

As Reported by the Senate Education Committee

132nd General Assembly

Regular Session

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Sub. S. B. No. 82

Senators Williams, Lehner

Cosponsors: Senators Thomas, Yuko, Skindell, Brown, Tavares, Sykes

A BILL

To amend sections 3313.205, 3314.03, and 3326.11 1
and to enact sections 3314.13, 3321.141, and 2
3326.90 of the Revised Code to require a public 3
school, within one hundred twenty minutes of the 4
start of a school day, to notify the parent of a 5
student who fails to arrive at school and is not 6
excused from attendance. 7

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

Section 1. That sections 3313.205, 3314.03, and 3326.11 be 8
amended and sections 3314.13, 3321.141, and 3326.90 of the 9
Revised Code be enacted to read as follows: 10

Sec. 3313.205. ~~The~~ Subject to section 3321.141 of the 11
Revised Code, the board of education of each school district 12
shall adopt a written policy with respect to the notification of 13
a student's parents, parent who is the residential parent and 14
legal custodian, guardian, or legal custodian or any other 15
person responsible for the student within a reasonable time 16
after the determination that the student is absent from school. 17
The student's parents, parent who is the residential parent and 18

legal custodian, guardian, or legal custodian or any other 19
person responsible for the student shall provide the school that 20
the student attends a current address and a telephone number at 21
which the student's parents, parent who is the residential 22
parent and legal custodian, guardian, or legal custodian or any 23
other person that is responsible for the student can receive 24
notice that the student is absent from school. 25

Sec. 3314.03. A copy of every contract entered into under 26
this section shall be filed with the superintendent of public 27
instruction. The department of education shall make available on 28
its web site a copy of every approved, executed contract filed 29
with the superintendent under this section. 30

(A) Each contract entered into between a sponsor and the 31
governing authority of a community school shall specify the 32
following: 33

(1) That the school shall be established as either of the 34
following: 35

(a) A nonprofit corporation established under Chapter 36
1702. of the Revised Code, if established prior to April 8, 37
2003; 38

(b) A public benefit corporation established under Chapter 39
1702. of the Revised Code, if established after April 8, 2003. 40

(2) The education program of the school, including the 41
school's mission, the characteristics of the students the school 42
is expected to attract, the ages and grades of students, and the 43
focus of the curriculum; 44

(3) The academic goals to be achieved and the method of 45
measurement that will be used to determine progress toward those 46
goals, which shall include the statewide achievement 47

assessments; 48

(4) Performance standards, including but not limited to 49
all applicable report card measures set forth in section 3302.03 50
or 3314.017 of the Revised Code, by which the success of the 51
school will be evaluated by the sponsor; 52

(5) The admission standards of section 3314.06 of the 53
Revised Code and, if applicable, section 3314.061 of the Revised 54
Code; 55

(6) (a) Dismissal procedures; 56

(b) A requirement that the governing authority adopt an 57
attendance policy that includes a procedure for automatically 58
withdrawing a student from the school if the student without a 59
legitimate excuse fails to participate in one hundred five 60
consecutive hours of the learning opportunities offered to the 61
student. 62

(7) The ways by which the school will achieve racial and 63
ethnic balance reflective of the community it serves; 64

(8) Requirements for financial audits by the auditor of 65
state. The contract shall require financial records of the 66
school to be maintained in the same manner as are financial 67
records of school districts, pursuant to rules of the auditor of 68
state. Audits shall be conducted in accordance with section 69
117.10 of the Revised Code. 70

(9) An addendum to the contract outlining the facilities 71
to be used that contains at least the following information: 72

(a) A detailed description of each facility used for 73
instructional purposes; 74

(b) The annual costs associated with leasing each facility 75

that are paid by or on behalf of the school; 76

(c) The annual mortgage principal and interest payments 77
that are paid by the school; 78

(d) The name of the lender or landlord, identified as 79
such, and the lender's or landlord's relationship to the 80
operator, if any. 81

(10) Qualifications of teachers, including a requirement 82
that the school's classroom teachers be licensed in accordance 83
with sections 3319.22 to 3319.31 of the Revised Code, except 84
that a community school may engage noncertificated persons to 85
teach up to twelve hours per week pursuant to section 3319.301 86
of the Revised Code. 87

