

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 549

Representatives Crossman, Manning, G.

**Cosponsors: Representatives Miranda, Sobecki, Smith, K., Weinstein, Hambley,
Carruthers, Patton**

A BILL

To amend sections 117.11, 149.43, 3313.844, 1
3313.849, 3314.01, 3314.02, 3314.032, and 2
3314.05 and to enact sections 117.102, 3
3314.0111, 3314.0310, 3314.0311, and 3314.0312 4
of the Revised Code regarding the operation, 5
management, and accountability of community 6
schools. 7

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

Section 1. That sections 117.11, 149.43, 3313.844, 8
3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 be amended and 9
sections 117.102, 3314.0111, 3314.0310, 3314.0311, and 3314.0312 10
of the Revised Code be enacted to read as follows: 11

Sec. 117.102. (A) As used in this section: 12

(1) "Community school" means a school established under 13
Chapter 3314. of the Revised Code. 14

(2) "Operator" means either of the following: 15

(a) An entity described in division (A) (8) of section 16

3314.02 of the Revised Code, as it exists on and after the 17
effective date of this section; 18

(b) An individual or entity described in division (A) (8) 19
of section 3314.02 of the Revised Code, as it existed prior to 20
the effective date of this section. 21

(B) The auditor of state annually shall audit each 22
community school operator. The audit shall cover all accounts, 23
reports, records, and files regarding the operator's receipt or 24
expenditure of public funds relating to the delivery of 25
educational services to, or the management and operation of, a 26
community school. 27

Sec. 117.11. (A) Except as otherwise provided in this 28
division and in sections 117.102, 117.112, 117.113, and 117.114 29
of the Revised Code, the auditor of state shall audit each 30
public office at least once every two fiscal years. The auditor 31
of state shall audit a public office each fiscal year if that 32
public office is required to be audited on an annual basis 33
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 34
U.S.C.A. 7501 et seq., as amended. In the annual or biennial 35
audit, inquiry shall be made into the methods, accuracy, and 36
legality of the accounts, financial reports, records, files, and 37
reports of the office, whether the laws, rules, ordinances, and 38
orders pertaining to the office have been observed, and whether 39
the requirements and rules of the auditor of state have been 40
complied with. Except as otherwise provided in this division or 41
where auditing standards or procedures dictate otherwise, each 42
audit shall cover at least one fiscal year. If a public office 43
is audited only once every two fiscal years, the audit shall 44
cover both fiscal years. 45

(B) In addition to the annual or biennial audit provided 46

for in division (A) of this section or in section 117.114 of the
Revised Code, the auditor of state may conduct an audit of a
public office at any time when so requested by the public office
or upon the auditor of state's own initiative if the auditor of
state has reasonable cause to believe that an additional audit
is in the public interest.

(C) (1) The auditor of state shall identify any public
office in which the auditor of state will be unable to conduct
an audit at least once every two fiscal years as required by
division (A) of this section and shall provide immediate written
notice to the clerk of the legislative authority or governing
board of the public office so identified. Within six months of
the receipt of such notice, the legislative authority or
governing board may engage an independent certified public
accountant to conduct an audit pursuant to section 117.12 of the
Revised Code.

(2) When the chief fiscal officer of a public office
notifies the auditor of state that an audit is required at a
time prior to the next regularly scheduled audit by the auditor
of state, the auditor of state shall either cause an earlier
audit to be made by the auditor of state or authorize the
legislative authority or governing board of the public office to
engage an independent certified public accountant to conduct the
required audit. The scope of the audit shall be as authorized by
the auditor of state.

(3) The auditor of state shall approve the scope of an
audit under division (C) (1) or (2) of this section as set forth
in the contract for the proposed audit before the contract is
executed on behalf of the public office that is to be audited.
The independent accountant conducting an audit under division

(C) (1) or (2) of this section shall be paid by the public 77
office. 78

(4) The contract for attest services with an independent 79
accountant employed pursuant to this section or section 117.115 80
of the Revised Code may include binding arbitration provisions, 81
provisions of Chapter 2711. of the Revised Code, or any other 82
alternative dispute resolution procedures to be followed in the 83
event a dispute remains between the state or public office and 84
the independent accountant concerning the terms of or services 85
under the contract, or a breach of the contract, after the 86
administrative provisions of the contract have been exhausted. 87

(D) If a uniform accounting network is established under 88
section 117.101 of the Revised Code, the auditor of state or a 89
certified public accountant employed pursuant to this section or 90
section 117.112 or 117.115 of the Revised Code shall, to the 91
extent practicable, utilize services offered by the network in 92
order to conduct efficient and economical audits of public 93
offices. 94

(E) The auditor of state, in accordance with division (A) 95
(3) of section 9.65 of the Revised Code and this section, may 96
audit an annuity program for volunteer fire fighters established 97
by a political subdivision under section 9.65 of the Revised 98
Code. As used in this section, "volunteer fire fighters" and 99
"political subdivision" have the same meanings as in division 100
(C) of section 9.65 of the Revised Code. 101

Sec. 149.43. (A) As used in this section: 102

(1) "Public record" means records kept by any public 103
office, including, but not limited to, state, county, city, 104
village, township, and school district units, and records 105

pertaining to the delivery of educational services by an 106
alternative school in this state kept by the nonprofit or for- 107
profit entity operating the alternative school pursuant to 108
section 3313.533 of the Revised Code; and records pertaining to 109
the delivery of educational services, leases, or any other 110
records regarding the management and operation of a community 111
school established under Chapter 3314. of the Revised Code that 112
are kept by the school's sponsor or governing authority or any 113
nonprofit or for-profit entity that has contracted with the 114
school or its sponsor or governing authority to provide services 115
to the school. "Public record" does not mean any of the 116
following: 117

(a) Medical records; 118

(b) Records pertaining to probation and parole 119
proceedings, to proceedings related to the imposition of 120
community control sanctions and post-release control sanctions, 121
or to proceedings related to determinations under section 122
2967.271 of the Revised Code regarding the release or maintained 123
incarceration of an offender to whom that section applies; 124

(c) Records pertaining to actions under section 2151.85 125
and division (C) of section 2919.121 of the Revised Code and to 126
appeals of actions arising under those sections; 127

(d) Records pertaining to adoption proceedings, including 128
the contents of an adoption file maintained by the department of 129
health under sections 3705.12 to 3705.124 of the Revised Code; 130

(e) Information in a record contained in the putative 131
father registry established by section 3107.062 of the Revised 132
Code, regardless of whether the information is held by the 133
department of job and family services or, pursuant to section 134

3111.69 of the Revised Code, the office of child support in the	135
department or a child support enforcement agency;	136
(f) Records specified in division (A) of section 3107.52	137
of the Revised Code;	138
(g) Trial preparation records;	139
(h) Confidential law enforcement investigatory records;	140
(i) Records containing information that is confidential	141
under section 2710.03 or 4112.05 of the Revised Code;	142
(j) DNA records stored in the DNA database pursuant to	143
section 109.573 of the Revised Code;	144
(k) Inmate records released by the department of	145
rehabilitation and correction to the department of youth	146
services or a court of record pursuant to division (E) of	147
section 5120.21 of the Revised Code;	148
(l) Records maintained by the department of youth services	149
pertaining to children in its custody released by the department	150
of youth services to the department of rehabilitation and	151
correction pursuant to section 5139.05 of the Revised Code;	152
(m) Intellectual property records;	153
(n) Donor profile records;	154
(o) Records maintained by the department of job and family	155
services pursuant to section 3121.894 of the Revised Code;	156
(p) Designated public service worker residential and	157
familial information;	158
(q) In the case of a county hospital operated pursuant to	159
Chapter 339. of the Revised Code or a municipal hospital	160
operated pursuant to Chapter 749. of the Revised Code,	161

information that constitutes a trade secret, as defined in 162
section 1333.61 of the Revised Code; 163

(r) Information pertaining to the recreational activities 164
of a person under the age of eighteen; 165

(s) In the case of a child fatality review board acting 166
under sections 307.621 to 307.629 of the Revised Code or a 167
review conducted pursuant to guidelines established by the 168
director of health under section 3701.70 of the Revised Code, 169
records provided to the board or director, statements made by 170
board members during meetings of the board or by persons 171
participating in the director's review, and all work products of 172
the board or director, and in the case of a child fatality 173
review board, child fatality review data submitted by the board 174
to the department of health or a national child death review 175
database, other than the report prepared pursuant to division 176
(A) of section 307.626 of the Revised Code; 177

(t) Records provided to and statements made by the 178
executive director of a public children services agency or a 179
prosecuting attorney acting pursuant to section 5153.171 of the 180
Revised Code other than the information released under that 181
section; 182

(u) Test materials, examinations, or evaluation tools used 183
in an examination for licensure as a nursing home administrator 184
that the board of executives of long-term services and supports 185
administers under section 4751.15 of the Revised Code or 186
contracts under that section with a private or government entity 187
to administer; 188

(v) Records the release of which is prohibited by state or 189
federal law; 190

(w) Proprietary information of or relating to any person 191
that is submitted to or compiled by the Ohio venture capital 192
authority created under section 150.01 of the Revised Code; 193

(x) Financial statements and data any person submits for 194
any purpose to the Ohio housing finance agency or the 195
controlling board in connection with applying for, receiving, or 196
accounting for financial assistance from the agency, and 197
information that identifies any individual who benefits directly 198
or indirectly from financial assistance from the agency; 199

(y) Records listed in section 5101.29 of the Revised Code; 200

(z) Discharges recorded with a county recorder under 201
section 317.24 of the Revised Code, as specified in division (B) 202
(2) of that section; 203

