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# 2014 Ohio Charter Law Guidebook



The Ohio Charter Law Guidebook is designed as a practical tool for charter school leaders, governing board members, and anyone else who needs to delve into the provisions of Ohio charter school law. The format is topical, with summary abstracts and hyperlinks to transport the user directly to pertinent sections of Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). Where appropriate, the guidebook provides links to other resources.

Ohio law is ever-changing, and the Ohio Alliance for Public Charter Schools (OAPCS) is committed to revising our guidebook periodically to reflect the ongoing changes that occur in charter school law. Also, this guide should not be construed to be definitive. If legal advice is needed, readers are encouraged to seek professional counsel.

We invite your comments, corrections, and suggestions on the book. Please contact Jesse Truett, Vice President at OAPCS. He can be reached at (614) 744-2266 or [jtruett@oapcs.org](mailto:jtruett@oapcs.org).

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Please note that although Ohio law officially calls these schools “community schools,” many people in Ohio refer to them as “charter schools,” which is the term used by the federal government and most other states. Other states also use the term “authorizers,” but Ohio uses the term “sponsors.” In this Guidebook, the terms are used interchangeably.

The Guidebook was most recently updated in September 2014.

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# Ohio's Charter School Timeline

- 1997** The Ohio General Assembly passes H.B. 215, which establishes a pilot charter school program in Lucas County. Conversion schools are allowed to open anywhere in the state; start-ups are limited to Lucas County. Later that year, another law, H.B. 55, allows start-up charter schools in any challenged district, defined to mean any of the “Big 8” urban districts.
- 1998** Aurora Academy in Toledo becomes the first charter school to open in Ohio. By the year’s end, there are fifteen charter schools operating in the state.
- 1999** With the enactment of H.B. 282, start-up charters can now open in any of the 21 largest urban districts in the state. The law also allows start-ups in any district rated in Academic Emergency, beginning the following year.
- 2003** H.B. 364 goes into effect, changing the role of the State Board of Education from a sponsor of charters to the authorizer of charter school sponsors. This legislation also expands the types of organizations who can sponsor. Now, subject to state board approval, sponsors can be school districts, joint vocational districts, public universities, educational service centers, and qualified nonprofits. Charters now can also open in districts rated in Academic Watch. But under another law (H.B. 3), charters are again restricted to the Big 8 districts, instead of the Urban 21.
- 2005** Biennial budget bill expands accountability for charters and requires them to report on their special education and related services. Many—like the provision that limited the number of schools a sponsor can contract with—have since been repealed or amended.
- 2006** Ohio Supreme Court rules that Ohio’s charter school program is constitutional. The Ohio Alliance for Public Charter Schools (OAPCS) is formed, after a convention of Ohio charter school and civic leaders determined that the state needed such an organization.
- 2007** The biennial budget bill enacted does not include the proposed moratorium on new charter schools by then-Governor Strickland, but it does include the highly-controversial (and now-defunct) operator provision that only allows new start-up charters if they contract with a management company that has schools in Ohio or other states that perform at a level equivalent to continuous improvement or better.
- 2008** The 126th Ohio General Assembly approves, through H.B. 79, a mechanism to close low-performing charter schools. This method is based on value-added data, performance measures, and state designations (ratings), and gives Ohio some of the strongest automatic closure laws in the county.
- 2009** An appeals court upholds the 2007 dismissal by a Montgomery County Common Pleas judge in a lawsuit filed by former Attorney General Marc Dann. Dann had filed lawsuits against two Dayton charter schools, arguing that they should be stripped of public funding because their poor academic performance breaks a public trust. The appeals court finds that the state had no standing to sue.

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- 2010** Ohio is selected as a Race to the Top federal grant recipient, in part due to its commitment to school choice. OAPCS, in conjunction with Denver Public Schools, Cleveland Metropolitan School District, and the statewide charter associations from Massachusetts, Arizona, and New Mexico, hosts the first National Best Cooperative Practices Between Charter and Traditional Schools conference. Over 200 people attend.
- 2011** Biennial budget bill includes many provisions related to charter schools. Sponsor caps are removed, and a new ranking system for sponsor performance is established. The highly-qualified operator provision is removed. The state board is tasked to establish standards for e-schools and dropout recovery charter schools. Ohio wins a Race to the Top Early Learning Challenge Grant.
- 2012** In early June, the Ohio Supreme Court rules 6 to 1 that a deed restriction preventing a charter school from operating in a former district building was void for public policy reasons. Later that month, Governor Kasich signs Senate Bill 316 into law, which includes a Third Grade Reading Guarantee. The bill also includes other changes affecting charters, including allowing board members to serve on up to five boards, and defining blended and digital learning. Later that year, H.B. 555 becomes law, dramatically revising the state's academic performance rating system

