

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 549

Representative Arndt

A BILL

To amend sections 3314.03, 3317.01, 3326.11, and 1
3328.24 and to enact section 3313.621 of the 2
Revised Code to generally require public and 3
chartered nonpublic schools to open for 4
instruction after Labor Day. 5

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

Section 1. That sections 3314.03, 3317.01, 3326.11, and 6
3328.24 be amended and section 3313.621 of the Revised Code be 7
enacted to read as follows: 8

Sec. 3313.621. This section does not apply to any school 9
that operates on a year-round basis requiring students to be in 10
attendance throughout the entire school year, including summer 11
but excluding authorized breaks. 12

(A) Beginning in the 2018-2019 school year, except as 13
provided in division (B) or (D) of this section, the board of 14
education of each city, exempted village, local, or joint 15
vocational school district and the governing body of each 16
chartered nonpublic school shall open its schools for 17
instruction with students in attendance after Labor day in any 18
school year. Workshops, orientation, or other activities in 19

preparation for the opening of school may be held prior to Labor 20
day for teachers, nonteaching employees, or administrators. 21

(B) If a board of education or governing body determines 22
that it is in the best interest of the school, a board or 23
governing body may adopt a resolution that permits a school 24
under its control to open prior to Labor day in any school year. 25

Not later than thirty days prior to adopting such a 26
resolution, the board of education of a city, exempted village, 27
and local school district shall hold a public hearing on the 28
school calendar, addressing opening a school under its control 29
prior to Labor day. 30

(C) Nothing in this section shall be construed to prohibit 31
a school district or chartered nonpublic school from operating a 32
summer school program. 33

(D) Any board of education of a school district that, 34
prior to the effective date of this section, entered into a 35
collective bargaining agreement under Chapter 4117. of the 36
Revised Code that establishes a date prior to Labor day on which 37
the schools of the district will open for instruction with 38
students in attendance shall not be required to comply with this 39
section until the expiration of that agreement. Each collective 40
bargaining agreement entered into or renewed on or after the 41
effective date of this section shall comply with this section. 42

Sec. 3314.03. A copy of every contract entered into under 43
this section shall be filed with the superintendent of public 44
instruction. The department of education shall make available on 45
its web site a copy of every approved, executed contract filed 46
with the superintendent under this section. 47

(A) Each contract entered into between a sponsor and the 48

governing authority of a community school shall specify the 49
following: 50

(1) That the school shall be established as either of the 51
following: 52

(a) A nonprofit corporation established under Chapter 53
1702. of the Revised Code, if established prior to April 8, 54
2003; 55

(b) A public benefit corporation established under Chapter 56
1702. of the Revised Code, if established after April 8, 2003. 57

(2) The education program of the school, including the 58
school's mission, the characteristics of the students the school 59
is expected to attract, the ages and grades of students, and the 60
focus of the curriculum; 61

(3) The academic goals to be achieved and the method of 62
measurement that will be used to determine progress toward those 63
goals, which shall include the statewide achievement 64
assessments; 65

(4) Performance standards, including but not limited to 66
all applicable report card measures set forth in section 3302.03 67
or 3314.017 of the Revised Code, by which the success of the 68
school will be evaluated by the sponsor; 69

(5) The admission standards of section 3314.06 of the 70
Revised Code and, if applicable, section 3314.061 of the Revised 71
Code; 72

(6) (a) Dismissal procedures; 73

(b) A requirement that the governing authority adopt an 74
attendance policy that includes a procedure for automatically 75
withdrawing a student from the school if the student without a 76

legitimate excuse fails to participate in one hundred five	77
consecutive hours of the learning opportunities offered to the	78
student.	79
(7) The ways by which the school will achieve racial and	80
ethnic balance reflective of the community it serves;	81
(8) Requirements for financial audits by the auditor of	82
state. The contract shall require financial records of the	83
school to be maintained in the same manner as are financial	84
records of school districts, pursuant to rules of the auditor of	85
state. Audits shall be conducted in accordance with section	86
117.10 of the Revised Code.	87
(9) An addendum to the contract outlining the facilities	88
to be used that contains at least the following information:	89
(a) A detailed description of each facility used for	90
instructional purposes;	91
(b) The annual costs associated with leasing each facility	92
that are paid by or on behalf of the school;	93
(c) The annual mortgage principal and interest payments	94
that are paid by the school;	95
(d) The name of the lender or landlord, identified as	96
such, and the lender's or landlord's relationship to the	97
operator, if any.	98
(10) Qualifications of teachers, including a requirement	99
that the school's classroom teachers be licensed in accordance	100
with sections 3319.22 to 3319.31 of the Revised Code, except	101
that a community school may engage noncertificated persons to	102
teach up to twelve hours per week pursuant to section 3319.301	103
of the Revised Code.	104