(aa) Usage information including names and addresses of 204
specific residential and commercial customers of a municipally 205
owned or operated public utility; 206

(bb) Records described in division (C) of section 187.04 207
of the Revised Code that are not designated to be made available 208
to the public as provided in that division; 209

(cc) Information and records that are made confidential, 210
privileged, and not subject to disclosure under divisions (B) 211
and (C) of section 2949.221 of the Revised Code; 212

(dd) Personal information, as defined in section 149.45 of 213
the Revised Code; 214

(ee) The confidential name, address, and other personally 215
identifiable information of a program participant in the address 216
confidentiality program established under sections 111.41 to 217
111.47 of the Revised Code, including the contents of any 218

application for absent voter's ballots, absent voter's ballot 219
identification envelope statement of voter, or provisional 220
ballot affirmation completed by a program participant who has a 221
confidential voter registration record, and records or portions 222
of records pertaining to that program that identify the number 223
of program participants that reside within a precinct, ward, 224
township, municipal corporation, county, or any other geographic 225
area smaller than the state. As used in this division, 226
"confidential address" and "program participant" have the 227
meaning defined in section 111.41 of the Revised Code. 228

(ff) Orders for active military service of an individual 229
serving or with previous service in the armed forces of the 230
United States, including a reserve component, or the Ohio 231
organized militia, except that, such order becomes a public 232
record on the day that is fifteen years after the published date 233
or effective date of the call to order; 234

(gg) The name, address, contact information, or other 235
personal information of an individual who is less than eighteen 236
years of age that is included in any record related to a traffic 237
accident involving a school vehicle in which the individual was 238
an occupant at the time of the accident; 239

(hh) Protected health information, as defined in 45 C.F.R. 240
160.103, that is in a claim for payment for a health care 241
product, service, or procedure, as well as any other health 242
claims data in another document that reveals the identity of an 243
individual who is the subject of the data or could be used to 244
reveal that individual's identity; 245

(ii) Any depiction by photograph, film, videotape, or 246
printed or digital image under either of the following 247
circumstances: 248

(i) The depiction is that of a victim of an offense the 249
release of which would be, to a reasonable person of ordinary 250
sensibilities, an offensive and objectionable intrusion into the 251
victim's expectation of bodily privacy and integrity. 252

(ii) The depiction captures or depicts the victim of a 253
sexually oriented offense, as defined in section 2950.01 of the 254
Revised Code, at the actual occurrence of that offense. 255

(jj) Restricted portions of a body-worn camera or 256
dashboard camera recording; 257

(kk) In the case of a fetal-infant mortality review board 258
acting under sections 3707.70 to 3707.77 of the Revised Code, 259
records, documents, reports, or other information presented to 260
the board or a person abstracting such materials on the board's 261
behalf, statements made by review board members during board 262
meetings, all work products of the board, and data submitted by 263
the board to the department of health or a national infant death 264
review database, other than the report prepared pursuant to 265
section 3707.77 of the Revised Code. 266

(ll) Records, documents, reports, or other information 267
presented to the pregnancy-associated mortality review board 268
established under section 3738.01 of the Revised Code, 269
statements made by board members during board meetings, all work 270
products of the board, and data submitted by the board to the 271
department of health, other than the biennial reports prepared 272
under section 3738.08 of the Revised Code; 273

(mm) Telephone numbers for a victim, as defined in section 274
2930.01 of the Revised Code, a witness to a crime, or a party to 275
a motor vehicle accident subject to the requirements of section 276
5502.11 of the Revised Code that are listed on any law 277

enforcement record or report. 278

A record that is not a public record under division (A) (1) 279
of this section and that, under law, is permanently retained 280
becomes a public record on the day that is seventy-five years 281
after the day on which the record was created, except for any 282
record protected by the attorney-client privilege, a trial 283
preparation record as defined in this section, a statement 284
prohibiting the release of identifying information signed under 285
section 3107.083 of the Revised Code, a denial of release form 286
filed pursuant to section 3107.46 of the Revised Code, or any 287
record that is exempt from release or disclosure under section 288
149.433 of the Revised Code. If the record is a birth 289
certificate and a biological parent's name redaction request 290
form has been accepted under section 3107.391 of the Revised 291
Code, the name of that parent shall be redacted from the birth 292
certificate before it is released under this paragraph. If any 293
other section of the Revised Code establishes a time period for 294
disclosure of a record that conflicts with the time period 295
specified in this section, the time period in the other section 296
prevails. 297

(2) "Confidential law enforcement investigatory record" 298
means any record that pertains to a law enforcement matter of a 299
criminal, quasi-criminal, civil, or administrative nature, but 300
only to the extent that the release of the record would create a 301
high probability of disclosure of any of the following: 302

(a) The identity of a suspect who has not been charged 303
with the offense to which the record pertains, or of an 304
information source or witness to whom confidentiality has been 305
reasonably promised; 306

(b) Information provided by an information source or 307

witness to whom confidentiality has been reasonably promised, 308
which information would reasonably tend to disclose the source's 309
or witness's identity; 310

(c) Specific confidential investigatory techniques or 311
procedures or specific investigatory work product; 312

(d) Information that would endanger the life or physical 313
safety of law enforcement personnel, a crime victim, a witness, 314
or a confidential information source. 315

(3) "Medical record" means any document or combination of 316
documents, except births, deaths, and the fact of admission to 317
or discharge from a hospital, that pertains to the medical 318
history, diagnosis, prognosis, or medical condition of a patient 319
and that is generated and maintained in the process of medical 320
treatment. 321

(4) "Trial preparation record" means any record that 322
contains information that is specifically compiled in reasonable 323
anticipation of, or in defense of, a civil or criminal action or 324
proceeding, including the independent thought processes and 325
personal trial preparation of an attorney. 326

(5) "Intellectual property record" means a record, other 327
than a financial or administrative record, that is produced or 328
collected by or for faculty or staff of a state institution of 329
higher learning in the conduct of or as a result of study or 330
research on an educational, commercial, scientific, artistic, 331
technical, or scholarly issue, regardless of whether the study 332
or research was sponsored by the institution alone or in 333
conjunction with a governmental body or private concern, and 334
that has not been publicly released, published, or patented. 335

(6) "Donor profile record" means all records about donors 336

or potential donors to a public institution of higher education 337
except the names and reported addresses of the actual donors and 338
the date, amount, and conditions of the actual donation. 339

(7) "Designated public service worker" means a peace 340
officer, parole officer, probation officer, bailiff, prosecuting 341
attorney, assistant prosecuting attorney, correctional employee, 342
county or multicounty corrections officer, community-based 343
correctional facility employee, youth services employee, 344
firefighter, EMT, medical director or member of a cooperating 345
physician advisory board of an emergency medical service 346
organization, state board of pharmacy employee, investigator of 347
the bureau of criminal identification and investigation, judge, 348
magistrate, or federal law enforcement officer. 349

(8) "Designated public service worker residential and 350
familial information" means any information that discloses any 351
of the following about a designated public service worker: 352

(a) The address of the actual personal residence of a 353
designated public service worker, except for the following 354
information: 355

(i) The address of the actual personal residence of a 356
prosecuting attorney or judge; and 357

(ii) The state or political subdivision in which a 358
designated public service worker resides. 359

(b) Information compiled from referral to or participation 360
in an employee assistance program; 361

(c) The social security number, the residential telephone 362
number, any bank account, debit card, charge card, or credit 363
card number, or the emergency telephone number of, or any 364
medical information pertaining to, a designated public service 365

worker; 366

(d) The name of any beneficiary of employment benefits, 367
including, but not limited to, life insurance benefits, provided 368
to a designated public service worker by the designated public 369
service worker's employer; 370

(e) The identity and amount of any charitable or 371
employment benefit deduction made by the designated public 372
service worker's employer from the designated public service 373
worker's compensation, unless the amount of the deduction is 374
required by state or federal law; 375

(f) The name, the residential address, the name of the 376
employer, the address of the employer, the social security 377
number, the residential telephone number, any bank account, 378
debit card, charge card, or credit card number, or the emergency 379
telephone number of the spouse, a former spouse, or any child of 380
a designated public service worker; 381

(g) A photograph of a peace officer who holds a position 382
or has an assignment that may include undercover or plain 383
clothes positions or assignments as determined by the peace 384
officer's appointing authority. 385

(9) As used in divisions (A) (7) and (15) to (17) of this 386
section: 387

"Peace officer" has the meaning defined in section 109.71 388
of the Revised Code and also includes the superintendent and 389
troopers of the state highway patrol; it does not include the 390
sheriff of a county or a supervisory employee who, in the 391
absence of the sheriff, is authorized to stand in for, exercise 392
the authority of, and perform the duties of the sheriff. 393

"Correctional employee" means any employee of the 394

department of rehabilitation and correction who in the course of 395
performing the employee's job duties has or has had contact with 396
inmates and persons under supervision. 397

"County or multicounty corrections officer" means any 398
corrections officer employed by any county or multicounty 399
correctional facility. 400

"Youth services employee" means any employee of the 401
department of youth services who in the course of performing the 402
employee's job duties has or has had contact with children 403
committed to the custody of the department of youth services. 404

"Firefighter" means any regular, paid or volunteer, member 405
of a lawfully constituted fire department of a municipal 406
corporation, township, fire district, or village. 407

"EMT" means EMTs-basic, EMTs-I, and paramedics that 408
provide emergency medical services for a public emergency 409
medical service organization. "Emergency medical service 410
organization," "EMT-basic," "EMT-I," and "paramedic" have the 411
meanings defined in section 4765.01 of the Revised Code. 412

"Investigator of the bureau of criminal identification and 413
investigation" has the meaning defined in section 2903.11 of the 414
Revised Code. 415

