

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 21

Representative Hambley

Cosponsors: Representatives Duffey, Hill, Riedel, Johnson, G., Miller, Rogers, Brenner, Fedor, Cupp, Galonski, Ingram, Manning, Patterson, Anielski, Antonio, Barnes, Boyd, Brown, Celebrezze, Clyde, Craig, Edwards, Faber, Ginter, Greenspan, Holmes, Howse, Hughes, Johnson, Kelly, Kick, Koehler, Lang, Leland, Lepore-Hagan, Perales, Ramos, Rezabek, Ryan, Schaffer, Sheehy, Smith, K., Smith, R., Stein, Strahorn, Sweeney, West, Young

A BILL

To amend sections 3314.03 and 3314.11 of the 1
Revised Code regarding verification of community 2
school enrollments. 3

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

Section 1. That sections 3314.03 and 3314.11 of the 4
Revised Code be amended to read as follows: 5

Sec. 3314.03. A copy of every contract entered into under 6
this section shall be filed with the superintendent of public 7
instruction. The department of education shall make available on 8
its web site a copy of every approved, executed contract filed 9
with the superintendent under this section. 10

(A) Each contract entered into between a sponsor and the 11
governing authority of a community school shall specify the 12
following: 13

(1) That the school shall be established as either of the 14

following:	15
(a) A nonprofit corporation established under Chapter	16
1702. of the Revised Code, if established prior to April 8,	17
2003;	18
(b) A public benefit corporation established under Chapter	19
1702. of the Revised Code, if established after April 8, 2003.	20
(2) The education program of the school, including the	21
school's mission, the characteristics of the students the school	22
is expected to attract, the ages and grades of students, and the	23
focus of the curriculum;	24
(3) The academic goals to be achieved and the method of	25
measurement that will be used to determine progress toward those	26
goals, which shall include the statewide achievement	27
assessments;	28
(4) Performance standards, including but not limited to	29
all applicable report card measures set forth in section 3302.03	30
or 3314.017 of the Revised Code, by which the success of the	31
school will be evaluated by the sponsor;	32
(5) The admission standards of section 3314.06 of the	33
Revised Code and, if applicable, section 3314.061 of the Revised	34
Code;	35
(6) (a) Dismissal procedures;	36
(b) A requirement that the governing authority adopt an	37
attendance policy that includes a procedure for automatically	38
withdrawing a student from the school if the student without a	39
legitimate excuse fails to participate in one hundred five	40
consecutive hours of the learning opportunities offered to the	41
student.	42

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	43 44
(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.	45 46 47 48 49 50
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	51 52
(a) A detailed description of each facility used for instructional purposes;	53 54
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	55 56
(c) The annual mortgage principal and interest payments that are paid by the school;	57 58
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	59 60 61
(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 of the Revised Code.	62 63 64 65 66 67
(11) That the school will comply with the following requirements:	68 69
(a) The school will provide learning opportunities to a	70

minimum of twenty-five students for a minimum of nine hundred 71
twenty hours per school year. 72

(b) The governing authority will purchase liability 73
insurance, or otherwise provide for the potential liability of 74
the school. 75

(c) The school will be nonsectarian in its programs, 76
admission policies, employment practices, and all other 77
operations, and will not be operated by a sectarian school or 78
religious institution. 79

(d) The school will comply with sections 9.90, 9.91, 80
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 81
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 82
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 83
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 84
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 85
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 86
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 87
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 88
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 89
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 90
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 91
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 92
4123., 4141., and 4167. of the Revised Code as if it were a 93
school district and will comply with section 3301.0714 of the 94
Revised Code in the manner specified in section 3314.17 of the 95
Revised Code. 96

(e) The school shall comply with Chapter 102. and section 97
2921.42 of the Revised Code. 98

