district and, if 2858  
necessary, from the payment made to the district under sections 2859  
321.24 and 323.156 of the Revised Code and pay to the community 2860  
school the sum of the following: 2861

(a) An opportunity grant in an amount equal to the formula 2862  
amount; 2863

(b) The per pupil amount of targeted assistance funds 2864  
calculated under division (A) of section 3317.0217 of the 2865  
Revised Code for the student's resident district, as determined 2866  
by the department, X 0.25; 2867

(c) Additional state aid for special education and related 2868  
services provided under Chapter 3323. of the Revised Code as 2869  
follows: 2870

(i) If the student is a category one special education 2871  
student, the amount specified in division (A) of section 2872  
3317.013 of the Revised Code; 2873

(ii) If the student is a category two special education 2874  
student, the amount specified in division (B) of section 2875  
3317.013 of the Revised Code; 2876

(iii) If the student is a category three special education 2877  
student, the amount specified in division (C) of section 2878  
3317.013 of the Revised Code; 2879

(iv) If the student is a category four special education 2880  
student, the amount specified in division (D) of section 2881  
3317.013 of the Revised Code; 2882

(v) If the student is a category five special education 2883  
student, the amount specified in division (E) of section 2884

3317.013 of the Revised Code;	2885
(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.	2886 2887 2888
(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;	2889 2890 2891
(e) If the student is economically disadvantaged, an additional amount equal to the following:	2892 2893
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	2894 2895
(f) Limited English proficiency funds as follows:	2896
(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;	2897 2898 2899
(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;	2900 2901 2902
(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.	2903 2904 2905
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	2906 2907
(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;	2908 2909 2910
(ii) If the student is a category two career-technical	2911

education student, the amount specified in division (B) of	2912
section 3317.014 of the Revised Code;	2913
(iii) If the student is a category three career-technical	2914
education student, the amount specified in division (C) of	2915
section 3317.014 of the Revised Code;	2916
(iv) If the student is a category four career-technical	2917
education student, the amount specified in division (D) of	2918
section 3317.014 of the Revised Code;	2919
(v) If the student is a category five career-technical	2920
education student, the amount specified in division (E) of	2921
section 3317.014 of the Revised Code.	2922
Deduction and payment of funds under division (C) (1) (g) of	2923
this section is subject to approval by the lead district of a	2924
career-technical planning district or the department of	2925
education under section 3317.161 of the Revised Code.	2926
(2) When deducting from the state education aid of a	2927
student's resident district for students enrolled in an	2928
internet- or computer-based community school and making payments	2929
to such school under this section, the department shall make the	2930
deductions and payments described in only divisions (C) (1) (a),	2931
(c), and (g) of this section.	2932
No deductions or payments shall be made for a student	2933
enrolled in such school under division (C) (1) (b), (d), (e), or	2934
(f) of this section.	2935
(3) (a) If a community school's costs for a fiscal year for	2936
a student receiving special education and related services	2937
pursuant to an IEP for a disability described in divisions (B)	2938
to (F) of section 3317.013 of the Revised Code exceed the	2939
threshold catastrophic cost for serving the student as specified	2940

in division (B) of section 3317.0214 of the Revised Code, the 2941  
school may submit to the superintendent of public instruction 2942  
documentation, as prescribed by the superintendent, of all its 2943  
costs for that student. Upon submission of documentation for a 2944  
student of the type and in the manner prescribed, the department 2945  
shall pay to the community school an amount equal to the 2946  
school's costs for the student in excess of the threshold 2947  
catastrophic costs. 2948

(b) The community school shall report under division (C) 2949  
(3)(a) of this section, and the department shall pay for, only 2950  
the costs of educational expenses and the related services 2951  
provided to the student in accordance with the student's 2952  
individualized education program. Any legal fees, court costs, 2953  
or other costs associated with any cause of action relating to 2954  
the student may not be included in the amount. 2955

(4) In any fiscal year, a community school receiving funds 2956  
under division (C)(1)(g) of this section shall spend those funds 2957  
only for the purposes that the department designates as approved 2958  
for career-technical education expenses. Career-technical 2959  
education expenses approved by the department shall include only 2960  
expenses connected to the delivery of career-technical 2961  
programming to career-technical students. The department shall 2962  
require the school to report data annually so that the 2963  
department may monitor the school's compliance with the 2964  
requirements regarding the manner in which funding received 2965  
under division (C)(1)(g) of this section may be spent. 2966