"Federal law enforcement officer" has the meaning defined 416
in section 9.88 of the Revised Code. 417

(10) "Information pertaining to the recreational 418
activities of a person under the age of eighteen" means 419
information that is kept in the ordinary course of business by a 420
public office, that pertains to the recreational activities of a 421
person under the age of eighteen years, and that discloses any 422
of the following: 423

(a) The address or telephone number of a person under the 424
age of eighteen or the address or telephone number of that 425
person's parent, guardian, custodian, or emergency contact 426
person; 427

(b) The social security number, birth date, or 428
photographic image of a person under the age of eighteen; 429

(c) Any medical record, history, or information pertaining 430
to a person under the age of eighteen; 431

(d) Any additional information sought or required about a 432
person under the age of eighteen for the purpose of allowing 433
that person to participate in any recreational activity 434
conducted or sponsored by a public office or to use or obtain 435
admission privileges to any recreational facility owned or 436
operated by a public office. 437

(11) "Community control sanction" has the meaning defined 438
in section 2929.01 of the Revised Code. 439

(12) "Post-release control sanction" has the meaning 440
defined in section 2967.01 of the Revised Code. 441

(13) "Redaction" means obscuring or deleting any 442
information that is exempt from the duty to permit public 443
inspection or copying from an item that otherwise meets the 444
definition of a "record" in section 149.011 of the Revised Code. 445

(14) "Designee," "elected official," and "future official" 446
have the meanings defined in section 109.43 of the Revised Code. 447

(15) "Body-worn camera" means a visual and audio recording 448
device worn on the person of a peace officer while the peace 449
officer is engaged in the performance of the peace officer's 450
duties. 451

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to

division (H) (1) of this section, the consent of the injured 481
person or the injured person's guardian has been obtained; 482

(f) Grievous bodily harm to a peace officer, firefighter, 483
paramedic, or other first responder, occurring while the injured 484
person was engaged in the performance of official duties, 485
unless, subject to division (H) (1) of this section, the consent 486
of the injured person or the injured person's guardian has been 487
obtained; 488

(g) An act of severe violence resulting in serious 489
physical harm against a peace officer, firefighter, paramedic, 490
or other first responder, occurring while the injured person was 491
engaged in the performance of official duties, unless, subject 492
to division (H) (1) of this section, the consent of the injured 493
person or the injured person's guardian has been obtained; 494

(h) A person's nude body, unless, subject to division (H) 495
(1) of this section, the person's consent has been obtained; 496

(i) Protected health information, the identity of a person 497
in a health care facility who is not the subject of a law 498
enforcement encounter, or any other information in a health care 499
facility that could identify a person who is not the subject of 500
a law enforcement encounter; 501

(j) Information that could identify the alleged victim of 502
a sex offense, menacing by stalking, or domestic violence; 503

(k) Information, that does not constitute a confidential 504
law enforcement investigatory record, that could identify a 505
person who provides sensitive or confidential information to a 506
law enforcement agency when the disclosure of the person's 507
identity or the information provided could reasonably be 508
expected to threaten or endanger the safety or property of the 509

person or another person; 510

(l) Personal information of a person who is not arrested, 511
cited, charged, or issued a written warning by a peace officer; 512

(m) Proprietary police contingency plans or tactics that 513
are intended to prevent crime and maintain public order and 514
safety; 515

(n) A personal conversation unrelated to work between 516
peace officers or between a peace officer and an employee of a 517
law enforcement agency; 518

(o) A conversation between a peace officer and a member of 519
the public that does not concern law enforcement activities; 520

(p) The interior of a residence, unless the interior of a 521
residence is the location of an adversarial encounter with, or a 522
use of force by, a peace officer; 523

(q) Any portion of the interior of a private business that 524
is not open to the public, unless an adversarial encounter with, 525
or a use of force by, a peace officer occurs in that location. 526

As used in division (A) (17) of this section: 527

"Grievous bodily harm" has the same meaning as in section 528
5924.120 of the Revised Code. 529

"Health care facility" has the same meaning as in section 530
1337.11 of the Revised Code. 531

"Protected health information" has the same meaning as in 532
45 C.F.R. 160.103. 533

"Law enforcement agency" has the same meaning as in 534
section 2925.61 of the Revised Code. 535

"Personal information" means any government-issued 536

identification number, date of birth, address, financial 537
information, or criminal justice information from the law 538
enforcement automated data system or similar databases. 539

"Sex offense" has the same meaning as in section 2907.10 540
of the Revised Code. 541

"Firefighter," "paramedic," and "first responder" have the 542
same meanings as in section 4765.01 of the Revised Code. 543

(B) (1) Upon request and subject to division (B) (8) of this 544
section, all public records responsive to the request shall be 545
promptly prepared and made available for inspection to any 546
person at all reasonable times during regular business hours. 547
Subject to division (B) (8) of this section, upon request by any 548
person, a public office or person responsible for public records 549
shall make copies of the requested public record available to 550
the requester at cost and within a reasonable period of time. If 551
a public record contains information that is exempt from the 552
duty to permit public inspection or to copy the public record, 553
the public office or the person responsible for the public 554
record shall make available all of the information within the 555
public record that is not exempt. When making that public record 556
available for public inspection or copying that public record, 557
the public office or the person responsible for the public 558
record shall notify the requester of any redaction or make the 559
redaction plainly visible. A redaction shall be deemed a denial 560
of a request to inspect or copy the redacted information, except 561
if federal or state law authorizes or requires a public office 562
to make the redaction. 563

(2) To facilitate broader access to public records, a 564
public office or the person responsible for public records shall 565
organize and maintain public records in a manner that they can 566

be made available for inspection or copying in accordance with 567
division (B) of this section. A public office also shall have 568
available a copy of its current records retention schedule at a 569
location readily available to the public. If a requester makes 570
an ambiguous or overly broad request or has difficulty in making 571
a request for copies or inspection of public records under this 572
section such that the public office or the person responsible 573
for the requested public record cannot reasonably identify what 574
public records are being requested, the public office or the 575
person responsible for the requested public record may deny the 576
request but shall provide the requester with an opportunity to 577
revise the request by informing the requester of the manner in 578
which records are maintained by the public office and accessed 579
in the ordinary course of the public office's or person's 580
duties. 581

(3) If a request is ultimately denied, in part or in 582
whole, the public office or the person responsible for the 583
requested public record shall provide the requester with an 584
explanation, including legal authority, setting forth why the 585
request was denied. If the initial request was provided in 586
writing, the explanation also shall be provided to the requester 587
in writing. The explanation shall not preclude the public office 588
or the person responsible for the requested public record from 589
relying upon additional reasons or legal authority in defending 590
an action commenced under division (C) of this section. 591

(4) Unless specifically required or authorized by state or 592
federal law or in accordance with division (B) of this section, 593
no public office or person responsible for public records may 594
limit or condition the availability of public records by 595
requiring disclosure of the requester's identity or the intended 596
use of the requested public record. Any requirement that the 597

requester disclose the requester's identity or the intended use 598
of the requested public record constitutes a denial of the 599
request. 600

(5) A public office or person responsible for public 601
records may ask a requester to make the request in writing, may 602
ask for the requester's identity, and may inquire about the 603
intended use of the information requested, but may do so only 604
after disclosing to the requester that a written request is not 605
mandatory, that the requester may decline to reveal the 606
requester's identity or the intended use, and when a written 607
request or disclosure of the identity or intended use would 608
benefit the requester by enhancing the ability of the public 609
office or person responsible for public records to identify, 610
locate, or deliver the public records sought by the requester. 611

(6) If any person requests a copy of a public record in 612
accordance with division (B) of this section, the public office 613
or person responsible for the public record may require that 614
person to pay in advance the cost involved in providing the copy 615
of the public record in accordance with the choice made by the 616
person requesting the copy under this division. The public 617
office or the person responsible for the public record shall 618
permit that person to choose to have the public record 619
duplicated upon paper, upon the same medium upon which the 620
public office or person responsible for the public record keeps 621
it, or upon any other medium upon which the public office or 622
person responsible for the public record determines that it 623
reasonably can be duplicated as an integral part of the normal 624
operations of the public office or person responsible for the 625
public record. When the person requesting the copy makes a 626
choice under this division, the public office or person 627
responsible for the public record shall provide a copy of it in 628

accordance with the choice made by that person. Nothing in this 629
section requires a public office or person responsible for the 630
public record to allow the person requesting a copy of the 631
public record to make the copies of the public record. 632

(7) (a) Upon a request made in accordance with division (B) 633
of this section and subject to division (B) (6) of this section, 634
a public office or person responsible for public records shall 635
transmit a copy of a public record to any person by United 636
States mail or by any other means of delivery or transmission 637
within a reasonable period of time after receiving the request 638
for the copy. The public office or person responsible for the 639
public record may require the person making the request to pay 640
in advance the cost of postage if the copy is transmitted by 641
United States mail or the cost of delivery if the copy is 642
transmitted other than by United States mail, and to pay in 643
advance the costs incurred for other supplies used in the 644
mailing, delivery, or transmission. 645

(b) Any public office may adopt a policy and procedures 646
that it will follow in transmitting, within a reasonable period 647
of time after receiving a request, copies of public records by 648
United States mail or by any other means of delivery or 649
transmission pursuant to division (B) (7) of this section. A 650
public office that adopts a policy and procedures under division 651
(B) (7) of this section shall comply with them in performing its 652
duties under that division. 653

(c) In any policy and procedures adopted under division 654
(B) (7) of this section: 655

(i) A public office may limit the number of records 656
requested by a person that the office will physically deliver by 657
United States mail or by another delivery service to ten per 658

month, unless the person certifies to the office in writing that 659
the person does not intend to use or forward the requested 660
records, or the information contained in them, for commercial 661
purposes; 662