(11) That the school will comply with the following 88
requirements: 89

(a) The school will provide learning opportunities to a 90
minimum of twenty-five students for a minimum of nine hundred 91
twenty hours per school year. 92

(b) The governing authority will purchase liability 93
insurance, or otherwise provide for the potential liability of 94
the school. 95

(c) The school will be nonsectarian in its programs, 96
admission policies, employment practices, and all other 97
operations, and will not be operated by a sectarian school or 98
religious institution. 99

(d) The school will comply with sections 9.90, 9.91, 100
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 101
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 102
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 103

3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 104
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 105
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 106
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 107
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 108
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 109
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 110
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 111
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 112
4112., 4123., 4141., and 4167. of the Revised Code as if it were 113
a school district and will comply with section 3301.0714 of the 114
Revised Code in the manner specified in section 3314.17 of the 115
Revised Code. 116

(e) The school shall comply with Chapter 102. and section 117
2921.42 of the Revised Code. 118

(f) The school will comply with sections 3313.61, 119
3313.611, and 3313.614 of the Revised Code, except that for 120
students who enter ninth grade for the first time before July 1, 121
2010, the requirement in sections 3313.61 and 3313.611 of the 122
Revised Code that a person must successfully complete the 123
curriculum in any high school prior to receiving a high school 124
diploma may be met by completing the curriculum adopted by the 125
governing authority of the community school rather than the 126
curriculum specified in Title XXXIII of the Revised Code or any 127
rules of the state board of education. Beginning with students 128
who enter ninth grade for the first time on or after July 1, 129
2010, the requirement in sections 3313.61 and 3313.611 of the 130
Revised Code that a person must successfully complete the 131
curriculum of a high school prior to receiving a high school 132
diploma shall be met by completing the requirements prescribed 133
in division (C) of section 3313.603 of the Revised Code, unless 134

the person qualifies under division (D) or (F) of that section. 135
Each school shall comply with the plan for awarding high school 136
credit based on demonstration of subject area competency, and 137
beginning with the 2017-2018 school year, with the updated plan 138
that permits students enrolled in seventh and eighth grade to 139
meet curriculum requirements based on subject area competency 140
adopted by the state board of education under divisions (J) (1) 141
and (2) of section 3313.603 of the Revised Code. Beginning with 142
the 2018-2019 school year, the school shall comply with the 143
framework for granting units of high school credit to students 144
who demonstrate subject area competency through work-based 145
learning experiences, internships, or cooperative education 146
developed by the department under division (J) (3) of section 147
3313.603 of the Revised Code. 148

(g) The school governing authority will submit within four 149
months after the end of each school year a report of its 150
activities and progress in meeting the goals and standards of 151
divisions (A) (3) and (4) of this section and its financial 152
status to the sponsor and the parents of all students enrolled 153
in the school. 154

(h) The school, unless it is an internet- or computer- 155
based community school, will comply with section 3313.801 of the 156
Revised Code as if it were a school district. 157

(i) If the school is the recipient of moneys from a grant 158
awarded under the federal race to the top program, Division (A), 159
Title XIV, Sections 14005 and 14006 of the "American Recovery 160
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 161
the school will pay teachers based upon performance in 162
accordance with section 3317.141 and will comply with section 163
3319.111 of the Revised Code as if it were a school district. 164

(j) If the school operates a preschool program that is 165
licensed by the department of education under sections 3301.52 166
to 3301.59 of the Revised Code, the school shall comply with 167
sections 3301.50 to 3301.59 of the Revised Code and the minimum 168
standards for preschool programs prescribed in rules adopted by 169
the state board under section 3301.53 of the Revised Code. 170

(k) The school will comply with sections 3313.6021 and 171
3313.6023 of the Revised Code as if it were a school district 172
unless it is either of the following: 173

(i) An internet- or computer-based community school; 174

(ii) A community school in which a majority of the 175
enrolled students are children with disabilities as described in 176
division (A) (4) (b) of section 3314.35 of the Revised Code. 177

(12) Arrangements for providing health and other benefits 178
to employees; 179

(13) The length of the contract, which shall begin at the 180
beginning of an academic year. No contract shall exceed five 181
years unless such contract has been renewed pursuant to division 182
(E) of this section. 183