(f) The school will comply with sections 3313.61, 99

3313.611, and 3313.614 of the Revised Code, except that for 100
students who enter ninth grade for the first time before July 1, 101
2010, the requirement in sections 3313.61 and 3313.611 of the 102
Revised Code that a person must successfully complete the 103
curriculum in any high school prior to receiving a high school 104
diploma may be met by completing the curriculum adopted by the 105
governing authority of the community school rather than the 106
curriculum specified in Title XXXVIII of the Revised Code or any 107
rules of the state board of education. Beginning with students 108
who enter ninth grade for the first time on or after July 1, 109
2010, the requirement in sections 3313.61 and 3313.611 of the 110
Revised Code that a person must successfully complete the 111
curriculum of a high school prior to receiving a high school 112
diploma shall be met by completing the requirements prescribed 113
in division (C) of section 3313.603 of the Revised Code, unless 114
the person qualifies under division (D) or (F) of that section. 115
Each school shall comply with the plan for awarding high school 116
credit based on demonstration of subject area competency, and 117
beginning with the 2017-2018 school year, with the updated plan 118
that permits students enrolled in seventh and eighth grade to 119
meet curriculum requirements based on subject area competency 120
adopted by the state board of education under divisions (J) (1) 121
and (2) of section 3313.603 of the Revised Code. Beginning with 122
the 2018-2019 school year, the school shall comply with the 123
framework for granting units of high school credit to students 124
who demonstrate subject area competency through work-based 125
learning experiences, internships, or cooperative education 126
developed by the department under division (J) (3) of section 127
3313.603 of the Revised Code. 128

(g) The school governing authority will submit within four 129
months after the end of each school year a report of its 130

activities and progress in meeting the goals and standards of 131
divisions (A) (3) and (4) of this section and its financial 132
status to the sponsor and the parents of all students enrolled 133
in the school. 134

(h) The school, unless it is an internet- or computer- 135
based community school, will comply with section 3313.801 of the 136
Revised Code as if it were a school district. 137

(i) If the school is the recipient of moneys from a grant 138
awarded under the federal race to the top program, Division (A), 139
Title XIV, Sections 14005 and 14006 of the "American Recovery 140
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 141
the school will pay teachers based upon performance in 142
accordance with section 3317.141 and will comply with section 143
3319.111 of the Revised Code as if it were a school district. 144

(j) If the school operates a preschool program that is 145
licensed by the department of education under sections 3301.52 146
to 3301.59 of the Revised Code, the school shall comply with 147
sections 3301.50 to 3301.59 of the Revised Code and the minimum 148
standards for preschool programs prescribed in rules adopted by 149
the state board under section 3301.53 of the Revised Code. 150

(k) The school will comply with sections 3313.6021 and 151
3313.6023 of the Revised Code as if it were a school district 152
unless it is either of the following: 153

(i) An internet- or computer-based community school; 154

(ii) A community school in which a majority of the 155
enrolled students are children with disabilities as described in 156
division (A) (4) (b) of section 3314.35 of the Revised Code. 157

(12) Arrangements for providing health and other benefits 158
to employees; 159

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

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

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

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

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

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

(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 189
shall comply with the admissions procedures specified in 190
sections 3314.06 and 3314.061 of the Revised Code and, at the 191
sole discretion of the authority, shall do one of the following: 192

(a) Prohibit the enrollment of students who reside outside 193
the district in which the school is located; 194

(b) Permit the enrollment of students who reside in 195
districts adjacent to the district in which the school is 196
located; 197

(c) Permit the enrollment of students who reside in any 198
other district in the state. 199

(20) A provision recognizing the authority of the 200
department of education to take over the sponsorship of the 201
school in accordance with the provisions of division (C) of 202
section 3314.015 of the Revised Code; 203

(21) A provision recognizing the sponsor's authority to 204
assume the operation of a school under the conditions specified 205
in division (B) of section 3314.073 of the Revised Code; 206

(22) A provision recognizing both of the following: 207

(a) The authority of public health and safety officials to 208
inspect the facilities of the school and to order the facilities 209
closed if those officials find that the facilities are not in 210
compliance with health and safety laws and regulations; 211

(b) The authority of the department of education as the 212
community school oversight body to suspend the operation of the 213
school under section 3314.072 of the Revised Code if the 214
department has evidence of conditions or violations of law at 215
the school that pose an imminent danger to the health and safety 216

of the school's students and employees and the sponsor refuses 217
to take such action. 218

(23) A description of the learning opportunities that will 219
be offered to students including both classroom-based and non- 220
classroom-based learning opportunities that is in compliance 221
with criteria for student participation established by the 222
department under division (H) (2) of section 3314.08 of the 223
Revised Code; 224

(24) The school will comply with sections 3302.04 and 225
3302.041 of the Revised Code, except that any action required to 226
be taken by a school district pursuant to those sections shall 227
be taken by the sponsor of the school. However, the sponsor 228
shall not be required to take any action described in division 229
(F) of section 3302.04 of the Revised Code. 230