(ii) A public office that chooses to provide some or all 663
of its public records on a web site that is fully accessible to 664
and searchable by members of the public at all times, other than 665
during acts of God outside the public office's control or 666
maintenance, and that charges no fee to search, access, 667
download, or otherwise receive records provided on the web site, 668
may limit to ten per month the number of records requested by a 669
person that the office will deliver in a digital format, unless 670
the requested records are not provided on the web site and 671
unless the person certifies to the office in writing that the 672
person does not intend to use or forward the requested records, 673
or the information contained in them, for commercial purposes. 674

(iii) For purposes of division (B)(7) of this section, 675
"commercial" shall be narrowly construed and does not include 676
reporting or gathering news, reporting or gathering information 677
to assist citizen oversight or understanding of the operation or 678
activities of government, or nonprofit educational research. 679

(8) A public office or person responsible for public 680
records is not required to permit a person who is incarcerated 681
pursuant to a criminal conviction or a juvenile adjudication to 682
inspect or to obtain a copy of any public record concerning a 683
criminal investigation or prosecution or concerning what would 684
be a criminal investigation or prosecution if the subject of the 685
investigation or prosecution were an adult, unless the request 686
to inspect or to obtain a copy of the record is for the purpose 687
of acquiring information that is subject to release as a public 688

record under this section and the judge who imposed the sentence 689
or made the adjudication with respect to the person, or the 690
judge's successor in office, finds that the information sought 691
in the public record is necessary to support what appears to be 692
a justiciable claim of the person. 693

(9) (a) Upon written request made and signed by a 694
journalist, a public office, or person responsible for public 695
records, having custody of the records of the agency employing a 696
specified designated public service worker shall disclose to the 697
journalist the address of the actual personal residence of the 698
designated public service worker and, if the designated public 699
service worker's spouse, former spouse, or child is employed by 700
a public office, the name and address of the employer of the 701
designated public service worker's spouse, former spouse, or 702
child. The request shall include the journalist's name and title 703
and the name and address of the journalist's employer and shall 704
state that disclosure of the information sought would be in the 705
public interest. 706

(b) Division (B) (9) (a) of this section also applies to 707
journalist requests for: 708

(i) Customer information maintained by a municipally owned 709
or operated public utility, other than social security numbers 710
and any private financial information such as credit reports, 711
payment methods, credit card numbers, and bank account 712
information; 713

(ii) Information about minors involved in a school vehicle 714
accident as provided in division (A) (1) (gg) of this section, 715
other than personal information as defined in section 149.45 of 716
the Revised Code. 717

(c) As used in division (B) (9) of this section, 718
"journalist" means a person engaged in, connected with, or 719
employed by any news medium, including a newspaper, magazine, 720
press association, news agency, or wire service, a radio or 721
television station, or a similar medium, for the purpose of 722
gathering, processing, transmitting, compiling, editing, or 723
disseminating information for the general public. 724

(10) Upon a request made by a victim, victim's attorney, 725
or victim's representative, as that term is used in section 726
2930.02 of the Revised Code, a public office or person 727
responsible for public records shall transmit a copy of a 728
depiction of the victim as described in division (A) (1) (gg) of 729
this section to the victim, victim's attorney, or victim's 730
representative. 731

(C) (1) If a person allegedly is aggrieved by the failure 732
of a public office or the person responsible for public records 733
to promptly prepare a public record and to make it available to 734
the person for inspection in accordance with division (B) of 735
this section or by any other failure of a public office or the 736
person responsible for public records to comply with an 737
obligation in accordance with division (B) of this section, the 738
person allegedly aggrieved may do only one of the following, and 739
not both: 740

(a) File a complaint with the clerk of the court of claims 741
or the clerk of the court of common pleas under section 2743.75 742
of the Revised Code; 743

(b) Commence a mandamus action to obtain a judgment that 744
orders the public office or the person responsible for the 745
public record to comply with division (B) of this section, that 746
awards court costs and reasonable attorney's fees to the person 747

that instituted the mandamus action, and, if applicable, that 748
includes an order fixing statutory damages under division (C) (2) 749
of this section. The mandamus action may be commenced in the 750
court of common pleas of the county in which division (B) of 751
this section allegedly was not complied with, in the supreme 752
court pursuant to its original jurisdiction under Section 2 of 753
Article IV, Ohio Constitution, or in the court of appeals for 754
the appellate district in which division (B) of this section 755
allegedly was not complied with pursuant to its original 756
jurisdiction under Section 3 of Article IV, Ohio Constitution. 757

(2) If a requester transmits a written request by hand 758
delivery, electronic submission, or certified mail to inspect or 759
receive copies of any public record in a manner that fairly 760
describes the public record or class of public records to the 761
public office or person responsible for the requested public 762
records, except as otherwise provided in this section, the 763
requester shall be entitled to recover the amount of statutory 764
damages set forth in this division if a court determines that 765
the public office or the person responsible for public records 766
failed to comply with an obligation in accordance with division 767
(B) of this section. 768

The amount of statutory damages shall be fixed at one 769
hundred dollars for each business day during which the public 770
office or person responsible for the requested public records 771
failed to comply with an obligation in accordance with division 772
(B) of this section, beginning with the day on which the 773
requester files a mandamus action to recover statutory damages, 774
up to a maximum of one thousand dollars. The award of statutory 775
damages shall not be construed as a penalty, but as compensation 776
for injury arising from lost use of the requested information. 777
The existence of this injury shall be conclusively presumed. The 778

award of statutory damages shall be in addition to all other 779
remedies authorized by this section. 780

The court may reduce an award of statutory damages or not 781
award statutory damages if the court determines both of the 782
following: 783

(a) That, based on the ordinary application of statutory 784
law and case law as it existed at the time of the conduct or 785
threatened conduct of the public office or person responsible 786
for the requested public records that allegedly constitutes a 787
failure to comply with an obligation in accordance with division 788
(B) of this section and that was the basis of the mandamus 789
action, a well-informed public office or person responsible for 790
the requested public records reasonably would believe that the 791
conduct or threatened conduct of the public office or person 792
responsible for the requested public records did not constitute 793
a failure to comply with an obligation in accordance with 794
division (B) of this section; 795

(b) That a well-informed public office or person 796
responsible for the requested public records reasonably would 797
believe that the conduct or threatened conduct of the public 798
office or person responsible for the requested public records 799
would serve the public policy that underlies the authority that 800
is asserted as permitting that conduct or threatened conduct. 801

(3) In a mandamus action filed under division (C) (1) of 802
this section, the following apply: 803

(a) (i) If the court orders the public office or the person 804
responsible for the public record to comply with division (B) of 805
this section, the court shall determine and award to the relator 806
all court costs, which shall be construed as remedial and not 807

punitive. 808

(ii) If the court makes a determination described in 809
division (C) (3) (b) (iii) of this section, the court shall 810
determine and award to the relator all court costs, which shall 811
be construed as remedial and not punitive. 812

(b) If the court renders a judgment that orders the public 813
office or the person responsible for the public record to comply 814
with division (B) of this section or if the court determines any 815
of the following, the court may award reasonable attorney's fees 816
to the relator, subject to division (C) (4) of this section: 817

(i) The public office or the person responsible for the 818
public records failed to respond affirmatively or negatively to 819
the public records request in accordance with the time allowed 820
under division (B) of this section. 821

(ii) The public office or the person responsible for the 822
public records promised to permit the relator to inspect or 823
receive copies of the public records requested within a 824
specified period of time but failed to fulfill that promise 825
within that specified period of time. 826

(iii) The public office or the person responsible for the 827
public records acted in bad faith when the office or person 828
voluntarily made the public records available to the relator for 829
the first time after the relator commenced the mandamus action, 830
but before the court issued any order concluding whether or not 831
the public office or person was required to comply with division 832
(B) of this section. No discovery may be conducted on the issue 833
of the alleged bad faith of the public office or person 834
responsible for the public records. This division shall not be 835
construed as creating a presumption that the public office or 836

the person responsible for the public records acted in bad faith 837
when the office or person voluntarily made the public records 838
available to the relator for the first time after the relator 839
commenced the mandamus action, but before the court issued any 840
order described in this division. 841

(c) The court shall not award attorney's fees to the 842
relator if the court determines both of the following: 843

(i) That, based on the ordinary application of statutory 844
law and case law as it existed at the time of the conduct or 845
threatened conduct of the public office or person responsible 846
for the requested public records that allegedly constitutes a 847
failure to comply with an obligation in accordance with division 848
(B) of this section and that was the basis of the mandamus 849
action, a well-informed public office or person responsible for 850
the requested public records reasonably would believe that the 851
conduct or threatened conduct of the public office or person 852
responsible for the requested public records did not constitute 853
a failure to comply with an obligation in accordance with 854
division (B) of this section; 855

(ii) That a well-informed public office or person 856
responsible for the requested public records reasonably would 857
believe that the conduct or threatened conduct of the public 858
office or person responsible for the requested public records 859
would serve the public policy that underlies the authority that 860
is asserted as permitting that conduct or threatened conduct. 861

(4) All of the following apply to any award of reasonable 862
attorney's fees awarded under division (C) (3) (b) of this 863
section: 864

(a) The fees shall be construed as remedial and not 865

punitive. 866

(b) The fees awarded shall not exceed the total of the 867
reasonable attorney's fees incurred before the public record was 868
made available to the relator and the fees described in division 869
(C) (4) (c) of this section. 870

(c) Reasonable attorney's fees shall include reasonable 871
fees incurred to produce proof of the reasonableness and amount 872
of the fees and to otherwise litigate entitlement to the fees. 873

