

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 57

Representatives Bocchieri, Ramos

**Cosponsors: Representatives Leland, Antonio, Holmes, Cera, O'Brien, West,
Lepore-Hagan, Boggs, Boyd, Smith, K., Miller, Kent, Ashford, Rogers, Sheehy,
Craig, Kelly, Young**

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact sections 3313.461, 3345.90, and 2
3781.181 of the Revised Code to require the use 3
of domestic steel in construction, repair, or 4
improvement projects involving certain buildings 5
used by public schools, state institutions of 6
higher education, and specified private 7
colleges. 8

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 9
amended and sections 3313.461, 3345.90, and 3781.181 of the 10
Revised Code be enacted to read as follows: 11

Sec. 3313.461. The board of education of each city, local, 12
and exempted village school district shall comply with the 13
provisions of section 3781.181 of the Revised Code. 14

Sec. 3314.03. A copy of every contract entered into under 15
this section shall be filed with the superintendent of public 16

instruction. The department of education shall make available on 17
its web site a copy of every approved, executed contract filed 18
with the superintendent under this section. 19

(A) Each contract entered into between a sponsor and the 20
governing authority of a community school shall specify the 21
following: 22

(1) That the school shall be established as either of the 23
following: 24

(a) A nonprofit corporation established under Chapter 25
1702. of the Revised Code, if established prior to April 8, 26
2003; 27

(b) A public benefit corporation established under Chapter 28
1702. of the Revised Code, if established after April 8, 2003. 29

(2) The education program of the school, including the 30
school's mission, the characteristics of the students the school 31
is expected to attract, the ages and grades of students, and the 32
focus of the curriculum; 33

(3) The academic goals to be achieved and the method of 34
measurement that will be used to determine progress toward those 35
goals, which shall include the statewide achievement 36
assessments; 37

(4) Performance standards, including but not limited to 38
all applicable report card measures set forth in section 3302.03 39
or 3314.017 of the Revised Code, by which the success of the 40
school will be evaluated by the sponsor; 41

(5) The admission standards of section 3314.06 of the 42
Revised Code and, if applicable, section 3314.061 of the Revised 43
Code; 44

(6) (a) Dismissal procedures;	45
(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.	46 47 48 49 50 51
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	52 53
(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.	54 55 56 57 58 59
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	60 61
(a) A detailed description of each facility used for instructional purposes;	62 63
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	64 65
(c) The annual mortgage principal and interest payments that are paid by the school;	66 67
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	68 69 70
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance	71 72

with sections 3319.22 to 3319.31 of the Revised Code, except 73
that a community school may engage noncertificated persons to 74
teach up to twelve hours per week pursuant to section 3319.301 75
of the Revised Code. 76

(11) That the school will comply with the following 77
requirements: 78

(a) The school will provide learning opportunities to a 79
minimum of twenty-five students for a minimum of nine hundred 80
twenty hours per school year. 81

(b) The governing authority will purchase liability 82
insurance, or otherwise provide for the potential liability of 83
the school. 84

(c) The school will be nonsectarian in its programs, 85
admission policies, employment practices, and all other 86
operations, and will not be operated by a sectarian school or 87
religious institution. 88

(d) The school will comply with sections 9.90, 9.91, 89
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 90
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 91
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 92
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 93
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 94
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 95
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 96
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 97
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 98
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 99
3321.18, 3321.19, 3321.191, 3327.10, 3781.181, 4111.17, 4113.52, 100
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 101

4112., 4123., 4141., and 4167. of the Revised Code as if it were 102
a school district and will comply with section 3301.0714 of the 103
Revised Code in the manner specified in section 3314.17 of the 104
Revised Code. 105

(e) The school shall comply with Chapter 102. and section 106
2921.42 of the Revised Code. 107

(f) The school will comply with sections 3313.61, 108
3313.611, and 3313.614 of the Revised Code, except that for 109
students who enter ninth grade for the first time before July 1, 110
2010, the requirement in sections 3313.61 and 3313.611 of the 111
Revised Code that a person must successfully complete the 112
curriculum in any high school prior to receiving a high school 113
diploma may be met by completing the curriculum adopted by the 114
governing authority of the community school rather than the 115
curriculum specified in Title XXXVIII of the Revised Code or any 116
rules of the state board of education. Beginning with students 117
who enter ninth grade for the first time on or after July 1, 118
2010, the requirement in sections 3313.61 and 3313.611 of the 119
Revised Code that a person must successfully complete the 120
curriculum of a high school prior to receiving a high school 121
diploma shall be met by completing the requirements prescribed 122
in division (C) of section 3313.603 of the Revised Code, unless 123
the person qualifies under division (D) or (F) of that section. 124
Each school shall comply with the plan for awarding high school 125
credit based on demonstration of subject area competency, and 126
beginning with the 2017-2018 school year, with the updated plan 127
that permits students enrolled in seventh and eighth grade to 128
meet curriculum requirements based on subject area competency 129
adopted by the state board of education under divisions (J) (1) 130
and (2) of section 3313.603 of the Revised Code. 131