(5) All funds received under division (C)(1)(g) of this 2967  
section shall be spent in the following manner: 2968

(a) At least seventy-five per cent of the funds shall be 2969  
spent on curriculum development, purchase, and implementation; 2970

instructional resources and supplies; industry-based program 2971  
certification; student assessment, credentialing, and placement; 2972  
curriculum specific equipment purchases and leases; career- 2973  
technical student organization fees and expenses; home and 2974  
agency linkages; work-based learning experiences; professional 2975  
development; and other costs directly associated with career- 2976  
technical education programs including development of new 2977  
programs. 2978

(b) Not more than twenty-five per cent of the funds shall 2979  
be used for personnel expenditures. 2980

(6) A community school shall spend the funds it receives 2981  
under division (C) (1) (e) of this section in accordance with 2982  
section 3317.25 of the Revised Code. 2983

(7) If the sum of the payments computed under divisions 2984  
(C) (1) and (8) (a) of this section for the students entitled to 2985  
attend school in a particular school district under sections 2986  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 2987  
district's state education aid and its payment under sections 2988  
321.24 and 323.156 of the Revised Code, the department shall 2989  
calculate and apply a proration factor to the payments to all 2990  
community schools under that division for the students entitled 2991  
to attend school in that district. 2992

(8) (a) Subject to division (C) (7) of this section, the 2993  
department annually shall pay to each community school, 2994  
including each internet- or computer-based community school, an 2995  
amount equal to the following: 2996

(The number of students reported by the community school 2997  
under division (B) (2) (e) of this section X the formula amount 2998  
X .20) 2999

(b) For each payment made to a community school under 3000  
division (C) (8) (a) of this section, the department shall deduct 3001  
from the state education aid of each city, local, and exempted 3002  
village school district and, if necessary, from the payment made 3003  
to the district under sections 321.24 and 323.156 of the Revised 3004  
Code an amount equal to the following: 3005

(The number of the district's students reported by the 3006  
community school under division (B) (2) (e) of this section X the 3007  
formula amount X .20) 3008

(D) A board of education sponsoring a community school may 3009  
utilize local funds to make enhancement grants to the school or 3010  
may agree, either as part of the contract or separately, to 3011  
provide any specific services to the community school at no cost 3012  
to the school. 3013

(E) A community school may not levy taxes or issue bonds 3014  
secured by tax revenues. 3015

(F) No community school shall charge tuition for the 3016  
enrollment of any student who is a resident of this state. A 3017  
community school may charge tuition for the enrollment of any 3018  
student who is not a resident of this state. 3019

(G) (1) (a) A community school may borrow money to pay any 3020  
necessary and actual expenses of the school in anticipation of 3021  
the receipt of any portion of the payments to be received by the 3022  
school pursuant to division (C) of this section. The school may 3023  
issue notes to evidence such borrowing. The proceeds of the 3024  
notes shall be used only for the purposes for which the 3025  
anticipated receipts may be lawfully expended by the school. 3026

(b) A school may also borrow money for a term not to 3027  
exceed fifteen years for the purpose of acquiring facilities. 3028



(2) Except for any amount guaranteed under section 3318.50 3029  
of the Revised Code, the state is not liable for debt incurred 3030  
by the governing authority of a community school. 3031

(H) The department of education shall adjust the amounts 3032  
subtracted and paid under division (C) of this section to 3033  
reflect any enrollment of students in community schools for less 3034  
than the equivalent of a full school year. The state board of 3035  
education within ninety days after April 8, 2003, shall adopt in 3036  
accordance with Chapter 119. of the Revised Code rules governing 3037  
the payments to community schools under this section including 3038  
initial payments in a school year and adjustments and reductions 3039  
made in subsequent periodic payments to community schools and 3040  
corresponding deductions from school district accounts as 3041  
provided under division (C) of this section. For purposes of 3042  
this section: 3043

(1) A student shall be considered enrolled in the 3044  
community school for any portion of the school year the student 3045  
is participating at a college under Chapter 3365. of the Revised 3046  
Code. 3047

