

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 561**

**Representatives Brennan, Sims**

**Cosponsors: Representatives Brown, Dell'Aquila, McNally, Robinson, Russo,  
Somani**

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**A BILL**

To amend sections 3314.01, 3314.02, 3314.032, and 1  
3314.05 and to enact section 3314.0111 of the 2  
Revised Code to prohibit for-profit operators of 3  
community schools. 4

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

**Section 1.** That sections 3314.01, 3314.02, 3314.032, and 5  
3314.05 be amended and section 3314.0111 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3314.01.** (A) (1) A board of education may permit all 8  
or part of any of the schools under its control, upon request of 9  
a proposing person or group and provided the person or group 10  
meets the requirements of this chapter, to become a community 11  
school. 12

(2) Any person or group of individuals may propose the 13  
creation of a community school pursuant to the provisions of 14  
this chapter. No nonpublic chartered or nonchartered school in 15  
existence on January 1, 1997, is eligible to become a community 16  
school under this chapter. 17

~~(B)~~ (B) (1) A community school created under this chapter 18  
is a public school, independent of any school district, and is 19  
part of the state's program of education. 20

(2) Notwithstanding division (B) (1) of this section, and 21  
subject to section 3314.032 of the Revised Code, on or after 22  
July 1, 2026, a community school with a for-profit operator no 23  
longer qualifies as a public school under this chapter. 24

(C) A community school may sue and be sued, acquire 25  
facilities as needed, contract for any services necessary for 26  
the operation of the school, and enter into contracts with a 27  
sponsor pursuant to this chapter. The governing authority of a 28  
community school may carry out any act and ensure the 29  
performance of any function that is in compliance with the Ohio 30  
Constitution, this chapter, other statutes applicable to 31  
community schools, and the contract entered into under this 32  
chapter establishing the school. 33

**Sec. 3314.0111.** Not later than January 1, 2025, a for- 34  
profit operator or management company of a community school 35  
shall notify the governing authority of each community school 36  
with which the operator has a contract regarding its decision to 37  
comply with the requirement under division (A) (8) of section 38  
3314.02 of the Revised Code to become a nonprofit organization 39  
by July 1, 2026, or the date on which the contract for operation 40  
of the school is subject to renewal. If a for-profit operator or 41  
management company does not comply with this requirement: 42

(A) The governing authority shall identify an educational 43  
service center to act as the new operator of the community 44  
school not later than July 1, 2025, and notify the school's 45  
sponsor of this decision. 46

(B) The governing authority shall notify the parents of 47  
current and prospective students regarding the new operator. 48

If a governing authority fails to identify an educational 49  
service center to act as the new operator of the community 50  
school by July 1, 2025, the school shall close by the end of the 51  
2025-2026 school year or by the end of the last school year 52  
covered by the current operator contract. 53

**Sec. 3314.02.** (A) As used in this chapter: 54

(1) "Sponsor" means the board of education of a school 55  
district or the governing board of an educational service center 56  
that agrees to the conversion of all or part of a school or 57  
building under division (B) of this section, or an entity listed 58  
in division (C) (1) of this section, which has been approved by 59  
the department of education and workforce to sponsor community 60  
schools or is exempted by section 3314.021 or 3314.027 of the 61  
Revised Code from obtaining approval, and with which the 62  
governing authority of a community school enters into a contract 63  
under section 3314.03 of the Revised Code. 64

(2) "Pilot project area" means the school districts 65  
included in the territory of the former community school pilot 66  
project established by former Section 50.52 of Am. Sub. H.B. No. 67  
215 of the 122nd general assembly. 68

(3) "Challenged school district" means any of the 69  
following: 70

(a) A school district that is part of the pilot project 71  
area; 72

(b) A school district that meets one of the following 73  
conditions: 74

(i) On March 22, 2013, the district was in a state of 75  
academic emergency or in a state of academic watch under section 76  
3302.03 of the Revised Code, as that section existed prior to 77  
March 22, 2013; 78