(11) That the school will comply with the following requirements: 105
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 107
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 110
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 113
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.621, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 117
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(e) The school shall comply with Chapter 102. and section 134
2921.42 of the Revised Code. 135

(f) The school will comply with sections 3313.61, 136
3313.611, and 3313.614 of the Revised Code, except that for 137
students who enter ninth grade for the first time before July 1, 138
2010, the requirement in sections 3313.61 and 3313.611 of the 139
Revised Code that a person must successfully complete the 140
curriculum in any high school prior to receiving a high school 141
diploma may be met by completing the curriculum adopted by the 142
governing authority of the community school rather than the 143
curriculum specified in Title XXXVIII of the Revised Code or any 144
rules of the state board of education. Beginning with students 145
who enter ninth grade for the first time on or after July 1, 146
2010, the requirement in sections 3313.61 and 3313.611 of the 147
Revised Code that a person must successfully complete the 148
curriculum of a high school prior to receiving a high school 149
diploma shall be met by completing the requirements prescribed 150
in division (C) of section 3313.603 of the Revised Code, unless 151
the person qualifies under division (D) or (F) of that section. 152
Each school shall comply with the plan for awarding high school 153
credit based on demonstration of subject area competency, and 154
beginning with the 2017-2018 school year, with the updated plan 155
that permits students enrolled in seventh and eighth grade to 156
meet curriculum requirements based on subject area competency 157
adopted by the state board of education under divisions (J) (1) 158
and (2) of section 3313.603 of the Revised Code. Beginning with 159
the 2018-2019 school year, the school shall comply with the 160
framework for granting units of high school credit to students 161
who demonstrate subject area competency through work-based 162
learning experiences, internships, or cooperative education 163
developed by the department under division (J) (3) of section 164

3313.603 of the Revised Code. 165

(g) The school governing authority will submit within four 166
months after the end of each school year a report of its 167
activities and progress in meeting the goals and standards of 168
divisions (A) (3) and (4) of this section and its financial 169
status to the sponsor and the parents of all students enrolled 170
in the school. 171

(h) The school, unless it is an internet- or computer- 172
based community school, will comply with section 3313.801 of the 173
Revised Code as if it were a school district. 174

(i) If the school is the recipient of moneys from a grant 175
awarded under the federal race to the top program, Division (A), 176
Title XIV, Sections 14005 and 14006 of the "American Recovery 177
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 178
the school will pay teachers based upon performance in 179
accordance with section 3317.141 and will comply with section 180
3319.111 of the Revised Code as if it were a school district. 181

(j) If the school operates a preschool program that is 182
licensed by the department of education under sections 3301.52 183
to 3301.59 of the Revised Code, the school shall comply with 184
sections 3301.50 to 3301.59 of the Revised Code and the minimum 185
standards for preschool programs prescribed in rules adopted by 186
the state board under section 3301.53 of the Revised Code. 187

(k) The school will comply with sections 3313.6021 and 188
3313.6023 of the Revised Code as if it were a school district 189
unless it is either of the following: 190

(i) An internet- or computer-based community school; 191

(ii) A community school in which a majority of the 192
enrolled students are children with disabilities as described in 193

division (A) (4) (b) of section 3314.35 of the Revised Code.	194
(12) Arrangements for providing health and other benefits to employees;	195 196
(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.	197 198 199 200
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	201 202
(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.	203 204 205
(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;	206 207 208 209
(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;	210 211 212 213 214 215 216 217 218 219 220
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the	221 222

governing authority of the community school;	223
(19) A provision requiring the governing authority to	224
adopt a policy regarding the admission of students who reside	225
outside the district in which the school is located. That policy	226
shall comply with the admissions procedures specified in	227
sections 3314.06 and 3314.061 of the Revised Code and, at the	228
sole discretion of the authority, shall do one of the following:	229
(a) Prohibit the enrollment of students who reside outside	230
the district in which the school is located;	231
(b) Permit the enrollment of students who reside in	232
districts adjacent to the district in which the school is	233
located;	234
(c) Permit the enrollment of students who reside in any	235
other district in the state.	236
(20) A provision recognizing the authority of the	237
department of education to take over the sponsorship of the	238
school in accordance with the provisions of division (C) of	239
section 3314.015 of the Revised Code;	240
(21) A provision recognizing the sponsor's authority to	241
assume the operation of a school under the conditions specified	242
in division (B) of section 3314.073 of the Revised Code;	243
(22) A provision recognizing both of the following:	244
(a) The authority of public health and safety officials to	245
inspect the facilities of the school and to order the facilities	246
closed if those officials find that the facilities are not in	247
compliance with health and safety laws and regulations;	248
(b) The authority of the department of education as the	249
community school oversight body to suspend the operation of the	250

school under section 3314.072 of the Revised Code if the 251
department has evidence of conditions or violations of law at 252
the school that pose an imminent danger to the health and safety 253
of the school's students and employees and the sponsor refuses 254
to take such action. 255