(2) A student shall be considered to be enrolled in a 3048  
community school for the period of time beginning on the later 3049  
of the date on which the school both has received documentation 3050  
of the student's enrollment from a parent and the student has 3051  
commenced participation in learning opportunities as defined in 3052  
the contract with the sponsor, or thirty days prior to the date 3053  
on which the student is entered into the education management 3054  
information system established under section 3301.0714 of the 3055  
Revised Code. For purposes of applying this division and 3056  
divisions (H) (3) and (4) of this section to a community school 3057  
student, "learning opportunities" shall be defined in the 3058

contract, which shall describe both classroom-based and non- 3059  
classroom-based learning opportunities and shall be in 3060  
compliance with criteria and documentation requirements for 3061  
student participation which shall be established by the 3062  
department. Any student's instruction time in non-classroom- 3063  
based learning opportunities shall be certified by an employee 3064  
of the community school. A student's enrollment shall be 3065  
considered to cease on the date on which any of the following 3066  
occur: 3067

(a) The community school receives documentation from a 3068  
parent terminating enrollment of the student. 3069

(b) The community school is provided documentation of a 3070  
student's enrollment in another public or private school. 3071

(c) The community school ceases to offer learning 3072  
opportunities to the student pursuant to the terms of the 3073  
contract with the sponsor or the operation of any provision of 3074  
this chapter. 3075

Except as otherwise specified in this paragraph, beginning 3076  
in the 2011-2012 school year, any student who completed the 3077  
prior school year in an internet- or computer-based community 3078  
school shall be considered to be enrolled in the same school in 3079  
the subsequent school year until the student's enrollment has 3080  
ceased as specified in division (H)(2) of this section. The 3081  
department shall continue subtracting and paying amounts for the 3082  
student under division (C) of this section without interruption 3083  
at the start of the subsequent school year. However, if the 3084  
student without a legitimate excuse fails to participate in the 3085  
first one hundred five consecutive hours of learning 3086  
opportunities offered to the student in that subsequent school 3087  
year, the student shall be considered not to have re-enrolled in 3088

the school for that school year and the department shall 3089  
recalculate the payments to the school for that school year to 3090  
account for the fact that the student is not enrolled. 3091

(3) The department shall determine each community school 3092  
student's percentage of full-time equivalency based on the 3093  
percentage of learning opportunities offered by the community 3094  
school to that student, reported either as number of hours or 3095  
number of days, is of the total learning opportunities offered 3096  
by the community school to a student who attends for the 3097  
school's entire school year. However, no internet- or computer- 3098  
based community school shall be credited for anytime a student 3099  
spends participating in learning opportunities beyond ten hours 3100  
within any period of twenty-four consecutive hours. Whether it 3101  
reports hours or days of learning opportunities, each community 3102  
school shall offer not less than nine hundred twenty hours of 3103  
learning opportunities during the school year. 3104

(4) With respect to the calculation of full-time 3105  
equivalency under division (H) (3) of this section, the 3106  
department shall waive the number of hours or days of learning 3107  
opportunities not offered to a student because the community 3108  
school was closed during the school year due to disease 3109  
epidemic, hazardous weather conditions, law enforcement 3110  
emergencies, inoperability of school buses or other equipment 3111  
necessary to the school's operation, damage to a school 3112  
building, or other temporary circumstances due to utility 3113  
failure rendering the school building unfit for school use, so 3114  
long as the school was actually open for instruction with 3115  
students in attendance during that school year for not less than 3116  
the minimum number of hours required by this chapter. The 3117  
department shall treat the school as if it were open for 3118  
instruction with students in attendance during the hours or days 3119

waived under this division. 3120

(I) The department of education shall reduce the amounts 3121  
paid under this section to reflect payments made to colleges 3122  
under section 3365.07 of the Revised Code. 3123

(J) (1) No student shall be considered enrolled in any 3124  
internet- or computer-based community school or, if applicable 3125  
to the student, in any community school that is required to 3126  
provide the student with a computer pursuant to division (C) of 3127  
section 3314.22 of the Revised Code, unless both of the 3128  
following conditions are satisfied: 3129

(a) The student possesses or has been provided with all 3130  
required hardware and software materials and all such materials 3131  
are operational so that the student is capable of fully 3132  
participating in the learning opportunities specified in the 3133  
contract between the school and the school's sponsor as required 3134  
by division (A) (23) of section 3314.03 of the Revised Code; 3135