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 79  
2015-2016 school years, the district received a grade of "D" or 80  
"F" for the performance index score and a grade of "F" for the 81  
value-added progress dimension under section 3302.03 of the 82  
Revised Code; 83

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 84  
and 2020-2021 school years, the district has received an overall 85  
grade of "D" or "F" under division (C) (3) of section 3302.03 of 86  
the Revised Code, or, for at least two of the three most recent 87  
school years, the district received a grade of "F" for the 88  
value-added progress dimension under division (C) (1) (e) of that 89  
section; 90

(iv) For the 2021-2022 school year and for any school year 91  
thereafter, the district has received an overall performance 92  
rating of less than three stars under division (D) (3) of section 93  
3302.03 of the Revised Code, or, for at least two of the three 94  
most recent school years, the district received one star for 95  
progress under division (D) (3) (c) of that section. 96

(c) A big eight school district; 97

(d) A school district ranked in the lowest five per cent 98  
of school districts according to performance index score under 99  
section 3302.21 of the Revised Code. 100

(4) "Big eight school district" means a school district 101  
that for fiscal year 1997 had both of the following: 102

(a) A percentage of children residing in the district and 103

participating in the predecessor of Ohio works first greater 104  
than thirty per cent, as reported pursuant to section 3317.10 of 105  
the Revised Code; 106

(b) An average daily membership greater than twelve 107  
thousand, as reported pursuant to former division (A) of section 108  
3317.03 of the Revised Code. 109

(5) "New start-up school" means a community school other 110  
than one created by converting all or part of an existing public 111  
school or educational service center building, as designated in 112  
the school's contract pursuant to division (A)(17) of section 113  
3314.03 of the Revised Code. 114

(6) "Urban school district" means one of the state's 115  
twenty-one urban school districts as defined in division (O) of 116  
section 3317.02 of the Revised Code as that section existed 117  
prior to July 1, 1998. 118

(7) "Internet- or computer-based community school" means a 119  
community school established under this chapter in which the 120  
enrolled students work primarily from their residences on 121  
assignments in nonclassroom-based learning opportunities 122  
provided via an internet- or other computer-based instructional 123  
method that does not rely on regular classroom instruction or 124  
via comprehensive instructional methods that include internet- 125  
based, other computer-based, and noncomputer-based learning 126  
opportunities unless a student receives career-technical 127  
education under section 3314.086 of the Revised Code. 128

A community school that operates mainly as an internet- or 129  
computer-based community school and provides career-technical 130  
education under section 3314.086 of the Revised Code shall be 131  
considered an internet- or computer-based community school, even 132

if it provides some classroom-based instruction, so long as it 133  
provides instruction via the methods described in this division. 134

(8) "Operator" or "management company" means ~~either of the~~ 135  
~~following:~~ 136

~~(a) An individual or a nonprofit organization or governing~~ 137  
~~board of an educational service center that manages~~ does either 138  
of the following: 139

(a) Manages the daily operations of a community school 140  
pursuant to a contract between the operator or management 141  
company and the school's governing authority; 142

~~(b) A nonprofit organization that provides~~ Provides 143  
programmatic oversight and support to a community school under a 144  
contract with the school's governing authority and that retains 145  
the right to terminate its affiliation with the school if the 146  
school fails to meet the ~~organization's operator's or management~~ 147  
company's quality standards. 148

(9) "Alliance municipal school district" has the same 149  
meaning as in section 3311.86 of the Revised Code. 150

(B) (1) Any person or group of individuals may initially 151  
propose under this division the conversion of all or a portion 152  
of a public school to a community school. The proposal shall be 153  
made to the board of education of the city, local, exempted 154  
village, or joint vocational school district in which the public 155  
school is proposed to be converted. 156

(2) Any person or group of individuals may initially 157  
propose under this division the conversion of all or a portion 158  
of a building operated by an educational service center to a 159  
community school. The proposal shall be made to the governing 160  
board of the service center. 161

On or after July 1, 2017, except as provided in section 162  
3314.027 of the Revised Code, any educational service center 163  
that sponsors a community school shall be approved by and enter 164  
into a written agreement with the department as described in 165  
section 3314.015 of the Revised Code. 166