(23) A description of the learning opportunities that will 256
be offered to students including both classroom-based and non- 257
classroom-based learning opportunities that is in compliance 258
with criteria for student participation established by the 259
department under division (H) (2) of section 3314.08 of the 260
Revised Code; 261

(24) The school will comply with sections 3302.04 and 262
3302.041 of the Revised Code, except that any action required to 263
be taken by a school district pursuant to those sections shall 264
be taken by the sponsor of the school. However, the sponsor 265
shall not be required to take any action described in division 266
(F) of section 3302.04 of the Revised Code. 267

(25) Beginning in the 2006-2007 school year, the school 268
will open for operation not later than the thirtieth day of 269
September each school year, unless the mission of the school as 270
specified under division (A) (2) of this section is solely to 271
serve dropouts. In its initial year of operation, if the school 272
fails to open by the thirtieth day of September, or within one 273
year after the adoption of the contract pursuant to division (D) 274
of section 3314.02 of the Revised Code if the mission of the 275
school is solely to serve dropouts, the contract shall be void. 276

(26) Whether the school's governing authority is planning 277
to seek designation for the school as a STEM school equivalent 278
under section 3326.032 of the Revised Code; 279

(27) That the school's attendance and participation policies will be available for public inspection;	280 281
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	282 283 284 285 286 287 288
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	289 290 291
(a) An indication of what blended learning model or models will be used;	292 293
(b) A description of how student instructional needs will be determined and documented;	294 295
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	296 297
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	298 299 300
(e) A statement describing how student progress will be monitored;	301 302
(f) A statement describing how private student data will be protected;	303 304
(g) A description of the professional development activities that will be offered to teachers.	305 306

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

(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.

(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 regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the

Revised Code between a sponsor and the governing authority of a 335
community school may provide for the community school governing 336
authority to make payments to the sponsor, which is hereby 337
authorized to receive such payments as set forth in the contract 338
between the governing authority and the sponsor. The total 339
amount of such payments for monitoring, oversight, and technical 340
assistance of the school shall not exceed three per cent of the 341
total amount of payments for operating expenses that the school 342
receives from the state. 343

(D) The contract shall specify the duties of the sponsor 344
which shall be in accordance with the written agreement entered 345
into with the department of education under division (B) of 346
section 3314.015 of the Revised Code and shall include the 347
following: 348

(1) Monitor the community school's compliance with all 349
laws applicable to the school and with the terms of the 350
contract; 351

(2) Monitor and evaluate the academic and fiscal 352
performance and the organization and operation of the community 353
school on at least an annual basis; 354

(3) Report on an annual basis the results of the 355
evaluation conducted under division (D)(2) of this section to 356
the department of education and to the parents of students 357
enrolled in the community school; 358

(4) Provide technical assistance to the community school 359
in complying with laws applicable to the school and terms of the 360
contract; 361

(5) Take steps to intervene in the school's operation to 362
correct problems in the school's overall performance, declare 363

the school to be on probationary status pursuant to section 364
3314.073 of the Revised Code, suspend the operation of the 365
school pursuant to section 3314.072 of the Revised Code, or 366
terminate the contract of the school pursuant to section 3314.07 367
of the Revised Code as determined necessary by the sponsor; 368

(6) Have in place a plan of action to be undertaken in the 369
event the community school experiences financial difficulties or 370
closes prior to the end of a school year. 371

(E) Upon the expiration of a contract entered into under 372
this section, the sponsor of a community school may, with the 373
approval of the governing authority of the school, renew that 374
contract for a period of time determined by the sponsor, but not 375
ending earlier than the end of any school year, if the sponsor 376
finds that the school's compliance with applicable laws and 377
terms of the contract and the school's progress in meeting the 378
academic goals prescribed in the contract have been 379
satisfactory. Any contract that is renewed under this division 380
remains subject to the provisions of sections 3314.07, 3314.072, 381
and 3314.073 of the Revised Code. 382

(F) If a community school fails to open for operation 383
within one year after the contract entered into under this 384
section is adopted pursuant to division (D) of section 3314.02 385
of the Revised Code or permanently closes prior to the 386
expiration of the contract, the contract shall be void and the 387
school shall not enter into a contract with any other sponsor. A 388
school shall not be considered permanently closed because the 389
operations of the school have been suspended pursuant to section 390
3314.072 of the Revised Code. 391

Sec. 3317.01. As used in this section, "school district," 392
unless otherwise specified, means any city, local, exempted 393

village, joint vocational, or cooperative education school 394
district and any educational service center. 395