(b) The school is in compliance with division (A) of 3136  
section 3314.22 of the Revised Code, relative to such student. 3137

(2) In accordance with policies adopted jointly by the 3138  
superintendent of public instruction and the auditor of state, 3139  
the department shall reduce the amounts otherwise payable under 3140  
division (C) of this section to any community school that 3141  
includes in its program the provision of computer hardware and 3142  
software materials to any student, if such hardware and software 3143  
materials have not been delivered, installed, and activated for 3144  
each such student in a timely manner or other educational 3145  
materials or services have not been provided according to the 3146  
contract between the individual community school and its 3147  
sponsor. 3148

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 3178  
conclusion of the hearing. 3179

(c) If the board has enlisted a designee to conduct the 3180  
hearing, the designee shall certify its decision to the board. 3181  
The board may accept the decision of the designee or may reject 3182  
the decision of the designee and issue its own decision on the 3183  
matter. 3184

(d) Any decision made by the board under this division is 3185  
final. 3186

(3) If it is decided that the community school owes moneys 3187  
to the state, the department shall deduct such amount from the 3188  
school's future payments in accordance with guidelines issued by 3189  
the superintendent of public instruction. 3190

(L) The department shall not subtract from a school 3191  
district's state aid account and shall not pay to a community 3192  
school under division (C) of this section any amount for any of 3193  
the following: 3194

(1) Any student who has graduated from the twelfth grade 3195  
of a public or nonpublic high school; 3196

(2) Any student who is not a resident of the state; 3197

(3) Any student who was enrolled in the community school 3198  
during the previous school year when assessments were 3199  
administered under section 3301.0711 of the Revised Code but did 3200  
not take one or more of the assessments required by that section 3201  
and was not excused pursuant to division (C) (1) or (3) of that 3202  
section, unless the superintendent of public instruction grants 3203  
the student a waiver from the requirement to take the assessment 3204  
and a parent is not paying tuition for the student pursuant to 3205  
section 3314.26 of the Revised Code. The superintendent may 3206

grant a waiver only for good cause in accordance with rules 3207  
adopted by the state board of education. 3208

(4) Any student who has attained the age of twenty-two 3209  
years, except for veterans of the armed services whose 3210  
attendance was interrupted before completing the recognized 3211  
twelve-year course of the public schools by reason of induction 3212  
or enlistment in the armed forces and who apply for enrollment 3213  
in a community school not later than four years after 3214  
termination of war or their honorable discharge. If, however, 3215  
any such veteran elects to enroll in special courses organized 3216  
for veterans for whom tuition is paid under federal law, or 3217  
otherwise, the department shall not subtract from a school 3218  
district's state aid account and shall not pay to a community 3219  
school under division (C) of this section any amount for that 3220  
veteran. 3221

**Sec. 3314.19.** The sponsor of each community school 3222  
annually shall provide the following assurances in writing to 3223  
the department of education not later than ten business days 3224  
prior to the opening of the school: 3225

(A) That a current copy of the contract between the 3226  
sponsor and the governing authority of the school entered into 3227  
under section 3314.03 of the Revised Code has been filed with 3228  
the department and that any subsequent modifications to that 3229  
contract will be filed with the department; 3230

(B) That the school has submitted to the sponsor a plan 3231  
for providing special education and related services to students 3232  
with disabilities and has demonstrated the capacity to provide 3233  
those services in accordance with Chapter 3323. of the Revised 3234  
Code and federal law; 3235

(C) That the school has a plan and procedures for	3236
administering the achievement and diagnostic assessments	3237
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of	3238
the Revised Code;	3239
(D) That school personnel have the necessary training,	3240
knowledge, and resources to properly use and submit information	3241
to all databases maintained by the department for the collection	3242
of education data, including the education management	3243
information system established under section 3301.0714 of the	3244
Revised Code in accordance with methods and timelines	3245
established under section 3314.17 of the Revised Code;	3246
(E) That all required information about the school has	3247
been submitted to the Ohio education directory system or any	3248
successor system;	3249
(F) That the school will enroll at least the minimum	3250
number of students required by division (A) (11) (a) of section	3251
3314.03 of the Revised Code in the school year for which the	3252
assurances are provided;	3253
(G) That all classroom teachers are licensed in accordance	3254
with sections 3319.22 to 3319.31 of the Revised Code, except for	3255
noncertificated persons engaged to teach up to twelve hours per	3256
week pursuant to section 3319.301 of the Revised Code;	3257
(H) That the school's fiscal officer is in compliance with	3258
section 3314.011 of the Revised Code;	3259
(I) That the school has complied with sections 3319.39 and	3260
3319.391 of the Revised Code with respect to all employees and	3261
that the school has conducted a criminal records check of each	3262
of its governing authority members;	3263
(J) That the school holds all of the following:	3264



