

**As Introduced**

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

**S. B. No. 346**

**Senator Manning  
Cosponsor: Senator Patton**

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**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 meets the requirement of section 3313.48 of the Revised 10  
Code regarding the yearly minimum number of days or hours it 11  
must be open for instruction by requiring students to be in 12  
attendance throughout the entire school year, including summer 13  
but excluding authorized breaks. 14

(A) Beginning in the 2017-2018 school year, except as 15  
provided in division (B) or (D) of this section, the board of 16  
education of each city, exempted village, local, or joint 17  
vocational school district and the governing body of each 18

chartered nonpublic school shall open its schools for 19  
instruction with students in attendance after Labor day in any 20  
school year. Workshops, orientation, or other activities in 21  
preparation for the opening of school may be held prior to Labor 22  
day for teachers, nonteaching employees, or administrators. 23

(B) If a board of education or governing body determines 24  
that it is in the best interest of the school, a board or 25  
governing body may adopt a resolution that permits a school 26  
under its control to open prior to Labor day in any school year. 27

Not later than thirty days prior to adopting such a 28  
resolution, the board of education of a city, exempted village, 29  
and local school district shall hold a public hearing on the 30  
school calendar, addressing opening a school under its control 31  
prior to Labor day. 32

(C) Nothing in this section shall be construed to prohibit 33  
a school district or chartered nonpublic school from operating a 34  
summer school program. 35

(D) Any board of education of a school district that, 36  
prior to the effective date of this section, entered into a 37  
collective bargaining agreement under Chapter 4117. of the 38  
Revised Code that establishes a date prior to Labor day on which 39  
the schools of the district will open for instruction with 40  
students in attendance shall not be required to comply with this 41  
section until the expiration of that agreement. Each collective 42  
bargaining agreement entered into or renewed on or after the 43  
effective date of this section shall comply with this section. 44

**Sec. 3314.03.** A copy of every contract entered into under 45  
this section shall be filed with the superintendent of public 46  
instruction. The department of education shall make available on 47

its web site a copy of every approved, executed contract filed 48  
with the superintendent under this section. 49

(A) Each contract entered into between a sponsor and the 50  
governing authority of a community school shall specify the 51  
following: 52

(1) That the school shall be established as either of the 53  
following: 54

(a) A nonprofit corporation established under Chapter 55  
1702. of the Revised Code, if established prior to April 8, 56  
2003; 57

(b) A public benefit corporation established under Chapter 58  
1702. of the Revised Code, if established after April 8, 2003. 59

(2) The education program of the school, including the 60  
school's mission, the characteristics of the students the school 61  
is expected to attract, the ages and grades of students, and the 62  
focus of the curriculum; 63

(3) The academic goals to be achieved and the method of 64  
measurement that will be used to determine progress toward those 65  
goals, which shall include the statewide achievement 66  
assessments; 67

(4) Performance standards, including but not limited to 68  
all applicable report card measures set forth in section 3302.03 69  
or 3314.017 of the Revised Code, by which the success of the 70  
school will be evaluated by the sponsor; 71

(5) The admission standards of section 3314.06 of the 72  
Revised Code and, if applicable, section 3314.061 of the Revised 73  
Code; 74

(6) (a) Dismissal procedures; 75

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	76 77 78 79 80 81
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	82 83
(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.	84 85 86 87 88 89
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	90 91
(a) A detailed description of each facility used for instructional purposes;	92 93
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	94 95
(c) The annual mortgage principal and interest payments that are paid by the school;	96 97
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	98 99 100
(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	101 102 103

that a community school may engage noncertificated persons to 104  
teach up to twelve hours per week pursuant to section 3319.301 105  
of the Revised Code. 106

(11) That the school will comply with the following 107  
requirements: 108

(a) The school will provide learning opportunities to a 109  
minimum of twenty-five students for a minimum of nine hundred 110  
twenty hours per school year. 111

(b) The governing authority will purchase liability 112  
insurance, or otherwise provide for the potential liability of 113  
the school. 114