(3) Upon receipt of a proposal, and after an agreement has 167  
been entered into pursuant to section 3314.015 of the Revised 168  
Code, a board may enter into a preliminary agreement with the 169  
person or group proposing the conversion of the public school or 170  
service center building, indicating the intention of the board 171  
to support the conversion to a community school. A proposing 172  
person or group that has a preliminary agreement under this 173  
division may proceed to finalize plans for the school, establish 174  
a governing authority for the school, and negotiate a contract 175  
with the board. Provided the proposing person or group adheres 176  
to the preliminary agreement and all provisions of this chapter, 177  
the board shall negotiate in good faith to enter into a contract 178  
in accordance with section 3314.03 of the Revised Code and 179  
division (C) of this section. 180

(4) The sponsor of a conversion community school proposed 181  
to open in an alliance municipal school district shall be 182  
subject to approval by the department of education and workforce 183  
for sponsorship of that school using the criteria established 184  
under division (A) of section 3311.87 of the Revised Code. 185

Division (B) (4) of this section does not apply to a 186  
sponsor that, on or before September 29, 2015, was exempted 187  
under section 3314.021 or 3314.027 of the Revised Code from the 188  
requirement to be approved for sponsorship under divisions (A) 189  
(2) and (B) (1) of section 3314.015 of the Revised Code. 190

(5) A school established in accordance with division (B) 191

of this section that later enters into a sponsorship contract 192  
with an entity that is not a school district or educational 193  
service center shall, at the time of entering into the new 194  
contract, be deemed a community school established in accordance 195  
with division (C) of this section. 196

(C) (1) Provided all other conditions of sponsorship and 197  
governance are satisfied, any person or group of individuals may 198  
propose under this division the establishment of a new start-up 199  
school regardless of the school's proposed location. The 200  
proposal may be made to any of the following entities: 201

(a) The board of education of the district in which the 202  
school is proposed to be located; 203

(b) The board of education of any joint vocational school 204  
district with territory in the county in which is located the 205  
majority of the territory of the district in which the school is 206  
proposed to be located; 207

(c) The board of education of any other city, local, or 208  
exempted village school district having territory in the same 209  
county where the district in which the school is proposed to be 210  
located has the major portion of its territory; 211

(d) The governing board of any educational service center, 212  
regardless of the location of the proposed school, may sponsor a 213  
new start-up school if all of the following are satisfied: 214

(i) If applicable, it satisfies the requirements of 215  
division (E) of section 3311.86 of the Revised Code; 216

(ii) It is approved to do so by the department; 217

(iii) It enters into an agreement with the department 218  
under section 3314.015 of the Revised Code. 219



(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) (3) 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 chancellor of higher education;	220 221 222 223 224 225 226 227 228 229 230 231
(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:	232 233 234
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	235 236
(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.	237 238 239
(iii) The department has determined that the entity is an education-oriented entity under division (B) (4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.	240 241 242 243
(iv) The entity is not a community school.	244
(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as	245 246 247 248

prescribed by that section. The mayor's sponsorship authority 249  
under this division is limited to community schools that are 250  
located in that school district. Such mayor may sponsor 251  
community schools only with the approval of the city council of 252  
that city, after establishing standards with which community 253  
schools sponsored by the mayor must comply, and after entering 254  
into a sponsor agreement with the department as prescribed under 255  
section 3314.015 of the Revised Code. The mayor shall establish 256  
the standards for community schools sponsored by the mayor not 257  
later than one hundred eighty days after July 15, 2013, and 258  
shall submit them to the department upon their establishment. 259  
The department shall approve the mayor to sponsor community 260  
schools in the district, upon receipt of an application by the 261  
mayor to do so. Not later than ninety days after the 262  
department's approval of the mayor as a community school 263  
sponsor, the department shall enter into the sponsor agreement 264  
with the mayor. 265