(14) The governing authority of the school, which shall be 184
responsible for carrying out the provisions of the contract; 185

(15) A financial plan detailing an estimated school budget 186
for each year of the period of the contract and specifying the 187
total estimated per pupil expenditure amount for each such year. 188

(16) Requirements and procedures regarding the disposition 189
of employees of the school in the event the contract is 190
terminated or not renewed pursuant to section 3314.07 of the 191
Revised Code; 192

(17) Whether the school is to be created by converting all 193
or part of an existing public school or educational service 194
center building or is to be a new start-up school, and if it is 195
a converted public school or service center building, 196
specification of any duties or responsibilities of an employer 197
that the board of education or service center governing board 198
that operated the school or building before conversion is 199
delegating to the governing authority of the community school 200
with respect to all or any specified group of employees provided 201
the delegation is not prohibited by a collective bargaining 202
agreement applicable to such employees; 203

(18) Provisions establishing procedures for resolving 204
disputes or differences of opinion between the sponsor and the 205
governing authority of the community school; 206

(19) A provision requiring the governing authority to 207
adopt a policy regarding the admission of students who reside 208
outside the district in which the school is located. That policy 209
shall comply with the admissions procedures specified in 210
sections 3314.06 and 3314.061 of the Revised Code and, at the 211
sole discretion of the authority, shall do one of the following: 212

(a) Prohibit the enrollment of students who reside outside 213
the district in which the school is located; 214

(b) Permit the enrollment of students who reside in 215
districts adjacent to the district in which the school is 216
located; 217

(c) Permit the enrollment of students who reside in any 218
other district in the state. 219

(20) A provision recognizing the authority of the 220
department of education to take over the sponsorship of the 221

school in accordance with the provisions of division (C) of 222
section 3314.015 of the Revised Code; 223

(21) A provision recognizing the sponsor's authority to 224
assume the operation of a school under the conditions specified 225
in division (B) of section 3314.073 of the Revised Code; 226

(22) A provision recognizing both of the following: 227

(a) The authority of public health and safety officials to 228
inspect the facilities of the school and to order the facilities 229
closed if those officials find that the facilities are not in 230
compliance with health and safety laws and regulations; 231

(b) The authority of the department of education as the 232
community school oversight body to suspend the operation of the 233
school under section 3314.072 of the Revised Code if the 234
department has evidence of conditions or violations of law at 235
the school that pose an imminent danger to the health and safety 236
of the school's students and employees and the sponsor refuses 237
to take such action. 238

(23) A description of the learning opportunities that will 239
be offered to students including both classroom-based and non- 240
classroom-based learning opportunities that is in compliance 241
with criteria for student participation established by the 242
department under division (H) (2) of section 3314.08 of the 243
Revised Code; 244

(24) The school will comply with sections 3302.04 and 245
3302.041 of the Revised Code, except that any action required to 246
be taken by a school district pursuant to those sections shall 247
be taken by the sponsor of the school. However, the sponsor 248
shall not be required to take any action described in division 249
(F) of section 3302.04 of the Revised Code. 250

(25) Beginning in the 2006-2007 school year, the school 251
will open for operation not later than the thirtieth day of 252
September each school year, unless the mission of the school as 253
specified under division (A) (2) of this section is solely to 254
serve dropouts. In its initial year of operation, if the school 255
fails to open by the thirtieth day of September, or within one 256
year after the adoption of the contract pursuant to division (D) 257
of section 3314.02 of the Revised Code if the mission of the 258
school is solely to serve dropouts, the contract shall be void. 259

(26) Whether the school's governing authority is planning 260
to seek designation for the school as a STEM school equivalent 261
under section 3326.032 of the Revised Code; 262

(27) That the school's attendance and participation 263
policies will be available for public inspection; 264

(28) That the school's attendance and participation 265
records shall be made available to the department of education, 266
auditor of state, and school's sponsor to the extent permitted 267
under and in accordance with the "Family Educational Rights and 268
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 269
and any regulations promulgated under that act, and section 270
3319.321 of the Revised Code; 271

(29) If a school operates using the blended learning 272
model, as defined in section 3301.079 of the Revised Code, all 273
of the following information: 274