(c) The school will be nonsectarian in its programs, 115  
admission policies, employment practices, and all other 116  
operations, and will not be operated by a sectarian school or 117  
religious institution. 118

(d) The school will comply with sections 9.90, 9.91, 119  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 120  
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 121  
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 122  
3313.6014, 3313.6015, 3313.6020, 3313.621, 3313.643, 3313.648, 123  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 124  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 125  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 126  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 127  
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 128  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 129  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 130  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 131  
of the Revised Code as if it were a school district and will 132

comply with section 3301.0714 of the Revised Code in the manner 133  
specified in section 3314.17 of the Revised Code. 134

(e) The school shall comply with Chapter 102. and section 135  
2921.42 of the Revised Code. 136

(f) The school will comply with sections 3313.61, 137  
3313.611, and 3313.614 of the Revised Code, except that for 138  
students who enter ninth grade for the first time before July 1, 139  
2010, the requirement in sections 3313.61 and 3313.611 of the 140  
Revised Code that a person must successfully complete the 141  
curriculum in any high school prior to receiving a high school 142  
diploma may be met by completing the curriculum adopted by the 143  
governing authority of the community school rather than the 144  
curriculum specified in Title XXXVIII of the Revised Code or any 145  
rules of the state board of education. Beginning with students 146  
who enter ninth grade for the first time on or after July 1, 147  
2010, the requirement in sections 3313.61 and 3313.611 of the 148  
Revised Code that a person must successfully complete the 149  
curriculum of a high school prior to receiving a high school 150  
diploma shall be met by completing the requirements prescribed 151  
in division (C) of section 3313.603 of the Revised Code, unless 152  
the person qualifies under division (D) or (F) of that section. 153  
Each school shall comply with the plan for awarding high school 154  
credit based on demonstration of subject area competency, and 155  
beginning with the 2016-2017 school year, with the updated plan 156  
that permits students enrolled in seventh and eighth grade to 157  
meet curriculum requirements based on subject area competency 158  
adopted by the state board of education under divisions (J) (1) 159  
and (2) of section 3313.603 of the Revised Code. 160

(g) The school governing authority will submit within four 161  
months after the end of each school year a report of its 162

activities and progress in meeting the goals and standards of 163  
divisions (A) (3) and (4) of this section and its financial 164  
status to the sponsor and the parents of all students enrolled 165  
in the school. 166

(h) The school, unless it is an internet- or computer- 167  
based community school, will comply with section 3313.801 of the 168  
Revised Code as if it were a school district. 169

(i) If the school is the recipient of moneys from a grant 170  
awarded under the federal race to the top program, Division (A), 171  
Title XIV, Sections 14005 and 14006 of the "American Recovery 172  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 173  
the school will pay teachers based upon performance in 174  
accordance with section 3317.141 and will comply with section 175  
3319.111 of the Revised Code as if it were a school district. 176

(j) If the school operates a preschool program that is 177  
licensed by the department of education under sections 3301.52 178  
to 3301.59 of the Revised Code, the school shall comply with 179  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 180  
standards for preschool programs prescribed in rules adopted by 181  
the state board under section 3301.53 of the Revised Code. 182

(12) Arrangements for providing health and other benefits 183  
to employees; 184

(13) The length of the contract, which shall begin at the 185  
beginning of an academic year. No contract shall exceed five 186  
years unless such contract has been renewed pursuant to division 187  
(E) of this section. 188

(14) The governing authority of the school, which shall be 189  
responsible for carrying out the provisions of the contract; 190

(15) A financial plan detailing an estimated school budget 191

for each year of the period of the contract and specifying the 192  
total estimated per pupil expenditure amount for each such year. 193

(16) Requirements and procedures regarding the disposition 194  
of employees of the school in the event the contract is 195  
terminated or not renewed pursuant to section 3314.07 of the 196  
Revised Code; 197