(g) The school governing authority will submit within four 132
months after the end of each school year a report of its 133
activities and progress in meeting the goals and standards of 134
divisions (A) (3) and (4) of this section and its financial 135
status to the sponsor and the parents of all students enrolled 136
in the school. 137

(h) The school, unless it is an internet- or computer- 138
based community school, will comply with section 3313.801 of the 139
Revised Code as if it were a school district. 140

(i) If the school is the recipient of moneys from a grant 141
awarded under the federal race to the top program, Division (A), 142
Title XIV, Sections 14005 and 14006 of the "American Recovery 143
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 144
the school will pay teachers based upon performance in 145
accordance with section 3317.141 and will comply with section 146
3319.111 of the Revised Code as if it were a school district. 147

(j) If the school operates a preschool program that is 148
licensed by the department of education under sections 3301.52 149
to 3301.59 of the Revised Code, the school shall comply with 150
sections 3301.50 to 3301.59 of the Revised Code and the minimum 151
standards for preschool programs prescribed in rules adopted by 152
the state board under section 3301.53 of the Revised Code. 153

(k) The school will comply with sections 3313.6021 and 154
3313.6023 of the Revised Code as if it were a school district 155
unless it is either of the following: 156

(i) An internet- or computer-based community school; 157

(ii) A community school in which a majority of the 158
enrolled students are children with disabilities as described in 159
division (A) (4) (b) of section 3314.35 of the Revised Code. 160

(12) Arrangements for providing health and other benefits 161
to employees; 162

(13) The length of the contract, which shall begin at the 163
beginning of an academic year. No contract shall exceed five 164
years unless such contract has been renewed pursuant to division 165
(E) of this section. 166

(14) The governing authority of the school, which shall be 167
responsible for carrying out the provisions of the contract; 168

(15) A financial plan detailing an estimated school budget 169
for each year of the period of the contract and specifying the 170
total estimated per pupil expenditure amount for each such year. 171

(16) Requirements and procedures regarding the disposition 172
of employees of the school in the event the contract is 173
terminated or not renewed pursuant to section 3314.07 of the 174
Revised Code; 175

(17) Whether the school is to be created by converting all 176
or part of an existing public school or educational service 177
center building or is to be a new start-up school, and if it is 178
a converted public school or service center building, 179
specification of any duties or responsibilities of an employer 180
that the board of education or service center governing board 181
that operated the school or building before conversion is 182
delegating to the governing authority of the community school 183
with respect to all or any specified group of employees provided 184
the delegation is not prohibited by a collective bargaining 185
agreement applicable to such employees; 186

(18) Provisions establishing procedures for resolving 187
disputes or differences of opinion between the sponsor and the 188
governing authority of the community school; 189

(19) A provision requiring the governing authority to 190
adopt a policy regarding the admission of students who reside 191
outside the district in which the school is located. That policy 192
shall comply with the admissions procedures specified in 193
sections 3314.06 and 3314.061 of the Revised Code and, at the 194
sole discretion of the authority, shall do one of the following: 195

(a) Prohibit the enrollment of students who reside outside 196
the district in which the school is located; 197

(b) Permit the enrollment of students who reside in 198
districts adjacent to the district in which the school is 199
located; 200

(c) Permit the enrollment of students who reside in any 201
other district in the state. 202

(20) A provision recognizing the authority of the 203
department of education to take over the sponsorship of the 204
school in accordance with the provisions of division (C) of 205
section 3314.015 of the Revised Code; 206

(21) A provision recognizing the sponsor's authority to 207
assume the operation of a school under the conditions specified 208
in division (B) of section 3314.073 of the Revised Code; 209

(22) A provision recognizing both of the following: 210

(a) The authority of public health and safety officials to 211
inspect the facilities of the school and to order the facilities 212
closed if those officials find that the facilities are not in 213
compliance with health and safety laws and regulations; 214

(b) The authority of the department of education as the 215
community school oversight body to suspend the operation of the 216
school under section 3314.072 of the Revised Code if the 217

department has evidence of conditions or violations of law at 218
the school that pose an imminent danger to the health and safety 219
of the school's students and employees and the sponsor refuses 220
to take such action. 221

(23) A description of the learning opportunities that will 222
be offered to students including both classroom-based and non- 223
classroom-based learning opportunities that is in compliance 224
with criteria for student participation established by the 225
department under division (H) (2) of section 3314.08 of the 226
Revised Code; 227