(25) Beginning in the 2006-2007 school year, the school 231
will open for operation not later than the thirtieth day of 232
September each school year, unless the mission of the school as 233
specified under division (A) (2) of this section is solely to 234
serve dropouts. In its initial year of operation, if the school 235
fails to open by the thirtieth day of September, or within one 236
year after the adoption of the contract pursuant to division (D) 237
of section 3314.02 of the Revised Code if the mission of the 238
school is solely to serve dropouts, the contract shall be void. 239

(26) Whether the school's governing authority is planning 240
to seek designation for the school as a STEM school equivalent 241
under section 3326.032 of the Revised Code; 242

(27) That the school's attendance and participation 243
policies will be available for public inspection; 244

(28) That the school's attendance and participation 245

records shall be made available to the department of education, 246
auditor of state, and school's sponsor to the extent permitted 247
under and in accordance with the "Family Educational Rights and 248
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 249
and any regulations promulgated under that act, and section 250
3319.321 of the Revised Code; 251

(29) If a school operates using the blended learning 252
model, as defined in section 3301.079 of the Revised Code, all 253
of the following information: 254

(a) An indication of what blended learning model or models 255
will be used; 256

(b) A description of how student instructional needs will 257
be determined and documented; 258

(c) The method to be used for determining competency, 259
granting credit, and promoting students to a higher grade level; 260

(d) The school's attendance requirements, including how 261
the school will document participation in learning 262
opportunities; 263

(e) A statement describing how student progress will be 264
monitored; 265

(f) A statement describing how private student data will 266
be protected; 267

(g) A description of the professional development 268
activities that will be offered to teachers. 269

(30) A provision requiring that all moneys the school's 270
operator loans to the school, including facilities loans or cash 271
flow assistance, must be accounted for, documented, and bear 272
interest at a fair market rate; 273

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

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 302
regarding internal financial controls adopted by the governing 303
authority of the school. 304

(C) A contract entered into under section 3314.02 of the 305
Revised Code between a sponsor and the governing authority of a 306
community school may provide for the community school governing 307
authority to make payments to the sponsor, which is hereby 308
authorized to receive such payments as set forth in the contract 309
between the governing authority and the sponsor. The total 310
amount of such payments for monitoring, oversight, and technical 311
assistance of the school shall not exceed three per cent of the 312
total amount of payments for operating expenses that the school 313
receives from the state. 314

(D) The contract shall specify the duties of the sponsor 315
which shall be in accordance with the written agreement entered 316
into with the department of education under division (B) of 317
section 3314.015 of the Revised Code and shall include the 318
following: 319

(1) Monitor the community school's compliance with all 320
laws applicable to the school and with the terms of the 321
contract; 322

(2) Monitor and evaluate the academic and fiscal 323
performance and the organization and operation of the community 324
school on at least an annual basis; 325

(3) Report on an annual basis the results of the 326
evaluation conducted under division (D) (2) of this section to 327
the department of education and to the parents of students 328
enrolled in the community school; 329

(4) Provide technical assistance to the community school 330

in complying with laws applicable to the school and terms of the 331
contract; 332

(5) Take steps to intervene in the school's operation to 333
correct problems in the school's overall performance, declare 334
the school to be on probationary status pursuant to section 335
3314.073 of the Revised Code, suspend the operation of the 336
school pursuant to section 3314.072 of the Revised Code, or 337
terminate the contract of the school pursuant to section 3314.07 338
of the Revised Code as determined necessary by the sponsor; 339

(6) Have in place a plan of action to be undertaken in the 340
event the community school experiences financial difficulties or 341
closes prior to the end of a school year. 342

(E) Upon the expiration of a contract entered into under 343
this section, the sponsor of a community school may, with the 344
approval of the governing authority of the school, renew that 345
contract for a period of time determined by the sponsor, but not 346
ending earlier than the end of any school year, if the sponsor 347
finds that the school's compliance with applicable laws and 348
terms of the contract and the school's progress in meeting the 349
academic goals prescribed in the contract have been 350
satisfactory. Any contract that is renewed under this division 351
remains subject to the provisions of sections 3314.07, 3314.072, 352
and 3314.073 of the Revised Code. 353

(F) If a community school fails to open for operation 354
within one year after the contract entered into under this 355
section is adopted pursuant to division (D) of section 3314.02 356
of the Revised Code or permanently closes prior to the 357
expiration of the contract, the contract shall be void and the 358
school shall not enter into a contract with any other sponsor. A 359
school shall not be considered permanently closed because the 360

operations of the school have been suspended pursuant to section 361
3314.072 of the Revised Code. 362