(d) The court may reduce the amount of fees awarded if the 874
court determines that, given the factual circumstances involved 875
with the specific public records request, an alternative means 876
should have been pursued to more effectively and efficiently 877
resolve the dispute that was subject to the mandamus action 878
filed under division (C) (1) of this section. 879

(5) If the court does not issue a writ of mandamus under 880
division (C) of this section and the court determines at that 881
time that the bringing of the mandamus action was frivolous 882
conduct as defined in division (A) of section 2323.51 of the 883
Revised Code, the court may award to the public office all court 884
costs, expenses, and reasonable attorney's fees, as determined 885
by the court. 886

(D) Chapter 1347. of the Revised Code does not limit the 887
provisions of this section. 888

(E) (1) To ensure that all employees of public offices are 889
appropriately educated about a public office's obligations under 890
division (B) of this section, all elected officials or their 891
appropriate designees shall attend training approved by the 892
attorney general as provided in section 109.43 of the Revised 893
Code. A future official may satisfy the requirements of this 894

division by attending the training before taking office, 895
provided that the future official may not send a designee in the 896
future official's place. 897

(2) All public offices shall adopt a public records policy 898
in compliance with this section for responding to public records 899
requests. In adopting a public records policy under this 900
division, a public office may obtain guidance from the model 901
public records policy developed and provided to the public 902
office by the attorney general under section 109.43 of the 903
Revised Code. Except as otherwise provided in this section, the 904
policy may not limit the number of public records that the 905
public office will make available to a single person, may not 906
limit the number of public records that it will make available 907
during a fixed period of time, and may not establish a fixed 908
period of time before it will respond to a request for 909
inspection or copying of public records, unless that period is 910
less than eight hours. 911

The public office shall distribute the public records 912
policy adopted by the public office under this division to the 913
employee of the public office who is the records custodian or 914
records manager or otherwise has custody of the records of that 915
office. The public office shall require that employee to 916
acknowledge receipt of the copy of the public records policy. 917
The public office shall create a poster that describes its 918
public records policy and shall post the poster in a conspicuous 919
place in the public office and in all locations where the public 920
office has branch offices. The public office may post its public 921
records policy on the internet web site of the public office if 922
the public office maintains an internet web site. A public 923
office that has established a manual or handbook of its general 924
policies and procedures for all employees of the public office 925

shall include the public records policy of the public office in 926
the manual or handbook. 927

(F) (1) The bureau of motor vehicles may adopt rules 928
pursuant to Chapter 119. of the Revised Code to reasonably limit 929
the number of bulk commercial special extraction requests made 930
by a person for the same records or for updated records during a 931
calendar year. The rules may include provisions for charges to 932
be made for bulk commercial special extraction requests for the 933
actual cost of the bureau, plus special extraction costs, plus 934
ten per cent. The bureau may charge for expenses for redacting 935
information, the release of which is prohibited by law. 936

(2) As used in division (F) (1) of this section: 937

(a) "Actual cost" means the cost of depleted supplies, 938
records storage media costs, actual mailing and alternative 939
delivery costs, or other transmitting costs, and any direct 940
equipment operating and maintenance costs, including actual 941
costs paid to private contractors for copying services. 942

(b) "Bulk commercial special extraction request" means a 943
request for copies of a record for information in a format other 944
than the format already available, or information that cannot be 945
extracted without examination of all items in a records series, 946
class of records, or database by a person who intends to use or 947
forward the copies for surveys, marketing, solicitation, or 948
resale for commercial purposes. "Bulk commercial special 949
extraction request" does not include a request by a person who 950
gives assurance to the bureau that the person making the request 951
does not intend to use or forward the requested copies for 952
surveys, marketing, solicitation, or resale for commercial 953
purposes. 954

(c) "Commercial" means profit-seeking production, buying, 955
or selling of any good, service, or other product. 956

(d) "Special extraction costs" means the cost of the time 957
spent by the lowest paid employee competent to perform the task, 958
the actual amount paid to outside private contractors employed 959
by the bureau, or the actual cost incurred to create computer 960
programs to make the special extraction. "Special extraction 961
costs" include any charges paid to a public agency for computer 962
or records services. 963

(3) For purposes of divisions (F) (1) and (2) of this 964
section, "surveys, marketing, solicitation, or resale for 965
commercial purposes" shall be narrowly construed and does not 966
include reporting or gathering news, reporting or gathering 967
information to assist citizen oversight or understanding of the 968
operation or activities of government, or nonprofit educational 969
research. 970

(G) A request by a defendant, counsel of a defendant, or 971
any agent of a defendant in a criminal action that public 972
records related to that action be made available under this 973
section shall be considered a demand for discovery pursuant to 974
the Criminal Rules, except to the extent that the Criminal Rules 975
plainly indicate a contrary intent. The defendant, counsel of 976
the defendant, or agent of the defendant making a request under 977
this division shall serve a copy of the request on the 978
prosecuting attorney, director of law, or other chief legal 979
officer responsible for prosecuting the action. 980

(H) (1) Any portion of a body-worn camera or dashboard 981
camera recording described in divisions (A) (17) (b) to (h) of 982
this section may be released by consent of the subject of the 983
recording or a representative of that person, as specified in 984

those divisions, only if either of the following applies: 985

(a) The recording will not be used in connection with any 986
probable or pending criminal proceedings; 987

(b) The recording has been used in connection with a 988
criminal proceeding that was dismissed or for which a judgment 989
has been entered pursuant to Rule 32 of the Rules of Criminal 990
Procedure, and will not be used again in connection with any 991
probable or pending criminal proceedings. 992

(2) If a public office denies a request to release a 993
restricted portion of a body-worn camera or dashboard camera 994
recording, as defined in division (A)(17) of this section, any 995
person may file a mandamus action pursuant to this section or a 996
complaint with the clerk of the court of claims pursuant to 997
section 2743.75 of the Revised Code, requesting the court to 998
order the release of all or portions of the recording. If the 999
court considering the request determines that the filing 1000
articulates by clear and convincing evidence that the public 1001
interest in the recording substantially outweighs privacy 1002
interests and other interests asserted to deny release, the 1003
court shall order the public office to release the recording. 1004

Sec. 3313.844. The governing authority of a community 1005
school established under Chapter 3314. of the Revised Code and 1006
the governing board of an educational service center may enter 1007
into an agreement, through adoption of identical resolutions, 1008
under which the service center board will provide services to 1009
the community school. Services provided under the agreement and 1010
the amount and manner in which the community school will pay for 1011
such services shall be mutually agreed to by the school's 1012
governing authority and the service center board, and shall be 1013
specified in the service agreement. If specified in the 1014

agreement as the manner of payment, the department of education 1015
shall pay the service center the amount due to it under the 1016
agreement and shall deduct that amount from the payments made to 1017
the community school under Chapter 3314. of the Revised Code. 1018
Any agreement entered into under this section shall be valid 1019
only if a copy is filed with the department. 1020

This section does not affect the authority of the 1021
governing board of an educational service center to provide 1022
operator or sponsor services to a community school as described 1023
in division (A) (8) of section 3314.02 of the Revised Code. 1024

Sec. 3313.849. The governing bodies of two or more city, 1025
exempted village, local, or joint vocational school districts, 1026
community schools established under Chapter 3314. of the Revised 1027
Code, or STEM schools established under Chapter 3326. of the 1028
Revised Code, may mutually agree to share supervisory, 1029
curriculum, teaching, special education, professional 1030
development, or any other services offered by an educational 1031
service center and may pool their funding to pay the cost of 1032
receiving those services. Each of the governing bodies of the 1033
districts or schools participating in shared services pursuant 1034
to this section shall specify in its service agreement with the 1035
service center under section 3313.843, 3313.844, 3313.845, or 1036
3326.45 of the Revised Code which services that the participants 1037
have agreed to share, any other districts or schools 1038
participating in the shared services, and the amount of funds 1039
that the governing body will contribute toward the total cost of 1040
the shared services. Each governing body's funding contribution 1041
shall be paid to the service center in accordance with section 1042
3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code, as 1043
applicable. 1044

The authority granted under this section is in addition to 1045
the authority granted to school district boards of education 1046
under section 3313.841 of the Revised Code. 1047

This section does not affect the authority of the 1048
governing board of an educational service center to provide 1049
operator or sponsor services to a community school as described 1050
in division (A) (8) of section 3314.02 of the Revised Code. 1051

Sec. 3314.01. (A) (1) A board of education may permit all 1052
or part of any of the schools under its control, upon request of 1053
a proposing person or group and provided the person or group 1054
meets the requirements of this chapter, to become a community 1055
school. 1056

(2) Any person or group of individuals may propose the 1057
creation of a community school pursuant to the provisions of 1058
this chapter. No nonpublic chartered or nonchartered school in 1059
existence on January 1, 1997, is eligible to become a community 1060
school under this chapter. 1061

(B) (1) A community school created under this chapter is a 1062
public school, independent of any school district, and is part 1063
of the state's program of education. 1064

(2) Notwithstanding division (B) (1) of this section, on or 1065
after July 1, 2023, a community school with a for-profit 1066
operator shall no longer qualify as a public school under this 1067
chapter. Except for this division and for the restriction on 1068
for-profit operators prescribed in sections 3314.02 and 3314.032 1069
of the Revised Code, such a school shall no longer be amenable 1070
to the provisions of this chapter. 1071

(C) A community school may sue and be sued, acquire 1072
facilities as needed, contract for any services necessary for 1073

the operation of the school, and enter into contracts with a 1074
sponsor pursuant to this chapter. The governing authority of a 1075
community school may carry out any act and ensure the 1076
performance of any function that is in compliance with the Ohio 1077
Constitution, this chapter, other statutes applicable to 1078
community schools, and the contract entered into under this 1079
chapter establishing the school. 1080