(24) The school will comply with sections 3302.04 and 228
3302.041 of the Revised Code, except that any action required to 229
be taken by a school district pursuant to those sections shall 230
be taken by the sponsor of the school. However, the sponsor 231
shall not be required to take any action described in division 232
(F) of section 3302.04 of the Revised Code. 233

(25) Beginning in the 2006-2007 school year, the school 234
will open for operation not later than the thirtieth day of 235
September each school year, unless the mission of the school as 236
specified under division (A) (2) of this section is solely to 237
serve dropouts. In its initial year of operation, if the school 238
fails to open by the thirtieth day of September, or within one 239
year after the adoption of the contract pursuant to division (D) 240
of section 3314.02 of the Revised Code if the mission of the 241
school is solely to serve dropouts, the contract shall be void. 242

(26) Whether the school's governing authority is planning 243
to seek designation for the school as a STEM school equivalent 244
under section 3326.032 of the Revised Code; 245

(27) That the school's attendance and participation 246

policies will be available for public inspection; 247

(28) That the school's attendance and participation 248
records shall be made available to the department of education, 249
auditor of state, and school's sponsor to the extent permitted 250
under and in accordance with the "Family Educational Rights and 251
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 252
and any regulations promulgated under that act, and section 253
3319.321 of the Revised Code; 254

(29) If a school operates using the blended learning 255
model, as defined in section 3301.079 of the Revised Code, all 256
of the following information: 257

(a) An indication of what blended learning model or models 258
will be used; 259

(b) A description of how student instructional needs will 260
be determined and documented; 261

(c) The method to be used for determining competency, 262
granting credit, and promoting students to a higher grade level; 263

(d) The school's attendance requirements, including how 264
the school will document participation in learning 265
opportunities; 266

(e) A statement describing how student progress will be 267
monitored; 268

(f) A statement describing how private student data will 269
be protected; 270

(g) A description of the professional development 271
activities that will be offered to teachers. 272

(30) A provision requiring that all moneys the school's 273

operator loans to the school, including facilities loans or cash 274
flow assistance, must be accounted for, documented, and bear 275
interest at a fair market rate; 276

(31) A provision requiring that, if the governing 277
authority contracts with an attorney, accountant, or entity 278
specializing in audits, the attorney, accountant, or entity 279
shall be independent from the operator with which the school has 280
contracted. 281

(B) The community school shall also submit to the sponsor 282
a comprehensive plan for the school. The plan shall specify the 283
following: 284

(1) The process by which the governing authority of the 285
school will be selected in the future; 286

(2) The management and administration of the school; 287

(3) If the community school is a currently existing public 288
school or educational service center building, alternative 289
arrangements for current public school students who choose not 290
to attend the converted school and for teachers who choose not 291
to teach in the school or building after conversion; 292

(4) The instructional program and educational philosophy 293
of the school; 294

(5) Internal financial controls. 295

When submitting the plan under this division, the school 296
shall also submit copies of all policies and procedures 297
regarding internal financial controls adopted by the governing 298
authority of the school. 299

(C) A contract entered into under section 3314.02 of the 300
Revised Code between a sponsor and the governing authority of a 301

community school may provide for the community school governing 302
authority to make payments to the sponsor, which is hereby 303
authorized to receive such payments as set forth in the contract 304
between the governing authority and the sponsor. The total 305
amount of such payments for monitoring, oversight, and technical 306
assistance of the school shall not exceed three per cent of the 307
total amount of payments for operating expenses that the school 308
receives from the state. 309

(D) The contract shall specify the duties of the sponsor 310
which shall be in accordance with the written agreement entered 311
into with the department of education under division (B) of 312
section 3314.015 of the Revised Code and shall include the 313
following: 314

(1) Monitor the community school's compliance with all 315
laws applicable to the school and with the terms of the 316
contract; 317

(2) Monitor and evaluate the academic and fiscal 318
performance and the organization and operation of the community 319
school on at least an annual basis; 320

(3) Report on an annual basis the results of the 321
evaluation conducted under division (D) (2) of this section to 322
the department of education and to the parents of students 323
enrolled in the community school; 324

(4) Provide technical assistance to the community school 325
in complying with laws applicable to the school and terms of the 326
contract; 327

(5) Take steps to intervene in the school's operation to 328
correct problems in the school's overall performance, declare 329
the school to be on probationary status pursuant to section 330

3314.073 of the Revised Code, suspend the operation of the 331
school pursuant to section 3314.072 of the Revised Code, or 332
terminate the contract of the school pursuant to section 3314.07 333
of the Revised Code as determined necessary by the sponsor; 334