Any entity described in division (C) (1) of this section 266  
may enter into a preliminary agreement pursuant to division (C) 267  
(2) of this section with the proposing person or group, provided 268  
that entity has been approved by and entered into a written 269  
agreement with the department pursuant to section 3314.015 of 270  
the Revised Code. 271

(2) A preliminary agreement indicates the intention of an 272  
entity described in division (C) (1) of this section to sponsor 273  
the community school. A proposing person or group that has such 274  
a preliminary agreement may proceed to finalize plans for the 275  
school, establish a governing authority as described in division 276  
(E) of this section for the school, and negotiate a contract 277  
with the entity. Provided the proposing person or group adheres 278  
to the preliminary agreement and all provisions of this chapter, 279

the entity shall negotiate in good faith to enter into a 280  
contract in accordance with section 3314.03 of the Revised Code. 281

(3) A new start-up school that is established in a school 282  
district described in either division (A) (3) (b) or (d) of this 283  
section may continue in existence once the school district no 284  
longer meets the conditions described in either division, 285  
provided there is a valid contract between the school and a 286  
sponsor. 287

(4) A copy of every preliminary agreement entered into 288  
under this division shall be filed with the director of 289  
education and workforce. 290

(D) A majority vote of the board of a sponsoring entity 291  
and a majority vote of the members of the governing authority of 292  
a community school shall be required to adopt a contract and 293  
convert the public school or educational service center building 294  
to a community school or establish the new start-up school. 295  
Beginning September 29, 2005, adoption of the contract shall 296  
occur not later than the fifteenth day of March, and signing of 297  
the contract shall occur not later than the fifteenth day of 298  
May, prior to the school year in which the school will open. The 299  
governing authority shall notify the department of education and 300  
workforce when the contract has been signed. Subject to sections 301  
3314.013 and 3314.016 of the Revised Code, an unlimited number 302  
of community schools may be established in any school district 303  
provided that a contract is entered into for each community 304  
school pursuant to this chapter. 305

(E) (1) As used in this division, "immediate relatives" are 306  
limited to spouses, children, parents, grandparents, and 307  
siblings, as well as in-laws residing in the same household as 308  
the person serving on the governing authority. 309

Each new start-up community school established under this 310  
chapter shall be under the direction of a governing authority 311  
which shall consist of a board of not less than five 312  
individuals. 313

(2) (a) No person shall serve on the governing authority or 314  
operate the community school under contract with the governing 315  
authority under any of the following circumstances: 316

(i) The person owes the state any money or is in a dispute 317  
over whether the person owes the state any money concerning the 318  
operation of a community school that has closed. 319

(ii) The person would otherwise be subject to division (B) 320  
of section 3319.31 of the Revised Code with respect to refusal, 321  
limitation, or revocation of a license to teach, if the person 322  
were a licensed educator. 323

(iii) The person has pleaded guilty to or been convicted 324  
of theft in office under section 2921.41 of the Revised Code, or 325  
has pleaded guilty to or been convicted of a substantially 326  
similar offense in another state. 327

(b) No person shall serve on the governing authority or 328  
engage in the financial day-to-day management of the community 329  
school under contract with the governing authority unless and 330  
until that person has submitted to a criminal records check in 331  
the manner prescribed by section 3319.39 of the Revised Code. 332

(c) Each sponsor of a community school shall annually 333  
verify that a finding for recovery has not been issued by the 334  
auditor of state against any individual or individuals who 335  
propose to create a community school or any member of the 336  
governing authority, the operator, or any employee of each 337  
community school with responsibility for fiscal operations or 338

authorization to expend money on behalf of the school. 339

(3) No person shall serve on the governing authorities of 340  
more than five start-up community schools at the same time 341  
unless both of the following apply: 342

(a) The person serves in a volunteer capacity and receives 343  
no compensation under division (E) (5) of this section from any 344  
governing authority on which the person serves. 345

(b) For any school that has an operator, the operator is a 346  
nonprofit organization. 347