(1) Proof of property ownership or a lease for the facilities used by the school;	3265 3266
(2) A certificate of occupancy;	3267
(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;	3268 3269 3270 3271
(4) A satisfactory health and safety inspection;	3272
(5) A satisfactory fire inspection;	3273
(6) A valid food permit, if applicable.	3274
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	3275 3276 3277
(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;	3278 3279 3280 3281
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	3282 3283 3284
<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>	3285 3286 3287 3288
<u>(1) An indication of what blended learning model or models will be used;</u>	3289 3290
<u>(2) A description of how student instructional needs will</u>	3291

<u>be determined and documented;</u>	3292
<u>(3) The method to be used for determining competency,</u>	3293
<u>granting credit, and promoting students to a higher grade level;</u>	3294
<u>(4) The school's attendance requirements, including how</u>	3295
<u>the school will document participation in learning</u>	3296
<u>opportunities;</u>	3297
<u>(5) A statement describing how student progress will be</u>	3298
<u>monitored;</u>	3299
<u>(6) A statement describing how private student data will</u>	3300
<u>be protected;</u>	3301
<u>(7) A description of the professional development</u>	3302
<u>activities that will be offered to teachers.</u>	3303
<b>Sec. 3314.23.</b> (A) Subject to division (B) of this section,	3304
each internet- or computer-based community school shall do the	3305
applicable one of the following:	3306
(1) If the general assembly has enacted standards for the	3307
operation of internet- or computer-based community schools by	3308
January 1, 2013, comply with the standards so enacted;	3309
(2) If the general assembly has not enacted such standards	3310
by that date, comply with the standards developed by the	3311
international association for K-12 online learning.	3312
(B) Each internet- or computer-based community school that	3313
initially opens for operation on or after January 1, 2013, shall	3314
comply with the standards required by division (A) of this	3315
section at the time it opens. Each internet- or computer-based	3316
community school that initially opened for operation prior to	3317
January 1, 2013, shall comply with the standards required by	3318
division (A) of this section not later than July 1, 2013.	3319

(C) The sponsor of each internet- or computer-based 3320  
community school shall be responsible for monitoring and 3321  
ensuring compliance with the online learning standards described 3322  
in divisions (A) and (B) of this section and shall report a 3323  
school's failure to comply with these standards to the 3324  
department of education in the manner prescribed by the 3325  
department. 3326

Sec. 3314.46. As used in this section, "sponsor" includes 3327  
any officer, director, employee, agent, representative, 3328  
subsidiary, or independent contractor of the sponsor of a 3329  
community school. 3330

(A) Except as provided in division (B) of this section, no 3331  
sponsor of a community school shall sell any goods or services 3332  
to any community school it sponsors. 3333

(B) If the sponsor of a community school entered into a 3334  
contract prior to the effective date of this section that 3335  
involves the sale of goods or services to a community school it 3336  
sponsors, the sponsor shall not be required to comply with 3337  
division (A) of this section with respect to that school until 3338  
the expiration of the contract. 3339

**Section 2.** That existing sections 3301.52, 3301.53, 3340  
3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3302.03, 3314.011, 3341  
3314.015, 3314.016, 3314.02, 3314.023, 3314.029, 3314.03, 3342  
3314.06, 3314.07, 3314.074, 3314.08, 3314.19, and 3314.23 and 3343  
section 3314.026 of the Revised Code are hereby repealed. 3344

**Section 3.** Not later than December 31, 2015, the State 3345  
Board of Education shall make recommendations to the General 3346  
Assembly, in accordance with section 101.68 of the Revised Code, 3347  
and the Governor regarding the following: 3348

(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. 3378

(3) In the case of a community school, "new eligible 3379  
provider" means any of the following: 3380