Sec. 3314.0111. Not later than January 1, 2022, a for- 1081
profit operator or management company of a community school 1082
shall notify the governing authority of each community school 1083
with which the operator has a contract regarding its decision to 1084
comply with the requirement under division (A)(8) of section 1085
3314.02 of the Revised Code to become a nonprofit organization 1086
by July 1, 2023. If a for-profit operator or management company 1087
does not comply with this requirement: 1088

(A) The governing authority shall identify an educational 1089
service center to act as the new operator of the community 1090
school not later than July 1, 2022, and notify the school's 1091
sponsor of this decision. 1092

(B) The governing authority shall notify the parents of 1093
current and prospective students regarding the new operator. 1094

If a governing authority fails to identify an educational 1095
service center to act as the new operator of the community 1096
school by July 1, 2022, the school shall close by the end of the 1097
2022-2023 school year. 1098

Sec. 3314.02. (A) As used in this chapter: 1099

(1) "Sponsor" means the board of education of a school 1100
district or the governing board of an educational service center 1101
that agrees to the conversion of all or part of a school or 1102

building under division (B) of this section, or an entity listed 1103
in division (C) (1) of this section, which has been approved by 1104
the department of education to sponsor community schools or is 1105
exempted by section 3314.021 or 3314.027 of the Revised Code 1106
from obtaining approval, and with which the governing authority 1107
of a community school enters into a contract under section 1108
3314.03 of the Revised Code. 1109

(2) "Pilot project area" means the school districts 1110
included in the territory of the former community school pilot 1111
project established by former Section 50.52 of Am. Sub. H.B. No. 1112
215 of the 122nd general assembly. 1113

(3) "Challenged school district" means any of the 1114
following: 1115

(a) A school district that is part of the pilot project 1116
area; 1117

(b) A school district that meets one of the following 1118
conditions: 1119

(i) On March 22, 2013, the district was in a state of 1120
academic emergency or in a state of academic watch under section 1121
3302.03 of the Revised Code, as that section existed prior to 1122
March 22, 2013; 1123

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 1124
2015-2016 school years, the district received a grade of "D" or 1125
"F" for the performance index score and a grade of "F" for the 1126
value-added progress dimension under section 3302.03 of the 1127
Revised Code; 1128

(iii) For the 2016-2017 school year and for any school 1129
year thereafter, the district has received an overall grade of 1130
"D" or "F" under division (C) (3) of section 3302.03 of the 1131

Revised Code, or, for at least two of the three most recent 1132
school years, the district received a grade of "F" for the 1133
value-added progress dimension under division (C) (1) (e) of that 1134
section. 1135

(c) A big eight school district; 1136

(d) A school district ranked in the lowest five per cent 1137
of school districts according to performance index score under 1138
section 3302.21 of the Revised Code. 1139

(4) "Big eight school district" means a school district 1140
that for fiscal year 1997 had both of the following: 1141

(a) A percentage of children residing in the district and 1142
participating in the predecessor of Ohio works first greater 1143
than thirty per cent, as reported pursuant to section 3317.10 of 1144
the Revised Code; 1145

(b) An average daily membership greater than twelve 1146
thousand, as reported pursuant to former division (A) of section 1147
3317.03 of the Revised Code. 1148

(5) "New start-up school" means a community school other 1149
than one created by converting all or part of an existing public 1150
school or educational service center building, as designated in 1151
the school's contract pursuant to division (A) (17) of section 1152
3314.03 of the Revised Code. 1153

(6) "Urban school district" means one of the state's 1154
twenty-one urban school districts as defined in division (O) of 1155
section 3317.02 of the Revised Code as that section existed 1156
prior to July 1, 1998. 1157

(7) "Internet- or computer-based community school" means a 1158
community school established under this chapter in which the 1159

enrolled students work primarily from their residences on 1160
assignments in nonclassroom-based learning opportunities 1161
provided via an internet- or other computer-based instructional 1162
method that does not rely on regular classroom instruction or 1163
via comprehensive instructional methods that include internet- 1164
based, other computer-based, and noncomputer-based learning 1165
opportunities unless a student receives career-technical 1166
education under section 3314.086 of the Revised Code. 1167

A community school that operates mainly as an internet- or 1168
computer-based community school and provides career-technical 1169
education under section 3314.086 of the Revised Code shall be 1170
considered an internet- or computer-based community school, even 1171
if it provides some classroom-based instruction, so long as it 1172
provides instruction via the methods described in this division. 1173

(8) "Operator" or "management company" means ~~either of the~~ 1174
~~following:~~ 1175

~~(a) An individual or a nonprofit organization or governing~~ 1176
~~board of an educational service center that manages~~ does either 1177
of the following: 1178

(a) Manages the daily operations of a community school 1179
pursuant to a contract between the operator or management 1180
company and the school's governing authority; 1181

~~(b) A nonprofit organization that provides~~ Provides 1182
programmatic oversight and support to a community school under a 1183
contract with the school's governing authority and that retains 1184
the right to terminate its affiliation with the school if the 1185
school fails to meet the ~~organization's~~ operator's or management 1186
company's quality standards. 1187

An educational service center shall not act as both the 1188

operator and sponsor of the same community school. 1189

(9) "Alliance municipal school district" has the same 1190
meaning as in section 3311.86 of the Revised Code. 1191

(B) (1) Any person or group of individuals may initially 1192
propose under this division the conversion of all or a portion 1193
of a public school to a community school. The proposal shall be 1194
made to the board of education of the city, local, exempted 1195
village, or joint vocational school district in which the public 1196
school is proposed to be converted. 1197

(2) Any person or group of individuals may initially 1198
propose under this division the conversion of all or a portion 1199
of a building operated by an educational service center to a 1200
community school. The proposal shall be made to the governing 1201
board of the service center. 1202

On or after July 1, 2017, except as provided in section 1203
3314.027 of the Revised Code, any educational service center 1204
that sponsors a community school shall be approved by and enter 1205
into a written agreement with the department as described in 1206
section 3314.015 of the Revised Code. 1207

(3) Upon receipt of a proposal, and after an agreement has 1208
been entered into pursuant to section 3314.015 of the Revised 1209
Code, a board may enter into a preliminary agreement with the 1210
person or group proposing the conversion of the public school or 1211
service center building, indicating the intention of the board 1212
to support the conversion to a community school. A proposing 1213
person or group that has a preliminary agreement under this 1214
division may proceed to finalize plans for the school, establish 1215
a governing authority for the school, and negotiate a contract 1216
with the board. Provided the proposing person or group adheres 1217

to the preliminary agreement and all provisions of this chapter, 1218
the board shall negotiate in good faith to enter into a contract 1219
in accordance with section 3314.03 of the Revised Code and 1220
division (C) of this section. 1221

(4) The sponsor of a conversion community school proposed 1222
to open in an alliance municipal school district shall be 1223
subject to approval by the department of education for 1224
sponsorship of that school using the criteria established under 1225
division (A) of section 3311.87 of the Revised Code. 1226

Division (B) (4) of this section does not apply to a 1227
sponsor that, on or before September 29, 2015, was exempted 1228
under section 3314.021 or 3314.027 of the Revised Code from the 1229
requirement to be approved for sponsorship under divisions (A) 1230
(2) and (B) (1) of section 3314.015 of the Revised Code. 1231

(5) A school established in accordance with division (B) 1232
of this section that later enters into a sponsorship contract 1233
with an entity that is not a school district or educational 1234
service center shall, at the time of entering into the new 1235
contract, be deemed a community school established in accordance 1236
with division (C) of this section. 1237

(C) (1) Any person or group of individuals may propose 1238
under this division the establishment of a new start-up school 1239
to be located in a challenged school district. The proposal may 1240
be made to any of the following entities: 1241

(a) The board of education of the district in which the 1242
school is proposed to be located; 1243

(b) The board of education of any joint vocational school 1244
district with territory in the county in which is located the 1245
majority of the territory of the district in which the school is 1246

proposed to be located; 1247

(c) The board of education of any other city, local, or 1248
exempted village school district having territory in the same 1249
county where the district in which the school is proposed to be 1250
located has the major portion of its territory; 1251

(d) The governing board of any educational service center, 1252
regardless of the location of the proposed school, may sponsor a 1253
new start-up school in any challenged school district in the 1254
state if all of the following are satisfied: 1255

(i) If applicable, it satisfies the requirements of 1256
division (E) of section 3311.86 of the Revised Code; 1257

(ii) It is approved to do so by the department; 1258

(iii) It enters into an agreement with the department 1259
under section 3314.015 of the Revised Code. 1260

(e) A sponsoring authority designated by the board of 1261
trustees of any of the thirteen state universities listed in 1262
section 3345.011 of the Revised Code or the board of trustees 1263
itself as long as a mission of the proposed school to be 1264
specified in the contract under division (A) (2) of section 1265
3314.03 of the Revised Code and as approved by the department 1266
under division (B) (3) of section 3314.015 of the Revised Code 1267
will be the practical demonstration of teaching methods, 1268
educational technology, or other teaching practices that are 1269
included in the curriculum of the university's teacher 1270
preparation program approved by the state board of education; 1271

(f) Any qualified tax-exempt entity under section 501(c) 1272
(3) of the Internal Revenue Code as long as all of the following 1273
conditions are satisfied: 1274

(i) The entity has been in operation for at least five 1275
years prior to applying to be a community school sponsor. 1276

(ii) The entity has assets of at least five hundred 1277
thousand dollars and a demonstrated record of financial 1278
responsibility. 1279