(4) (a) For a community school established under this 348  
chapter that is not sponsored by a school district or an 349  
educational service center, no present or former member, or 350  
immediate relative of a present or former member, of the 351  
governing authority shall be an owner, employee, or consultant 352  
of the community school's sponsor or operator, unless at least 353  
one year has elapsed since the conclusion of the person's 354  
membership on the governing authority. 355

(b) For a community school established under this chapter 356  
that is sponsored by a school district or an educational service 357  
center, no present or former member, or immediate relative of a 358  
present or former member, of the governing authority shall: 359

(i) Be an officer of the district board or service center 360  
governing board that serves as the community school's sponsor, 361  
unless at least one year has elapsed since the conclusion of the 362  
person's membership on the governing authority; 363

(ii) Serve as an employee of, or a consultant for, the 364  
department, division, or section of the sponsoring district or 365  
service center that is directly responsible for sponsoring 366  
community schools, or have supervisory authority over such a 367

department, division, or section, unless at least one year has 368  
elapsed since the conclusion of the person's membership on the 369  
governing authority. 370

(5) The governing authority of a start-up or conversion 371  
community school may provide by resolution for the compensation 372  
of its members. However, no individual who serves on the 373  
governing authority of a start-up or conversion community school 374  
shall be compensated more than one hundred twenty-five dollars 375  
per meeting of that governing authority and no such individual 376  
shall be compensated more than a total amount of five thousand 377  
dollars per year for all governing authorities upon which the 378  
individual serves. Each member of the governing authority may be 379  
paid compensation for attendance at an approved training 380  
program, provided that such compensation shall not exceed sixty 381  
dollars a day for attendance at a training program three hours 382  
or less in length and one hundred twenty-five dollars a day for 383  
attendance at a training program longer than three hours in 384  
length. 385

(6) No person who is the employee of a school district or 386  
educational service center shall serve on the governing 387  
authority of any community school sponsored by that school 388  
district or service center. 389

(7) Each member of the governing authority of a community 390  
school shall annually file a disclosure statement setting forth 391  
the names of any immediate relatives or business associates 392  
employed by any of the following within the previous three 393  
years: 394

(a) The sponsor or operator of that community school; 395

(b) A school district or educational service center that 396

has contracted with that community school; 397

(c) A vendor that is or has engaged in business with that 398  
community school. 399

(8) No person who is a member of a school district board 400  
of education shall serve on the governing authority of any 401  
community school. 402

(F) (1) A new start-up school that is established prior to 403  
August 15, 2003, in an urban school district that is not also a 404  
big-eight school district may continue to operate after that 405  
date and the contract between the school's governing authority 406  
and the school's sponsor may be renewed, as provided under this 407  
chapter, after that date. 408

(2) A community school that was established prior to June 409  
29, 1999, and is located in a county contiguous to the pilot 410  
project area and in a school district that was not a challenged 411  
school district may continue to operate after that date, 412  
provided the school complies with all provisions of this 413  
chapter. The contract between the school's governing authority 414  
and the school's sponsor may be renewed. 415

(3) Any educational service center that, on June 30, 2007, 416  
sponsors a community school that is not located in a county 417  
within the territory of the service center or in a county 418  
contiguous to such county may continue to sponsor that community 419  
school on and after June 30, 2007, and may renew its contract 420  
with the school. 421

(4) The department of education and workforce shall not 422  
restrict the establishment of a new start-up community school to 423  
those located in a challenged school district as was required by 424  
this section prior to September 30, 2021. 425

Sec. 3314.032. On and after the effective date of this 426  
amendment, only an operator or management company as defined in 427  
division (A) (8) of section 3314.02 of the Revised Code, as it 428  
exists on or after the effective date of this amendment, may 429  
enter into or renew a contract to manage the daily operations 430  
of, or provide programmatic oversight and support to, a 431  
community school. Contracts entered into or renewed prior to the 432  
effective date of this amendment may continue in effect for the 433  
term provided in the contract. 434

(A) On and after February 1, 2016, any new or renewed 435  
contract between the governing authority of a community school 436  
and an operator shall include at least the following: 437

(1) Criteria to be used for early termination of the 438  
operator contract; 439