(a) An indication of what blended learning model or models 275
will be used; 276

(b) A description of how student instructional needs will 277
be determined and documented; 278

(c) The method to be used for determining competency, 279

granting credit, and promoting students to a higher grade level; 280

(d) The school's attendance requirements, including how 281
the school will document participation in learning 282
opportunities; 283

(e) A statement describing how student progress will be 284
monitored; 285

(f) A statement describing how private student data will 286
be protected; 287

(g) A description of the professional development 288
activities that will be offered to teachers. 289

(30) A provision requiring that all moneys the school's 290
operator loans to the school, including facilities loans or cash 291
flow assistance, must be accounted for, documented, and bear 292
interest at a fair market rate; 293

(31) A provision requiring that, if the governing 294
authority contracts with an attorney, accountant, or entity 295
specializing in audits, the attorney, accountant, or entity 296
shall be independent from the operator with which the school has 297
contracted. 298

(B) The community school shall also submit to the sponsor 299
a comprehensive plan for the school. The plan shall specify the 300
following: 301

(1) The process by which the governing authority of the 302
school will be selected in the future; 303

(2) The management and administration of the school; 304

(3) If the community school is a currently existing public 305
school or educational service center building, alternative 306

arrangements for current public school students who choose not 307
to attend the converted school and for teachers who choose not 308
to teach in the school or building after conversion; 309

(4) The instructional program and educational philosophy 310
of the school; 311

(5) Internal financial controls. 312

When submitting the plan under this division, the school 313
shall also submit copies of all policies and procedures 314
regarding internal financial controls adopted by the governing 315
authority of the school. 316

(C) A contract entered into under section 3314.02 of the 317
Revised Code between a sponsor and the governing authority of a 318
community school may provide for the community school governing 319
authority to make payments to the sponsor, which is hereby 320
authorized to receive such payments as set forth in the contract 321
between the governing authority and the sponsor. The total 322
amount of such payments for monitoring, oversight, and technical 323
assistance of the school shall not exceed three per cent of the 324
total amount of payments for operating expenses that the school 325
receives from the state. 326

(D) The contract shall specify the duties of the sponsor 327
which shall be in accordance with the written agreement entered 328
into with the department of education under division (B) of 329
section 3314.015 of the Revised Code and shall include the 330
following: 331

(1) Monitor the community school's compliance with all 332
laws applicable to the school and with the terms of the 333
contract; 334

(2) Monitor and evaluate the academic and fiscal 335

performance and the organization and operation of the community 336
school on at least an annual basis; 337

(3) Report on an annual basis the results of the 338
evaluation conducted under division (D)(2) of this section to 339
the department of education and to the parents of students 340
enrolled in the community school; 341

(4) Provide technical assistance to the community school 342
in complying with laws applicable to the school and terms of the 343
contract; 344

(5) Take steps to intervene in the school's operation to 345
correct problems in the school's overall performance, declare 346
the school to be on probationary status pursuant to section 347
3314.073 of the Revised Code, suspend the operation of the 348
school pursuant to section 3314.072 of the Revised Code, or 349
terminate the contract of the school pursuant to section 3314.07 350
of the Revised Code as determined necessary by the sponsor; 351

(6) Have in place a plan of action to be undertaken in the 352
event the community school experiences financial difficulties or 353
closes prior to the end of a school year. 354

(E) Upon the expiration of a contract entered into under 355
this section, the sponsor of a community school may, with the 356
approval of the governing authority of the school, renew that 357
contract for a period of time determined by the sponsor, but not 358
ending earlier than the end of any school year, if the sponsor 359
finds that the school's compliance with applicable laws and 360
terms of the contract and the school's progress in meeting the 361
academic goals prescribed in the contract have been 362
satisfactory. Any contract that is renewed under this division 363
remains subject to the provisions of sections 3314.07, 3314.072, 364

and 3314.073 of the Revised Code. 365

(F) If a community school fails to open for operation 366
within one year after the contract entered into under this 367
section is adopted pursuant to division (D) of section 3314.02 368
of the Revised Code or permanently closes prior to the 369
expiration of the contract, the contract shall be void and the 370
school shall not enter into a contract with any other sponsor. A 371
school shall not be considered permanently closed because the 372
operations of the school have been suspended pursuant to section 373
3314.072 of the Revised Code. 374