(17) Whether the school is to be created by converting all 198  
or part of an existing public school or educational service 199  
center building or is to be a new start-up school, and if it is 200  
a converted public school or service center building, 201  
specification of any duties or responsibilities of an employer 202  
that the board of education or service center governing board 203  
that operated the school or building before conversion is 204  
delegating to the governing authority of the community school 205  
with respect to all or any specified group of employees provided 206  
the delegation is not prohibited by a collective bargaining 207  
agreement applicable to such employees; 208

(18) Provisions establishing procedures for resolving 209  
disputes or differences of opinion between the sponsor and the 210  
governing authority of the community school; 211

(19) A provision requiring the governing authority to 212  
adopt a policy regarding the admission of students who reside 213  
outside the district in which the school is located. That policy 214  
shall comply with the admissions procedures specified in 215  
sections 3314.06 and 3314.061 of the Revised Code and, at the 216  
sole discretion of the authority, shall do one of the following: 217

(a) Prohibit the enrollment of students who reside outside 218  
the district in which the school is located; 219

(b) Permit the enrollment of students who reside in 220

districts adjacent to the district in which the school is	221
located;	222
(c) Permit the enrollment of students who reside in any	223
other district in the state.	224
(20) A provision recognizing the authority of the	225
department of education to take over the sponsorship of the	226
school in accordance with the provisions of division (C) of	227
section 3314.015 of the Revised Code;	228
(21) A provision recognizing the sponsor's authority to	229
assume the operation of a school under the conditions specified	230
in division (B) of section 3314.073 of the Revised Code;	231
(22) A provision recognizing both of the following:	232
(a) The authority of public health and safety officials to	233
inspect the facilities of the school and to order the facilities	234
closed if those officials find that the facilities are not in	235
compliance with health and safety laws and regulations;	236
(b) The authority of the department of education as the	237
community school oversight body to suspend the operation of the	238
school under section 3314.072 of the Revised Code if the	239
department has evidence of conditions or violations of law at	240
the school that pose an imminent danger to the health and safety	241
of the school's students and employees and the sponsor refuses	242
to take such action.	243
(23) A description of the learning opportunities that will	244
be offered to students including both classroom-based and non-	245
classroom-based learning opportunities that is in compliance	246
with criteria for student participation established by the	247
department under division (H) (2) of section 3314.08 of the	248
Revised Code;	249

(24) The school will comply with sections 3302.04 and 250  
3302.041 of the Revised Code, except that any action required to 251  
be taken by a school district pursuant to those sections shall 252  
be taken by the sponsor of the school. However, the sponsor 253  
shall not be required to take any action described in division 254  
(F) of section 3302.04 of the Revised Code. 255

(25) Beginning in the 2006-2007 school year, the school 256  
will open for operation not later than the thirtieth day of 257  
September each school year, unless the mission of the school as 258  
specified under division (A)(2) of this section is solely to 259  
serve dropouts. In its initial year of operation, if the school 260  
fails to open by the thirtieth day of September, or within one 261  
year after the adoption of the contract pursuant to division (D) 262  
of section 3314.02 of the Revised Code if the mission of the 263  
school is solely to serve dropouts, the contract shall be void. 264

(26) Whether the school's governing authority is planning 265  
to seek designation for the school as a STEM school equivalent 266  
under section 3326.032 of the Revised Code; 267

(27) That the school's attendance and participation 268  
policies will be available for public inspection; 269

(28) That the school's attendance and participation 270  
records shall be made available to the department of education, 271  
auditor of state, and school's sponsor to the extent permitted 272  
under and in accordance with the "Family Educational Rights and 273  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 274  
and any regulations promulgated under that act, and section 275  
3319.321 of the Revised Code; 276