(2) Required notification procedures and timeline for 440  
early termination or nonrenewal of the operator contract; 441

(3) A stipulation of which entity owns all community 442  
school facilities and property including, but not limited to, 443  
equipment, furniture, fixtures, instructional materials and 444  
supplies, computers, printers, and other digital devices 445  
purchased by the governing authority or operator. Any 446  
stipulation regarding property ownership shall comply with the 447  
requirements of section 3314.0210 of the Revised Code. 448

(B) (1) The operator with which the governing authority of 449  
a community school contracts for services shall not lease any 450  
parcel of real property to that community school until an 451  
independent professional in the real estate field verifies via 452  
addendum that at the time the lease was agreed to, the lease was 453  
commercially reasonable. 454



(2) The independent professional described in division (B) 455  
(1) of this section shall be immune from civil liability for any 456  
decision rendered pursuant to this section. 457

(C) Beginning with the 2016-2017 school year, the 458  
governing authority of a community school, with the assistance 459  
of the school's designated fiscal officer, shall adopt an annual 460  
budget by the thirty-first day of October of each year. 461

The department of education and workforce shall develop a 462  
format for annual budgets of community schools. The format shall 463  
prescribe inclusion of the following information in a school's 464  
budget: 465

(1) Administrative costs for the community school as a 466  
whole; 467

(2) Instructional services costs for each category of 468  
service provided directly to students, compiled and reported in 469  
terms of average expenditure per pupil receiving the service; 470

(3) The cost of instructional support services, such as 471  
services provided by a speech-language pathologist, classroom 472  
aide, multimedia aide, or librarian, provided directly to 473  
students; 474

(4) The cost of administrative support services, such as 475  
the cost of personnel that develop the curriculum and the cost 476  
of personnel supervising or coordinating the delivery of the 477  
instructional services; 478

(5) The cost of support or extracurricular services costs 479  
for services directly provided to students; 480

(6) The cost of services provided directly to students by 481  
a nonlicensed employee related to support or extracurricular 482

services, such as janitorial services, cafeteria services, or 483  
services of a sports trainer; 484

(7) The cost of administrative services related to support 485  
or extracurricular services, such as the cost of any licensed or 486  
unlicensed employees that develop, supervise, coordinate, or 487  
otherwise are involved in administrating or aiding the delivery 488  
of services. 489

(D) The governing authority of a community school shall be 490  
the sole entity responsible for the adoption of the school's 491  
annual budget, but the governing authority shall adopt such 492  
budget with the assistance of the school's designated fiscal 493  
officer. 494

**Sec. 3314.05.** (A) The contract between the community 495  
school and the sponsor shall specify the facilities to be used 496  
for the community school and the method of acquisition. Except 497  
as provided in divisions (B) (3) and (4) of this section, no 498  
community school shall be established in more than one school 499  
district under the same contract. 500

(B) Division (B) of this section shall not apply to 501  
internet- or computer-based community schools. 502

(1) A community school may be located in multiple 503  
facilities under the same contract only if the limitations on 504  
availability of space prohibit serving all the grade levels 505  
specified in the contract in a single facility or division (B) 506  
(2), (3), or (4) of this section applies to the school. The 507  
school shall not offer the same grade level classrooms in more 508  
than one facility. 509

(2) A community school may be located in multiple 510  
facilities under the same contract and, notwithstanding division 511

(B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code, as it existed prior to the effective date of this amendment.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code;

(iv) For the 2021-2022 school year and any school year 541  
thereafter, an overall performance rating of three stars under 542  
division (D) (3) of section 3302.03 of the Revised Code or an 543  
overall performance designation of "meets standards" under 544  
division (E) (3) (e) of section 3314.017 of the Revised Code. 545

(3) On and after September 30, 2021, a new start-up 546  
community school may be established in two school districts 547  
under the same contract regardless of the proposed location of 548  
either district if both of the following apply: 549

(a) The school operates not more than one facility in each 550  
school district and, in accordance with division (B) (1) of this 551  
section, the school does not offer the same grade level 552  
classrooms in both facilities; and 553