(a) A community school established under Chapter 3314. of 3381  
the Revised Code after the effective date of this section that 3382  
is sponsored by a sponsor rated "exemplary" in accordance with 3383  
section 3314.016 of the Revised Code that offers a child care 3384  
program in accordance with sections 3301.50 to 3301.59 of the 3385  
Revised Code that did not receive state funding for Early 3386  
Childhood Education in the previous fiscal year; 3387

(b) A community school established under Chapter 3314. of 3388  
the Revised Code that satisfies all of the following criteria: 3389

(i) It has received, on its most recent report card, 3390  
either of the following: 3391

(I) If the school offers any of grade levels four through 3392  
twelve, a grade of "C" or better for the overall value-added 3393  
progress dimension under division (C) (1) (e) of section 3302.03 3394  
of the Revised Code and for the performance index score under 3395  
division (C) (1) (b) of section 3302.03 of the Revised Code; 3396

(II) If the school does not offer a grade level higher 3397  
than three, a grade of "C" or better for making progress in 3398  
improving literacy in grades kindergarten through three under 3399  
division (C) (1) (g) of section 3302.03 of the Revised Code. 3400

(ii) It offers a child care program in accordance with 3401  
sections 3301.50 to 3301.59 of the Revised Code. 3402

(iii) It did not receive state funding for Early Childhood 3403  
Education in the previous fiscal year. 3404

(c) A community school established under Chapter 3314. of 3405

the Revised Code that is sponsored by a municipal school 3406  
district and operates a program that uses the Montessori method 3407  
endorsed by the American Montessori Society, the Montessori 3408  
Accreditation Council for Teacher Education, or the Association 3409  
Montessori Internationale as its primary method of instruction, 3410  
as authorized by division (A) of section 3314.06 of the Revised 3411  
Code, that did not receive state funding for Early Childhood 3412  
Education in the previous year or demonstrates a need for early 3413  
childhood programs as defined in division (D) of this section. 3414

(4) "Eligible child," between July 1, 2015, and June 30, 3415  
2016, means a child who is at least three years of age as of the 3416  
district entry date for kindergarten, is not of the age to be 3417  
eligible for kindergarten, and whose family earns not more than 3418  
two hundred per cent of the federal poverty guidelines as 3419  
defined in division (A) (3) of section 5101.46 of the Revised 3420  
Code. Children with an Individualized Education Program and 3421  
where the Early Childhood Education program is the least 3422  
restrictive environment may be enrolled on their third birthday. 3423

(5) "Eligible child," beginning July 1, 2016, means a 3424  
child who is at least four years of age as of the district entry 3425  
date for kindergarten, is not of the age to be eligible for 3426  
kindergarten, and whose family earns not more than two hundred 3427  
per cent of the federal poverty guidelines as defined in 3428  
division (A) (3) of section 5101.46 of the Revised Code. Children 3429  
with an Individualized Education Program and where the Early 3430  
Childhood Education program is the least restrictive environment 3431  
may be enrolled on their fourth birthday. 3432

(6) "Early learning program standards" means early 3433  
learning program standards for school readiness developed by the 3434  
Department of Education to assess the operation of early 3435

learning programs. 3436

(B) In each fiscal year, up to two per cent of the total 3437  
appropriation for early childhood education may be used by the 3438  
Department for program support and technical assistance. The 3439  
Department shall distribute the remainder of the appropriation 3440  
in each fiscal year to serve eligible children. 3441

(C) The Department shall provide an annual report to the 3442  
Governor, the Speaker of the House of Representatives, and the 3443  
President of the Senate and post the report to the Department's 3444  
web site, regarding early childhood education programs operated 3445  
under this section and the early learning program standards. 3446

(D) After setting aside the amounts to make payments due 3447  
from the previous fiscal year, in fiscal year 2016, the 3448  
Department shall distribute funds first to recipients of funds 3449  
for early childhood education programs under Section 263.20 of 3450  
Am. Sub. H.B. 59 of the 130th General Assembly in the previous 3451  
fiscal year and the balance to new eligible providers of early 3452  
childhood education programs under this section or to existing 3453  
providers to serve more eligible children or for purposes of 3454  
program expansion, improvement, or special projects to promote 3455  
quality and innovation. 3456