(iii) The department has determined that the entity is an 1280
education-oriented entity under division (B) (4) of section 1281
3314.015 of the Revised Code and the entity has a demonstrated 1282
record of successful implementation of educational programs. 1283

(iv) The entity is not a community school. 1284

(g) The mayor of a city in which the majority of the 1285
territory of a school district to which section 3311.60 of the 1286
Revised Code applies is located, regardless of whether that 1287
district has created the position of independent auditor as 1288
prescribed by that section. The mayor's sponsorship authority 1289
under this division is limited to community schools that are 1290
located in that school district. Such mayor may sponsor 1291
community schools only with the approval of the city council of 1292
that city, after establishing standards with which community 1293
schools sponsored by the mayor must comply, and after entering 1294
into a sponsor agreement with the department as prescribed under 1295
section 3314.015 of the Revised Code. The mayor shall establish 1296
the standards for community schools sponsored by the mayor not 1297
later than one hundred eighty days after July 15, 2013, and 1298
shall submit them to the department upon their establishment. 1299
The department shall approve the mayor to sponsor community 1300
schools in the district, upon receipt of an application by the 1301
mayor to do so. Not later than ninety days after the 1302
department's approval of the mayor as a community school 1303
sponsor, the department shall enter into the sponsor agreement 1304

with the mayor. 1305

Any entity described in division (C) (1) of this section 1306
may enter into a preliminary agreement pursuant to division (C) 1307
(2) of this section with the proposing person or group, provided 1308
that entity has been approved by and entered into a written 1309
agreement with the department pursuant to section 3314.015 of 1310
the Revised Code. 1311

(2) A preliminary agreement indicates the intention of an 1312
entity described in division (C) (1) of this section to sponsor 1313
the community school. A proposing person or group that has such 1314
a preliminary agreement may proceed to finalize plans for the 1315
school, establish a governing authority as described in division 1316
(E) of this section for the school, and negotiate a contract 1317
with the entity. Provided the proposing person or group adheres 1318
to the preliminary agreement and all provisions of this chapter, 1319
the entity shall negotiate in good faith to enter into a 1320
contract in accordance with section 3314.03 of the Revised Code. 1321

(3) A new start-up school that is established in a school 1322
district described in either division (A) (3) (b) or (d) of this 1323
section may continue in existence once the school district no 1324
longer meets the conditions described in either division, 1325
provided there is a valid contract between the school and a 1326
sponsor. 1327

(4) A copy of every preliminary agreement entered into 1328
under this division shall be filed with the superintendent of 1329
public instruction. 1330

(D) A majority vote of the board of a sponsoring entity 1331
and a majority vote of the members of the governing authority of 1332
a community school shall be required to adopt a contract and 1333

convert the public school or educational service center building 1334
to a community school or establish the new start-up school. 1335
Beginning September 29, 2005, adoption of the contract shall 1336
occur not later than the fifteenth day of March, and signing of 1337
the contract shall occur not later than the fifteenth day of 1338
May, prior to the school year in which the school will open. The 1339
governing authority shall notify the department of education 1340
when the contract has been signed. Subject to sections 3314.013 1341
and 3314.016 of the Revised Code, an unlimited number of 1342
community schools may be established in any school district 1343
provided that a contract is entered into for each community 1344
school pursuant to this chapter. 1345

(E) (1) As used in this division, "immediate relatives" are 1346
limited to spouses, children, parents, grandparents, and 1347
siblings, as well as in-laws residing in the same household as 1348
the person serving on the governing authority. 1349

Each new start-up community school established under this 1350
chapter shall be under the direction of a governing authority 1351
which shall consist of a board of not less than five 1352
individuals. 1353

(2) (a) No person shall serve on the governing authority or 1354
operate the community school under contract with the governing 1355
authority under any of the following circumstances: 1356

(i) The person owes the state any money or is in a dispute 1357
over whether the person owes the state any money concerning the 1358
operation of a community school that has closed. 1359

(ii) The person would otherwise be subject to division (B) 1360
of section 3319.31 of the Revised Code with respect to refusal, 1361
limitation, or revocation of a license to teach, if the person 1362

were a licensed educator. 1363

(iii) The person has pleaded guilty to or been convicted 1364
of theft in office under section 2921.41 of the Revised Code, or 1365
has pleaded guilty to or been convicted of a substantially 1366
similar offense in another state. 1367

(b) No person shall serve on the governing authority or 1368
engage in the financial day-to-day management of the community 1369
school under contract with the governing authority unless and 1370
until that person has submitted to a criminal records check in 1371
the manner prescribed by section 3319.39 of the Revised Code. 1372

(c) Each sponsor of a community school shall annually 1373
verify that a finding for recovery has not been issued by the 1374
auditor of state against any individual or individuals who 1375
propose to create a community school or any member of the 1376
governing authority, the operator, or any employee of each 1377
community school with responsibility for fiscal operations or 1378
authorization to expend money on behalf of the school. 1379

(3) No person shall serve on the governing authorities of 1380
more than five start-up community schools at the same time. 1381

(4) (a) For a community school established under this 1382
chapter that is not sponsored by a school district or an 1383
educational service center, no present or former member, or 1384
immediate relative of a present or former member, of the 1385
governing authority shall be an owner, employee, or consultant 1386
of the community school's sponsor or operator, unless at least 1387
one year has elapsed since the conclusion of the person's 1388
membership on the governing authority. 1389

(b) For a community school established under this chapter 1390
that is sponsored by a school district or an educational service 1391

center, no present or former member, or immediate relative of a 1392
present or former member, of the governing authority shall: 1393

(i) Be an officer of the district board or service center 1394
governing board that serves as the community school's sponsor, 1395
unless at least one year has elapsed since the conclusion of the 1396
person's membership on the governing authority; 1397

(ii) Serve as an employee of, or a consultant for, the 1398
department, division, or section of the sponsoring district or 1399
service center that is directly responsible for sponsoring 1400
community schools, or have supervisory authority over such a 1401
department, division, or section, unless at least one year has 1402
elapsed since the conclusion of the person's membership on the 1403
governing authority. 1404

(5) The governing authority of a start-up or conversion 1405
community school may provide by resolution for the compensation 1406
of its members. However, no individual who serves on the 1407
governing authority of a start-up or conversion community school 1408
shall be compensated more than one hundred twenty-five dollars 1409
per meeting of that governing authority and no such individual 1410
shall be compensated more than a total amount of five thousand 1411
dollars per year for all governing authorities upon which the 1412
individual serves. Each member of the governing authority may be 1413
paid compensation for attendance at an approved training 1414
program, provided that such compensation shall not exceed sixty 1415
dollars a day for attendance at a training program three hours 1416
or less in length and one hundred twenty-five dollars a day for 1417
attendance at a training program longer than three hours in 1418
length. 1419

(6) No person who is the employee of a school district or 1420
educational service center shall serve on the governing 1421

authority of any community school sponsored by that school 1422
district or service center. 1423

(7) Each member of the governing authority of a community 1424
school shall annually file a disclosure statement setting forth 1425
the names of any immediate relatives or business associates 1426
employed by any of the following within the previous three 1427
years: 1428

(a) The sponsor or operator of that community school; 1429

(b) A school district or educational service center that 1430
has contracted with that community school; 1431

(c) A vendor that is or has engaged in business with that 1432
community school. 1433

(8) No person who is a member of a school district board 1434
of education shall serve on the governing authority of any 1435
community school. 1436

(F) (1) A new start-up school that is established prior to 1437
August 15, 2003, in an urban school district that is not also a 1438
big-eight school district may continue to operate after that 1439
date and the contract between the school's governing authority 1440
and the school's sponsor may be renewed, as provided under this 1441
chapter, after that date, but no additional new start-up schools 1442
may be established in such a district unless the district is a 1443
challenged school district as defined in this section as it 1444
exists on and after that date. 1445

(2) A community school that was established prior to June 1446
29, 1999, and is located in a county contiguous to the pilot 1447
project area and in a school district that is not a challenged 1448
school district may continue to operate after that date, 1449
provided the school complies with all provisions of this 1450

chapter. The contract between the school's governing authority 1451
and the school's sponsor may be renewed, but no additional 1452
start-up community school may be established in that district 1453
unless the district is a challenged school district. 1454

(3) Any educational service center that, on June 30, 2007, 1455
sponsors a community school that is not located in a county 1456
within the territory of the service center or in a county 1457
contiguous to such county may continue to sponsor that community 1458
school on and after June 30, 2007, and may renew its contract 1459
with the school. However, the educational service center shall 1460
not enter into a contract with any additional community school, 1461
unless the governing board of the service center has entered 1462
into an agreement with the department authorizing the service 1463
center to sponsor a community school in any challenged school 1464
district in the state. 1465

Sec. 3314.032. ~~(A) On and after the effective date of this~~ 1466
~~amendment, only an operator or management company as defined in~~ 1467
~~division (A) (8) of section 3314.02 of the Revised Code, as it~~ 1468
~~exists on or after the effective date of this amendment, may~~ 1469
~~enter into or renew a contract to manage the daily operations~~ 1470
~~of, or provide programmatic oversight and support to, a~~ 1471
~~community school. Contracts entered into or renewed prior to the~~ 1472
~~effective date of this amendment may continue in effect for the~~ 1473
~~term provided in the contract, subject to division (B) (2) of~~ 1474
~~section 3314.01 of the Revised Code.~~ 1475

~~(A) On and after the effective date of this section~~ 1476
~~February 1, 2016, any new or renewed contract between the~~ 1477
governing authority of a community school and an operator shall 1478
include at least the following: 1479

(1) Criteria to be used for early termination of the 1480

operator contract; 1481

(2) Required notification procedures and timeline for 1482
early termination or nonrenewal of the operator contract; 1483