Sec. 3314.11. (A) ~~The board of education of each city, 363~~
~~exempted village, and local school district governing authority 364~~
~~of each community school established under this chapter monthly 365~~
shall review enrollment for the residency records of students 366
~~enrolled in community schools established under this chapter and 367~~
~~entitled to attend school in the district under section 3313.64 368~~
~~or 3313.65 of the Revised Code that community school. For Upon 369~~
the enrollment of each student and on an annual basis, the 370
~~district governing authority shall verify to the department of 371~~
education ~~both of the following: 372~~

~~(1) The community school in which the student is enrolled, 373~~

~~(2) That the school district in which the student is 374~~
entitled to attend school ~~in the district under section 3313.64 375~~
or 3313.65 of the Revised Code. 376

The school district may review the determination made by 377
the community school under division (A) of this section. 378

(B) (1) For purposes of its initial reporting of the school 379
districts in which its students are entitled to attend school, 380
the governing authority of a community school ~~may shall~~ adopt a 381
policy that prescribes the number of documents listed in 382
division (E) of this section required to verify a student's 383
residency. This policy, ~~if adopted,~~ shall supersede any policy 384
concerning the number of documents for initial residency 385
verification adopted by the district the student is entitled to 386
attend. ~~If a community school does not adopt a policy under this 387~~
~~division, the policy of the school district in which the student 388~~
~~is entitled to attend shall prevail. 389~~

(2) For purposes of the annual reporting of the school 390
districts in which its students are entitled to attend school, 391
the governing authority of a community school shall adopt a 392
policy that prescribes the information required to verify a 393
student's residency. This information may be obtained through 394
any type of document, including any of the documents listed in 395
division (E) of this section, or any type of communication with 396
a government official authorized to provide such information. 397

(C) ~~In~~ For purposes of making the determinations required 398
under this section, the school district in which a parent or 399
child resides is the location the parent or student has 400
established as the primary residence and where substantial 401
family activity takes place. 402

(D) If a ~~district's community school's~~ determination under 403
division (A) of this section of the school district a student is 404
entitled to attend under section 3313.64 or 3313.65 of the 405
Revised Code differs from a ~~community school's district's~~ 406
~~determination under division (B) of this section,~~ the community 407
school that made the determination under division (A) of this 408
section shall provide the school district ~~that made the~~ 409
~~determination under division (A) of this section~~ with 410
documentation of the student's residency and shall make a good 411
faith effort to accurately identify the correct residence of the 412
student. 413

(E) For purposes of this section, the following documents 414
may serve as evidence of primary residence: 415

(1) A deed, mortgage, lease, current home owner's or 416
renter's insurance declaration page, or current real property 417
tax bill; 418

(2) A utility bill or receipt of utility installation	419
issued within ninety days of enrollment;	420
(3) A paycheck or paystub issued to the parent or student	421
within ninety days of the date of enrollment that includes the	422
address of the parent's or student's primary residence;	423
(4) The most current available bank statement issued to	424
the parent or student that includes the address of the parent's	425
or student's primary residence;	426
(5) Any other official document issued to the parent or	427
student that includes the address of the parent's or student's	428
primary residence. The superintendent of public instruction	429
shall develop guidelines for determining what qualifies as an	430
"official document" under this division.	431
(F) When a student loses permanent housing and becomes a	432
homeless child or youth, as defined in 42 U.S.C. 11434a, or when	433
a child who is such a homeless child or youth changes temporary	434
living arrangements, the district in which the student is	435
entitled to attend school shall be determined in accordance with	436
division (F) (13) of section 3313.64 of the Revised Code and the	437
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et	438
seq.	439
(G) In the event of a disagreement as to which school	440
district a student is entitled to attend, the community school,	441
after complying with division (D) of this section, but not more	442
than sixty days after the monthly deadline established by the	443
department of education for reporting of community school	444
enrollment, may present the matter to the superintendent of	445
public instruction. Not later than thirty days after the	446
community school presents the matter, the state superintendent,	447

or the state superintendent's designee, shall determine which 448
district the student is entitled to attend and shall direct any 449
necessary adjustments to payments and deductions under section 450
3314.08 of the Revised Code based on that determination. 451

Section 2. That existing sections 3314.03 and 3314.11 of 452
the Revised Code are hereby repealed. 453