After setting aside the amounts to make payments due from 3457  
the previous fiscal year, in fiscal year 2017, the Department 3458  
shall distribute funds first to providers of early childhood 3459  
education programs under this section in the previous fiscal 3460  
year and the balance to new eligible providers or to existing 3461  
providers to serve more eligible children as outlined under 3462  
division (E) of this section or for purposes of program 3463  
expansion, improvement, or special projects to promote quality 3464  
and innovation. 3465

(E) The Department shall distribute any new or remaining 3466  
funding to existing providers of early childhood education 3467  
programs or any new eligible providers in an effort to invest in 3468  
high quality early childhood programs where there is a need as 3469  
determined by the Department. The Department shall distribute 3470  
the new or remaining funds to existing providers of early 3471  
childhood education programs or any new eligible providers to 3472  
serve additional eligible children based on community economic 3473  
disadvantage, limited access to high quality preschool or 3474  
childcare services, and demonstration of high quality preschool 3475  
services as determined by the Department using new metrics 3476  
developed pursuant to Ohio's Race to the Top—Early Learning 3477  
Challenge Grant, awarded to the Department in December 2011. 3478

Awards under divisions (D) and (E) of this section shall 3479  
be distributed on a per-pupil basis, and in accordance with 3480  
division (I) of this section. The Department may adjust the per- 3481  
pupil amount so that the per-pupil amount multiplied by the 3482  
number of eligible children enrolled and receiving services on 3483  
the first day of December or the business day closest to that 3484  
date equals the amount allocated under this section. 3485

(F) Costs for developing and administering an early 3486  
childhood education program may not exceed fifteen per cent of 3487  
the total approved costs of the program. 3488

All providers shall maintain such fiscal control and 3489  
accounting procedures as may be necessary to ensure the 3490  
disbursement of, and accounting for, these funds. The control of 3491  
funds provided in this program, and title to property obtained, 3492  
shall be under the authority of the approved provider for 3493  
purposes provided in the program unless, as described in 3494  
division (K) of this section, the program waives its right for 3495



funding or a program's funding is eliminated or reduced due to 3496  
its inability to meet financial or early learning program 3497  
standards. The approved provider shall administer and use such 3498  
property and funds for the purposes specified. 3499

(G) The Department may examine a provider's financial and 3500  
program records. If the financial practices of the program are 3501  
not in accordance with standard accounting principles or do not 3502  
meet financial standards outlined under division (F) of this 3503  
section, or if the program fails to substantially meet the early 3504  
learning program standards, meet a quality rating level in the 3505  
tiered quality rating and improvement system developed under 3506  
section 5104.30 of the Revised Code as prescribed by the 3507  
Department, or exhibits below average performance as measured 3508  
against the standards, the early childhood education program 3509  
shall propose and implement a corrective action plan that has 3510  
been approved by the Department. The approved corrective action 3511  
plan shall be signed by the chief executive officer and the 3512  
executive of the official governing body of the provider. The 3513  
corrective action plan shall include a schedule for monitoring 3514  
by the Department. Such monitoring may include monthly reports, 3515  
inspections, a timeline for correction of deficiencies, and 3516  
technical assistance to be provided by the Department or 3517  
obtained by the early childhood education program. The 3518  
Department may withhold funding pending corrective action. If an 3519  
early childhood education program fails to satisfactorily 3520  
complete a corrective action plan, the Department may deny 3521  
expansion funding to the program or withdraw all or part of the 3522  
funding to the program and establish a new eligible provider 3523  
through a selection process established by the Department. 3524

(H) (1) If the early childhood education program is 3525  
licensed by the Department of Education and is not highly rated, 3526

as determined by the Director of Job and Family Services, under 3527  
the tiered quality rating and improvement system described in 3528  
section 5104.30 of the Revised Code, the program shall do all of 3529  
the following: 3530

(a) Meet teacher qualification requirements prescribed by 3531  
section 3301.311 of the Revised Code; 3532

(b) Align curriculum to the early learning content 3533  
standards developed by the Department; 3534

(c) Meet any child or program assessment requirements 3535  
prescribed by the Department; 3536

(d) Require teachers, except teachers enrolled and working 3537  
to obtain a degree pursuant to section 3301.311 of the Revised 3538  
Code, to attend a minimum of twenty hours every two years of 3539  
professional development as prescribed by the Department; 3540