(3) A stipulation of which entity owns all community 1484
school facilities and property including, but not limited to, 1485
equipment, furniture, fixtures, instructional materials and 1486
supplies, computers, printers, and other digital devices 1487
purchased by the governing authority or operator. Any 1488
stipulation regarding property ownership shall comply with the 1489
requirements of section 3314.0210 of the Revised Code. 1490

(B) (1) The operator with which the governing authority of 1491
a community school contracts for services shall not lease any 1492
parcel of real property to that community school until an 1493
independent professional in the real estate field verifies via 1494
addendum that at the time the lease was agreed to, the lease was 1495
commercially reasonable. 1496

(2) The independent professional described in division (B) 1497
(1) of this section shall be immune from civil liability for any 1498
decision rendered pursuant to this section. 1499

(C) Beginning with the 2016-2017 school year, the 1500
governing authority of a community school, with the assistance 1501
of the school's designated fiscal officer, shall adopt an annual 1502
budget by the thirty-first day of October of each year. 1503

~~Not later than ninety days after the effective date of~~ 1504
~~this section, the~~ The department of education shall develop a 1505
format for annual budgets of community schools. The format shall 1506
prescribe inclusion of the following information in a school's 1507
budget: 1508

(1) Administrative costs for the community school as a 1509

whole; 1510

(2) Instructional services costs for each category of 1511
service provided directly to students, compiled and reported in 1512
terms of average expenditure per pupil receiving the service; 1513

(3) The cost of instructional support services, such as 1514
services provided by a speech-language pathologist, classroom 1515
aide, multimedia aide, or librarian, provided directly to 1516
students; 1517

(4) The cost of administrative support services, such as 1518
the cost of personnel that develop the curriculum and the cost 1519
of personnel supervising or coordinating the delivery of the 1520
instructional services; 1521

(5) The cost of support or extracurricular services costs 1522
for services directly provided to students; 1523

(6) The cost of services provided directly to students by 1524
a nonlicensed employee related to support or extracurricular 1525
services, such as janitorial services, cafeteria services, or 1526
services of a sports trainer; 1527

(7) The cost of administrative services related to support 1528
or extracurricular services, such as the cost of any licensed or 1529
unlicensed employees that develop, supervise, coordinate, or 1530
otherwise are involved in administering or aiding the delivery 1531
of services. 1532

(D) The governing authority of a community school shall be 1533
the sole entity responsible for the adoption of the school's 1534
annual budget, but the governing authority shall adopt such 1535
budget with the assistance of the school's designated fiscal 1536
officer. 1537

Sec. 3314.0310. Each nonprofit or for-profit entity and 1538
each individual that contracts with a community school to 1539
provide management or operation services shall comply with 1540
section 121.22 of the Revised Code with respect to all matters 1541
pertaining to the delivery of educational services by, and the 1542
management and operation of, the school as if it were a public 1543
office. This provision applies to all nonprofit and for-profit 1544
entities, regardless of whether the contract for services was 1545
entered into or renewed prior to the effective date of this 1546
section. 1547

Sec. 3314.0311. On and after the effective date of this 1548
section, any profit realized through payments from a community 1549
school to an individual or organization described in division 1550
(A) (8) (a) of section 3313.02 of the Revised Code, as it existed 1551
prior to the effective date of this section, shall not exceed 1552
five per cent of the total amount of payments that the school 1553
receives from the state. 1554

Sec. 3314.0312. At the end of each fiscal year for which 1555
an operator's contract to provide management, operation, 1556
programmatic oversight, or support services is in effect, the 1557
governing authority of a community school may require the 1558
operator of the school to apply any unexpended and unobligated 1559
funds paid by the school to the operator to any payment the 1560
school will owe to the operator during the next fiscal year. At 1561
the end of the fiscal year in which an operator's contract 1562
expires, the operator shall remit any unexpended and unobligated 1563
funds to the school. The treasurer of the community school shall 1564
report to the department of education and the auditor of state 1565
the amount of any funds retained or remitted by an operator. 1566

Sec. 3314.05. (A) The contract between the community 1567

school and the sponsor shall specify the facilities to be used 1568
for the community school and the method of acquisition. Except 1569
as provided in divisions (B) (3) and (4) of this section, no 1570
community school shall be established in more than one school 1571
district under the same contract. 1572

(B) Division (B) of this section shall not apply to 1573
internet- or computer-based community schools. 1574

(1) A community school may be located in multiple 1575
facilities under the same contract only if the limitations on 1576
availability of space prohibit serving all the grade levels 1577
specified in the contract in a single facility or division (B) 1578
(2), (3), or (4) of this section applies to the school. The 1579
school shall not offer the same grade level classrooms in more 1580
than one facility. 1581

(2) A community school may be located in multiple 1582
facilities under the same contract and, notwithstanding division 1583
(B) (1) of this section, may assign students in the same grade 1584
level to multiple facilities, as long as all of the following 1585
apply: 1586

(a) The governing authority has entered into and maintains 1587
a contract with an operator of the type described in division 1588
(A) (8) (b) of section 3314.02 of the Revised Code, as it existed 1589
prior to the effective date of this amendment. 1590

(b) The contract with that operator qualified the school 1591
to be established pursuant to division (A) of former section 1592
3314.016 of the Revised Code. 1593

(c) The school's rating under section 3302.03 of the 1594
Revised Code does not fall below a combination of any of the 1595
following for two or more consecutive years: 1596

(i) A rating of "in need of continuous improvement" under 1597
section 3302.03 of the Revised Code, as that section existed 1598
prior to March 22, 2013; 1599

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 1600
2016 school years, a rating of "C" for both the performance 1601
index score under division (A) (1) (b) or (B) (1) (b) and the value- 1602
added dimension under division (A) (1) (e) or (B) (1) (e) of section 1603
3302.03 of the Revised Code; or if the building serves only 1604
grades ten through twelve, the building received a grade of "C" 1605
for the performance index score under division (A) (1) (b) or (B) 1606
(1) (b) of section 3302.03 of the Revised Code; 1607

(iii) For the 2016-2017 school year and for any school 1608
year thereafter, an overall grade of "C" under division (C) (3) 1609
of section 3302.03 of the Revised Code or an overall performance 1610
designation of "meets standards" under division (E) (3) (e) of 1611
section 3314.017 of the Revised Code. 1612

(3) A new start-up community school may be established in 1613
two school districts under the same contract if all of the 1614
following apply: 1615

(a) At least one of the school districts in which the 1616
school is established is a challenged school district; 1617

(b) The school operates not more than one facility in each 1618
school district and, in accordance with division (B) (1) of this 1619
section, the school does not offer the same grade level 1620
classrooms in both facilities; and 1621

(c) Transportation between the two facilities does not 1622
require more than thirty minutes of direct travel time as 1623
measured by school bus. 1624

In the case of a community school to which division (B) (3) 1625

of this section applies, if only one of the school districts in 1626
which the school is established is a challenged school district, 1627
that district shall be considered the school's primary location 1628
and the district in which the school is located for the purposes 1629
of division (A)(19) of section 3314.03 and divisions (C) and (H) 1630
of section 3314.06 of the Revised Code and for all other 1631
purposes of this chapter. If both of the school districts in 1632
which the school is established are challenged school districts, 1633
the school's governing authority shall designate one of those 1634
districts to be considered the school's primary location and the 1635
district in which the school is located for the purposes of 1636
those divisions and all other purposes of this chapter and shall 1637
notify the department of education of that designation. 1638

(4) A community school may be located in multiple 1639
facilities under the same contract and, notwithstanding division 1640
(B)(1) of this section, may assign students in the same grade 1641
level to multiple facilities, as long as both of the following 1642
apply: 1643

(a) The facilities are all located in the same county. 1644

(b) Either of the following conditions are satisfied: 1645

(i) The community school is sponsored by a board of 1646
education of a city, local, or exempted village school district 1647
having territory in the same county where the facilities of the 1648
community school are located; 1649

(ii) The community school is managed by an operator. 1650

In the case of a community school to which division (B)(4) 1651
of this section applies and that maintains facilities in more 1652
than one school district, the school's governing authority shall 1653
designate one of those districts to be considered the school's 1654

primary location and the district in which the school is located 1655
for the purposes of division (A) (19) of section 3314.03 and 1656
divisions (C) and (H) of section 3314.06 of the Revised Code and 1657
for all other purposes of this chapter and shall notify the 1658
department of that designation. 1659

(5) Any facility used for a community school shall meet 1660
all health and safety standards established by law for school 1661
buildings. 1662

(C) In the case where a community school is proposed to be 1663
located in a facility owned by a school district or educational 1664
service center, the facility may not be used for such community 1665
school unless the district or service center board owning the 1666
facility enters into an agreement for the community school to 1667
utilize the facility. Use of the facility may be under any terms 1668
and conditions agreed to by the district or service center board 1669
and the school. 1670

(D) Two or more separate community schools may be located 1671
in the same facility. 1672

(E) In the case of a community school that is located in 1673
multiple facilities, beginning July 1, 2012, the department 1674
shall assign a unique identification number to the school and to 1675
each facility maintained by the school. Each number shall be 1676
used for identification purposes only. Nothing in this division 1677
shall be construed to require the department to calculate the 1678
amount of funds paid under this chapter, or to compute any data 1679
required for the report cards issued under section 3314.012 of 1680
the Revised Code, for each facility separately. The department 1681
shall make all such calculations or computations for the school 1682
as a whole. 1683

Section 2. That existing sections 117.11, 149.43,	1684
3313.844, 3313.849, 3314.01, 3314.02, 3314.032, and 3314.05 of	1685
the Revised Code are hereby repealed.	1686