(29) If a school operates using the blended learning 277  
model, as defined in section 3301.079 of the Revised Code, all 278

of the following information:	279
(a) An indication of what blended learning model or models will be used;	280 281
(b) A description of how student instructional needs will be determined and documented;	282 283
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	284 285
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	286 287 288
(e) A statement describing how student progress will be monitored;	289 290
(f) A statement describing how private student data will be protected;	291 292
(g) A description of the professional development activities that will be offered to teachers.	293 294
(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;	295 296 297 298
(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.	299 300 301 302 303
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	304 305

following:	306
(1) The process by which the governing authority of the school will be selected in the future;	307 308
(2) The management and administration of the school;	309
(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;	310 311 312 313 314
(4) The instructional program and educational philosophy of the school;	315 316
(5) Internal financial controls.	317
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.	318 319 320 321
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	322 323 324 325 326 327 328 329 330 331
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	332 333

into with the department of education under division (B) of 334  
section 3314.015 of the Revised Code and shall include the 335  
following: 336

(1) Monitor the community school's compliance with all 337  
laws applicable to the school and with the terms of the 338  
contract; 339

(2) Monitor and evaluate the academic and fiscal 340  
performance and the organization and operation of the community 341  
school on at least an annual basis; 342

(3) Report on an annual basis the results of the 343  
evaluation conducted under division (D) (2) of this section to 344  
the department of education and to the parents of students 345  
enrolled in the community school; 346

(4) Provide technical assistance to the community school 347  
in complying with laws applicable to the school and terms of the 348  
contract; 349

(5) Take steps to intervene in the school's operation to 350  
correct problems in the school's overall performance, declare 351  
the school to be on probationary status pursuant to section 352  
3314.073 of the Revised Code, suspend the operation of the 353  
school pursuant to section 3314.072 of the Revised Code, or 354  
terminate the contract of the school pursuant to section 3314.07 355  
of the Revised Code as determined necessary by the sponsor; 356

(6) Have in place a plan of action to be undertaken in the 357  
event the community school experiences financial difficulties or 358  
closes prior to the end of a school year. 359

(E) Upon the expiration of a contract entered into under 360  
this section, the sponsor of a community school may, with the 361  
approval of the governing authority of the school, renew that 362

contract for a period of time determined by the sponsor, but not 363  
ending earlier than the end of any school year, if the sponsor 364  
finds that the school's compliance with applicable laws and 365  
terms of the contract and the school's progress in meeting the 366  
academic goals prescribed in the contract have been 367  
satisfactory. Any contract that is renewed under this division 368  
remains subject to the provisions of sections 3314.07, 3314.072, 369  
and 3314.073 of the Revised Code. 370

(F) If a community school fails to open for operation 371  
within one year after the contract entered into under this 372  
section is adopted pursuant to division (D) of section 3314.02 373  
of the Revised Code or permanently closes prior to the 374  
expiration of the contract, the contract shall be void and the 375  
school shall not enter into a contract with any other sponsor. A 376  
school shall not be considered permanently closed because the 377  
operations of the school have been suspended pursuant to section 378  
3314.072 of the Revised Code. 379

**Sec. 3317.01.** As used in this section, "school district," 380  
unless otherwise specified, means any city, local, exempted 381  
village, joint vocational, or cooperative education school 382  
district and any educational service center. 383

This chapter shall be administered by the state board of 384  
education. The superintendent of public instruction shall 385  
calculate the amounts payable to each school district and shall 386  
certify the amounts payable to each eligible district to the 387  
treasurer of the district as provided by this chapter. As soon 388  
as possible after such amounts are calculated, the 389  
superintendent shall certify to the treasurer of each school 390  
district the district's adjusted charge-off increase, as defined 391  
in section 5705.211 of the Revised Code. Certification of moneys 392

pursuant to this section shall include the amounts payable to 393  
each school building, at a frequency determined by the 394  
superintendent, for each subgroup of students, as defined in 395  
section 3317.40 of the Revised Code, receiving services, 396  
provided for by state funding, from the district or school. No 397  
moneys shall be distributed pursuant to this chapter without the 398  
approval of the controlling board. 399

The state board of education shall, in accordance with 400  
appropriations made by the general assembly, meet the financial 401  
obligations of this chapter. 402