(b) Transportation between the two facilities does not 554  
require more than thirty minutes of direct travel time as 555  
measured by school bus. 556

(4) A community school may be located in multiple 557  
facilities under the same contract and, notwithstanding division 558  
(B) (1) of this section, may assign students in the same grade 559  
level to multiple facilities, as long as both of the following 560  
apply: 561

(a) The facilities are all located in the same county or 562  
in any county adjacent to the county in which the community 563  
school's primary facility is located. 564

(b) Either of the following conditions are satisfied: 565

(i) The community school is sponsored by a board of 566  
education of a city, local, or exempted village school district 567  
having territory in the same county where the facilities of the 568  
community school are located or in any county adjacent to the 569

county in which the community school's primary facility is 570  
located; 571

(ii) The community school is managed by an operator. 572

In the case of a community school to which division (B) (4) 573  
of this section applies and that maintains facilities in more 574  
than one school district, the school's governing authority shall 575  
designate one of those districts to be considered the school's 576  
primary location and the district in which the school is located 577  
for the purposes of division (A) (19) of section 3314.03 and 578  
divisions (C) and (H) of section 3314.06 of the Revised Code and 579  
for all other purposes of this chapter and shall notify the 580  
department of that designation. 581

(5) Any facility used for a community school shall meet 582  
all health and safety standards established by law for school 583  
buildings. 584

(C) In the case where a community school is proposed to be 585  
located in a facility owned by a school district or educational 586  
service center, the facility may not be used for such community 587  
school unless the district or service center board owning the 588  
facility enters into an agreement for the community school to 589  
utilize the facility. Use of the facility may be under any terms 590  
and conditions agreed to by the district or service center board 591  
and the school. 592

(D) Two or more separate community schools may be located 593  
in the same facility. 594

(E) In the case of a community school that is located in 595  
multiple facilities, beginning July 1, 2012, the department 596  
shall assign a unique identification number to the school and to 597  
each facility maintained by the school. Each number shall be 598

used for identification purposes only. Nothing in this division 599  
shall be construed to require the department to calculate the 600  
amount of funds paid under this chapter, or to compute any data 601  
required for the report cards issued under section 3314.012 of 602  
the Revised Code, for each facility separately. The department 603  
shall make all such calculations or computations for the school 604  
as a whole. 605

(F) (1) In the case of a community school that exists prior 606  
to September 30, 2021, to which division (B) (3) of this section 607  
applies, if only one of the school districts in which the school 608  
is established was located in a challenged school district prior 609  
to September 30, 2021, that district continues to be considered 610  
the school's primary location and the district in which the 611  
school is located for the purposes of division (A) (19) of 612  
section 3314.03 and divisions (C) and (H) of section 3314.06 of 613  
the Revised Code and for all other purposes of this chapter 614  
unless and until the school's governing authority designates a 615  
different school district as the school's primary location in 616  
accordance with division (F) (2) of this section. If both of the 617  
school districts in which the school is established were 618  
challenged school districts on that date, and the primary 619  
location was already designated by the school's governing 620  
authority pursuant to the requirements of this section as it 621  
existed prior to September 30, 2021, that designation remains 622  
unless and until the school's governing authority designates a 623  
different primary location. 624

(2) (a) On and after September 30, 2021, when a new start- 625  
up community school is established in two school districts under 626  
the same contract, the school's governing authority shall 627  
designate one of those districts to be considered the school's 628  
primary location and the district in which the school is located 629

for the purposes of division (A) (19) of section 3314.03 and 630  
divisions (C) and (H) of section 3314.06 of the Revised Code and 631  
for all other purposes of this chapter and shall notify the 632  
department of education and workforce of that designation. 633

(b) A community school governing authority that elects to 634  
modify a community school's primary location, whether in 635  
accordance with division (F) (1) of this section or otherwise, 636  
shall notify the department of that modification. 637

**Section 2.** That existing sections 3314.01, 3314.02, 638  
3314.032, and 3314.05 of the Revised Code are hereby repealed. 639