(6) Have in place a plan of action to be undertaken in the 335
event the community school experiences financial difficulties or 336
closes prior to the end of a school year. 337

(E) Upon the expiration of a contract entered into under 338
this section, the sponsor of a community school may, with the 339
approval of the governing authority of the school, renew that 340
contract for a period of time determined by the sponsor, but not 341
ending earlier than the end of any school year, if the sponsor 342
finds that the school's compliance with applicable laws and 343
terms of the contract and the school's progress in meeting the 344
academic goals prescribed in the contract have been 345
satisfactory. Any contract that is renewed under this division 346
remains subject to the provisions of sections 3314.07, 3314.072, 347
and 3314.073 of the Revised Code. 348

(F) If a community school fails to open for operation 349
within one year after the contract entered into under this 350
section is adopted pursuant to division (D) of section 3314.02 351
of the Revised Code or permanently closes prior to the 352
expiration of the contract, the contract shall be void and the 353
school shall not enter into a contract with any other sponsor. A 354
school shall not be considered permanently closed because the 355
operations of the school have been suspended pursuant to section 356
3314.072 of the Revised Code. 357

Sec. 3326.11. Each science, technology, engineering, and 358
mathematics school established under this chapter and its 359
governing body shall comply with sections 9.90, 9.91, 109.65, 360

121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 361
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 362
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 363
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 364
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 365
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 366
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 367
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 368
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 369
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 370
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 371
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 372
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 373
3327.10, 3781.181, 4111.17, 4113.52, and 5705.391 and Chapters 374
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 375
4123., 4141., and 4167. of the Revised Code as if it were a 376
school district. 377

Sec. 3328.24. A college-preparatory boarding school 378
established under this chapter and its board of trustees shall 379
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 380
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 381
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, ~~and~~ 382
3319.46, and 3781.181 and Chapter 3365. of the Revised Code as 383
if the school were a school district and the school's board of 384
trustees were a district board of education. 385

Sec. 3345.90. (A) As used in this section, "state 386
institution of higher education" has the same meaning as in 387
section 3345.011 of the Revised Code. 388

(B) Each state institution of higher education shall 389
comply with the provisions of section 3781.181 of the Revised 390

Code. 391

Sec. 3781.181. (A) As used in this section: 392

(1) "Private college" means an educational institution 393
organized not for profit and holding a certificate of 394
authorization issued under section 1713.02 of the Revised Code. 395

(2) "Public school" has the same meaning as in section 396
3781.106 of the Revised Code. 397

(3) "School building" means a structure that meets the 398
following criteria: 399

(a) The structure is regularly used for the instruction of 400
students, for the housing of students, or for school or student 401
activities by a public school, state institution of higher 402
education, or private college. 403

(b) The structure is under the control of the school, 404
institution, or college. 405

(c) In the case of a private college, the construction, 406
repair, or other improvement of the structure is financed by 407
bonds issued by the Ohio higher educational facility commission 408
under Chapter 3377. of the Revised Code. 409

(4) "State institution of higher education" has the same 410
meaning as in section 3345.011 of the Revised Code. 411

(5) "Steel products" means products rolled, formed, 412
shaped, drawn, extruded, forged, cast, fabricated, or otherwise 413
similarly processed, or processed by a combination of two or 414
more such operations, from steel made in the United States by 415
the open hearth, basic oxygen, electric furnace, bessemer, or 416
other steel making process. 417

(6) "United States" means the United States of America and 418
includes all territory, continental or insular, subject to the 419
jurisdiction of the United States. 420

(B) The board of building standards shall adopt rules, in 421
accordance with Chapter 119. of the Revised Code, to require 422
that whenever steel products are used in the construction, 423
repair, or other improvement of a school building, only steel 424
products manufactured in the United States shall be used. 425

Section 2. That existing sections 3314.03, 3326.11, and 426
3328.24 of the Revised Code are hereby repealed. 427

Section 3. Sections 3314.03 and 3326.11 of the Revised 428
Code are presented in this act as composites of the sections as 429
amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 430
252, all of the 131st General Assembly. The General Assembly, 431
applying the principle stated in division (B) of section 1.52 of 432
the Revised Code that amendments are to be harmonized if 433
reasonably capable of simultaneous operation, finds that the 434
composites are the resulting version of the sections in effect 435
prior to the effective date of the sections as presented in this 436
act. 437

Section 3328.24 of the Revised Code is presented in this 438
act as a composite of the section as amended by amended by both 439
Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. 440
The General Assembly, applying the principle stated in division 441
(B) of section 1.52 of the Revised Code that amendments are to 442
be harmonized if reasonably capable of simultaneous operation, 443
finds that the composite is the resulting version of the section 444
in effect prior to the effective date of the section as 445
presented in this act. 446