(e) Document and report child progress as prescribed by 3541  
the Department; 3542

(f) Meet and report compliance with the early learning 3543  
program standards as prescribed by the Department; 3544

(g) Participate in the tiered quality rating and 3545  
improvement system developed under section 5104.30 of the 3546  
Revised Code. Effective July 1, 2016, all programs shall be 3547  
rated through the system. 3548

(2) If the program is highly rated, as determined by the 3549  
Director of Job and Family Services, under the tiered quality 3550  
rating and improvement system developed under section 5104.30 of 3551  
the Revised Code, the program shall comply with the requirements 3552  
of that system. 3553

(I) Per-pupil funding for programs subject to this section 3554

shall be sufficient to provide eligible children with services 3555  
for a standard early childhood schedule which shall be defined 3556  
in this section as a minimum of twelve and one-half hours per 3557  
school week as defined in section 3313.62 of the Revised Code 3558  
for the minimum school year as defined in sections 3313.48, 3559  
3313.481, and 3313.482 of the Revised Code. Nothing in this 3560  
section shall be construed to prohibit program providers from 3561  
utilizing other funds to serve eligible children in programs 3562  
that exceed the twelve and one-half hours per week or that 3563  
exceed the minimum school year. For any provider for which a 3564  
standard early childhood education schedule creates a hardship 3565  
or for which the provider shows evidence that the provider is 3566  
working in collaboration with a preschool special education 3567  
program, the provider may submit a waiver to the Department 3568  
requesting an alternate schedule. If the Department approves a 3569  
waiver for an alternate schedule that provides services for less 3570  
time than the standard early childhood education schedule, the 3571  
Department may reduce the provider's annual allocation 3572  
proportionately. Under no circumstances shall an annual 3573  
allocation be increased because of the approval of an alternate 3574  
schedule. 3575

(J) For fiscal year 2016, each provider shall develop a 3576  
sliding fee scale based on family incomes and shall charge 3577  
families who earn more than two hundred per cent of the federal 3578  
poverty guidelines, as defined in division (A)(3) of section 3579  
5101.46 of the Revised Code, for the early childhood education 3580  
program. 3581

The Department shall conduct an annual survey of each 3582  
provider to determine whether the provider charges families 3583  
tuition or fees, the amount families are charged relative to 3584  
family income levels, and the number of families and students 3585

charged tuition and fees for the Early Childhood Education 3586  
Program. 3587

(K) If an early childhood education program voluntarily 3588  
waives its right for funding, or has its funding eliminated for 3589  
not meeting financial standards or the early learning program 3590  
standards, the provider shall transfer control of title to 3591  
property, equipment, and remaining supplies obtained through the 3592  
program to providers designated by the Department and return any 3593  
unexpended funds to the Department along with any reports 3594  
prescribed by the Department. The funding made available from a 3595  
program that waives its right for funding or has its funding 3596  
eliminated or reduced may be used by the Department for new 3597  
grant awards or expansion grants. The Department may award new 3598  
grants or expansion grants to eligible providers who apply. The 3599  
eligible providers who apply must do so in accordance with the 3600  
selection process established by the Department. 3601

(L) Eligible expenditures for the Early Childhood 3602  
Education Program shall be claimed each fiscal year to help meet 3603  
the state's TANF maintenance of effort requirement. The 3604  
Superintendent of Public Instruction and the Director of Job and 3605  
Family Services shall enter into an interagency agreement to 3606  
carry out the requirements under this division, which shall 3607  
include developing reporting guidelines for these expenditures. 3608

(M) (1) For fiscal year 2017, the Department of Education 3609  
and the Department of Job and Family Services shall establish 3610  
the following in common between early childhood education 3611  
programs and publicly funded child care: 3612

(a) An application; 3613

(b) Program eligibility; 3614

(c) Funding;	3615
(d) An attendance policy;	3616
(e) An attendance tracking system.	3617
(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.	3618 3619 3620 3621
(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.	3622 3623 3624 3625 3626
<b>Section 5.</b> 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.	3627 3628 3629 3630 3631 3632 3633 3634 3635
<b>Section 6.</b> 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	3636 3637 3638 3639 3640 3641 3642 3643

effective date of the section as presented in this act.

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