Sec. 3314.13. A community school, community school 375
governing authority, or community school employee is not liable 376
in damages in a civil action for injury, death, or loss to 377
person or property allegedly arising from a community school 378
employee's action or inaction in good faith compliance with 379
section 3321.141 of the Revised Code. This section does not 380
eliminate, limit, or reduce any other immunity or defense that a 381
community school, community school governing authority, or 382
community school employee may be entitled to under Chapter 2744. 383
or any other provision of the Revised Code or under the common 384
law of this state. 385

Sec. 3321.141. (A) (1) Within one hundred twenty minutes 386
after the beginning of each school day, the attendance officer, 387
attendance officer's assistant for each individual school 388
building, or other person the attendance officer designates to 389
take attendance for each school building shall make at least one 390
attempt to contact, in accordance with division (A) (2) of this 391
section, the parent, guardian, or other person having care of 392
any student who was absent without legitimate excuse from the 393
school the student is required to attend as of the beginning of 394

that school day. 395

(2) An attempt to contact a student's parent, guardian, or 396
other person having care of the student shall be made through 397
one of the following methods: 398

(a) A telephone call placed in person; 399

(b) An automated telephone call via a system that includes 400
verification that each call was actually placed, and either the 401
call was answered by its intended recipient or a voice mail 402
message was left by the automated system relaying the required 403
information; 404

(c) A notification sent through the school's automated 405
student information system; 406

(d) A text-based communication sent to the parent's, 407
guardian's, or other person's electronic wireless communications 408
device, as defined in division (G)(1) of section 4511.204 of the 409
Revised Code; 410

(e) A notification sent to the electronic mail address of 411
the parent, guardian, or other person; 412

(f) A visit, in person, to the student's residence of 413
record; 414

(g) Any other notification procedure that has been adopted 415
by resolution of the board of education of a school district. 416

(B) If the parent, guardian, or other person having care 417
of a student initiates a telephone call or other communication 418
notifying the school or building administration of the student's 419
excused or unexcused absence within one hundred twenty minutes 420
after the beginning of the school day, the school is under no 421
further obligation with respect to the requirement prescribed in 422

division (A) of this section. 423

(C) A school district, or any officer, director, employee, 424
or member of the school district board of education is not 425
liable in damages in a civil action for injury, death, or loss 426
to person or property allegedly arising from an employee's 427
action or inaction in good faith compliance with this section. 428
This section does not eliminate, limit, or reduce any other 429
immunity or defense that a person may be entitled to under 430
Chapter 2744. or any other provision of the Revised Code or 431
under the common law of this state. 432

(D) This section does not apply to either of the 433
following: 434

(1) Students who are in home-based, online, or internet- 435
or computer-based instruction; 436

(2) Instances where a student was not expected to be in 437
attendance at a particular school building due to that student's 438
participation in off-campus activities, including but not 439
limited to participation in the college credit plus program 440
established under Chapter 3365. of the Revised Code. 441

Sec. 3326.11. Each science, technology, engineering, and 442
mathematics school established under this chapter and its 443
governing body shall comply with sections 9.90, 9.91, 109.65, 444
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 445
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 446
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 447
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 448
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 449
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 450
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 451

3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 452
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 453
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 454
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 455
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 456
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 457
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 458
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 459
4112., 4123., 4141., and 4167. of the Revised Code as if it were 460
a school district. 461

Sec. 3326.90. A STEM school, member of a STEM school 462
governing body, or STEM school employee is not liable in damage 463
in a civil action for injury, death, or loss to person or 464
property allegedly arising from a STEM school employee's action 465
or inaction in good faith compliance with section 3321.141 of 466
the Revised Code. This section does not eliminate, limit, or 467
reduce any other immunity or defense that a STEM school, member 468
of a STEM school governing body, or STEM school employee may be 469
entitled to under Chapter 2744. or any other provision of the 470
Revised Code or under the common law of this state. 471

Section 2. That existing sections 3313.205, 3314.03, and 472
3326.11 of the Revised Code are hereby repealed. 473