Moneys distributed to school districts pursuant to this 403  
chapter shall be calculated based on the annual enrollment 404  
calculated from the three reports required under sections 405  
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 406  
year basis, beginning with the first day of July and extending 407  
through the thirtieth day of June. In any given fiscal year, 408  
prior to school districts submitting the first report required 409  
under section 3317.03 of the Revised Code, enrollment for the 410  
districts shall be calculated based on the third report 411  
submitted by the districts for the previous fiscal year. The 412  
moneys appropriated for each fiscal year shall be distributed 413  
periodically to each school district unless otherwise provided 414  
for. The state board, in June of each year, shall submit to the 415  
controlling board the state board's year-end distributions 416  
pursuant to this chapter. 417

Except as otherwise provided, payments under this chapter 418  
shall be made only to those school districts in which: 419

(A) The school district, except for any educational 420  
service center and any joint vocational or cooperative education 421  
school district, levies for current operating expenses at least 422

twenty mills. Levies for joint vocational or cooperative 423  
education school districts or county school financing districts, 424  
limited to or to the extent apportioned to current expenses, 425  
shall be included in this qualification requirement. School 426  
district income tax levies under Chapter 5748. of the Revised 427  
Code, limited to or to the extent apportioned to current 428  
operating expenses, shall be included in this qualification 429  
requirement to the extent determined by the tax commissioner 430  
under division (D) of section 3317.021 of the Revised Code. 431

(B) The school year next preceding the fiscal year for 432  
which such payments are authorized meets the requirement of 433  
section 3313.48 of the Revised Code, with regard to the minimum 434  
number of hours school must be open for instruction with pupils 435  
in attendance, for individualized parent-teacher conference and 436  
reporting periods, and for professional meetings of teachers, 437  
and the requirement of section 3313.621 of the Revised Code, 438  
with regard to the first day of the school year on which a 439  
school may be open for instruction. 440

A school district shall not be considered to have failed 441  
to comply with this division because schools were open for 442  
instruction but either twelfth grade students were excused from 443  
attendance for up to the equivalent of three school days or only 444  
a portion of the kindergarten students were in attendance for up 445  
to the equivalent of three school days in order to allow for the 446  
gradual orientation to school of such students. 447

A board of education or governing board of an educational 448  
service center which has not conformed with other law and the 449  
rules pursuant thereto, shall not participate in the 450  
distribution of funds authorized by this chapter, except for 451  
good and sufficient reason established to the satisfaction of 452

the state board of education and the state controlling board. 453

All funds allocated to school districts under this 454  
chapter, except those specifically allocated for other purposes, 455  
shall be used to pay current operating expenses only. 456

**Sec. 3326.11.** Each science, technology, engineering, and 457  
mathematics school established under this chapter and its 458  
governing body shall comply with sections 9.90, 9.91, 109.65, 459  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 460  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 461  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 462  
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 463  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 464  
3313.614, 3313.615, 3313.621, 3313.643, 3313.648, 3313.6411, 465  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 466  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 467  
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 468  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 469  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 470  
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 471  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 472  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 473  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 474  
the Revised Code as if it were a school district. 475

**Sec. 3328.24.** A college-preparatory boarding school 476  
established under this chapter and its board of trustees shall 477  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 478  
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.621, 3313.6411, 479  
3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 480  
Chapter 3365. of the Revised Code as if the school were a school 481  
district and the school's board of trustees were a district 482

board of education. 483

**Section 2.** That existing sections 3314.03, 3317.01, 484  
3326.11, and 3328.24 of the Revised Code are hereby repealed. 485

**Section 3.** Section 3314.03 of the Revised Code is 486  
presented in this act as a composite of the section as amended 487  
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 488  
General Assembly. The General Assembly, applying the principle 489  
stated in division (B) of section 1.52 of the Revised Code that 490  
amendments are to be harmonized if reasonably capable of 491  
simultaneous operation, finds that the composite is the 492  
resulting version of the section in effect prior to the 493  
effective date of the section as presented in this act. 494