This chapter shall be administered by the state board of 396
education. The superintendent of public instruction shall 397
calculate the amounts payable to each school district and shall 398
certify the amounts payable to each eligible district to the 399
treasurer of the district as provided by this chapter. As soon 400
as possible after such amounts are calculated, the 401
superintendent shall certify to the treasurer of each school 402
district the district's adjusted charge-off increase, as defined 403
in section 5705.211 of the Revised Code. Certification of moneys 404
pursuant to this section shall include the amounts payable to 405
each school building, at a frequency determined by the 406
superintendent, for each subgroup of students, as defined in 407
section 3317.40 of the Revised Code, receiving services, 408
provided for by state funding, from the district or school. No 409
moneys shall be distributed pursuant to this chapter without the 410
approval of the controlling board. 411

The state board of education shall, in accordance with 412
appropriations made by the general assembly, meet the financial 413
obligations of this chapter. 414

Moneys distributed to school districts pursuant to this 415
chapter shall be calculated based on the annual enrollment 416
calculated from the three reports required under sections 417
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 418
year basis, beginning with the first day of July and extending 419
through the thirtieth day of June. In any given fiscal year, 420
prior to school districts submitting the first report required 421
under section 3317.03 of the Revised Code, enrollment for the 422
districts shall be calculated based on the third report 423

submitted by the districts for the previous fiscal year. The 424
moneys appropriated for each fiscal year shall be distributed 425
periodically to each school district unless otherwise provided 426
for. The state board, in June of each year, shall submit to the 427
controlling board the state board's year-end distributions 428
pursuant to this chapter. 429

Except as otherwise provided, payments under this chapter 430
shall be made only to those school districts in which: 431

(A) The school district, except for any educational 432
service center and any joint vocational or cooperative education 433
school district, levies for current operating expenses at least 434
twenty mills. Levies for joint vocational or cooperative 435
education school districts or county school financing districts, 436
limited to or to the extent apportioned to current expenses, 437
shall be included in this qualification requirement. School 438
district income tax levies under Chapter 5748. of the Revised 439
Code, limited to or to the extent apportioned to current 440
operating expenses, shall be included in this qualification 441
requirement to the extent determined by the tax commissioner 442
under division (C) of section 3317.021 of the Revised Code. 443

(B) The school year next preceding the fiscal year for 444
which such payments are authorized meets the requirement of 445
section 3313.48 of the Revised Code, with regard to the minimum 446
number of hours school must be open for instruction with pupils 447
in attendance, for individualized parent-teacher conference and 448
reporting periods, and for professional meetings of teachers, 449
and the requirement of section 3313.621 of the Revised Code, 450
with regard to the first day of the school year on which a 451
school may be open for instruction. 452

A school district shall not be considered to have failed 453

to comply with this division because schools were open for 454
instruction but either twelfth grade students were excused from 455
attendance for up to the equivalent of three school days or only 456
a portion of the kindergarten students were in attendance for up 457
to the equivalent of three school days in order to allow for the 458
gradual orientation to school of such students. 459

A board of education or governing board of an educational 460
service center which has not conformed with other law and the 461
rules pursuant thereto, shall not participate in the 462
distribution of funds authorized by this chapter, except for 463
good and sufficient reason established to the satisfaction of 464
the state board of education and the state controlling board. 465

All funds allocated to school districts under this 466
chapter, except those specifically allocated for other purposes, 467
shall be used to pay current operating expenses only. 468

Sec. 3326.11. Each science, technology, engineering, and 469
mathematics school established under this chapter and its 470
governing body shall comply with sections 9.90, 9.91, 109.65, 471
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 472
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 473
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 474
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 475
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 476
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.621, 477
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 478
3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 479
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 480
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 481
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 482
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 483

3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 484
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 485
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 486
4112., 4123., 4141., and 4167. of the Revised Code as if it were 487
a school district. 488

Sec. 3328.24. A college-preparatory boarding school 489
established under this chapter and its board of trustees shall 490
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 491
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 492
3313.621, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 493
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 494
if the school were a school district and the school's board of 495
trustees were a district board of education. 496

Section 2. That existing sections 3314.03, 3317.01, 497
3326.11, and 3328.24 of the Revised Code are hereby repealed. 498

Section 3. Section 3328.24 of the Revised Code is 499
presented in this act as a composite of the section as amended 500
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 501
Assembly. The General Assembly, applying the principle stated in 502
division (B) of section 1.52 of the Revised Code that amendments 503
are to be harmonized if reasonably capable of simultaneous 504
operation, finds that the section presented in this act as a 505
composite of the section as amended by both acts is the 506
resulting version of the section in effect prior to the 507
effective date of the section as presented in this act. 508