#### Summary of Changes From SB 316 Affecting Charter Schools

- All public schools must provide parents with a copy of school's most recent report card during the admissions process.
  - Blended learning and digital learning defined.
  - Standards for dropout recovery schools must be developed by March 2013 or schools subject to same closure criteria as other charters.
  - Individuals may serve on up to five charter school boards.
  - ODE must put every approved charter contract on its website.
  - Charter enrollment policy, if adopted, supersedes district's.
  - New or relocating charters have more access to district facilities.
  - New evaluation requirements for Race to the Top participants.
  - Charter teachers in lowest 10 percent of buildings will be retested in core subjects beginning in 2015-16.
- 2013** The biennial budget bill, HB 59, is signed into law, bringing changes to school funding. Of particular importance to charters is the inclusion of a \$100 per pupil facilities allowance, marking the first time charter schools have received facilities dollars. HB 59 also includes provisions affecting sponsor accountability.
- 2014** An education mid biennium bill, Sub H.B. 487, is signed into law in June, changing high school graduation requirements for all students. The new law also gives charter students increased access to extracurricular activities, allows Montessori charter schools to admit students below age 5, and requires that sponsors verify certain requirements before new schools can receive state funding.

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# Starting a Community School

## KEY CONCEPTS

### CONVERSION CHARTER SCHOOLS

- A. General information
- B. Creating a conversion

### START-UP SCHOOLS

- A. General information
- B. Creating a start-up
- C. Board requirements

## CONVERSION CHARTER SCHOOLS

### A. General information

1. Conversion schools are created by converting all or part of an existing public school or a building operated by an educational service center to a community school.<sup>1</sup>
2. There are no restrictions on where conversions can open.
3. Teachers in conversions remain part of the converting district's collective bargaining unit unless a majority of teachers in the conversion vote otherwise.<sup>2</sup>
  - a. There is one exception: Teachers in Cleveland Metropolitan School District conversions will not remain part of the district collective bargaining agreement if the mayor submits to the Cleveland board of education and to the state employee relations board a statement requesting that the employees of that conversion school be removed from the collective bargaining agreement.

### B. Creating a conversion<sup>3</sup>

1. Any person or group of individuals may propose the conversion of an existing public school or a building operated by an educational service center to a community school.
2. The proposal must be made to the board of education of the district where the school will be converted; or, if the building converted is operated by an educational service center, then to the governing board of that educational service center.
3. The board of education can enter into a preliminary agreement with the group proposing conversion. When there is a preliminary agreement, the proposing group can finalize plans, establish a governing authority, and negotiate a contract with the board.
4. If the proposing group adheres to the preliminary agreement, the board must negotiate in good faith to enter into a contract.
  - a. Majority votes of both the board of the sponsoring entity and the members of the governing authority are required to create a community school through conversion.
5. If a conversion school is created, the district or educational service center that enters into contract with the school becomes the sponsor of the school.
6. ODE must make the contract available on its website.<sup>4</sup>

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1 ORC § 3314.02

2 ORC § 3314.102

3 ORC § 3314.02 (B)

4 ORC § 3314.03

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## START-UP SCHOOLS

### A. General information

1. Start-up schools can be proposed by any person or group.<sup>5</sup>
2. There are restrictions as to where start-ups can be located. Start-up schools must be created in *challenged school districts*. All of the following fall into this category:<sup>6</sup>
  - a. Any school district ranked in the bottom five percent of all school districts based on Performance Index Score.
  - b. School Districts that:

For two of the 2012-13, 2013-14, and 2014-15 school years, the district received a grade of “D” or “F” for the performance index score and a grade of “F” for the value-added progress dimension;

For the 2015-16 school year and for any school year thereafter, the district has received an overall grade of “D” or “F”, or, for at least two of the three most recent years, the district received a grade of “F” for the value-added progress dimension.
  - c. “Big Eight” Districts – Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown.
  - d. Districts in the Lucas County pilot project area.
3. Start-up schools are exempt from state collective bargaining laws.

### B. Creating a start-up

1. A proposal for a start-up school may be made to an approved sponsor, one that has received approval from the Ohio Department of Education (ODE) and has entered into a written agreement with ODE. *There are two exceptions—Lucas County Educational Service Center and the Ohio Council for Community Schools did not need initial approval, but are nonetheless subject to continuing oversight by ODE.* For more information, see the Sponsor chapter. Eligible sponsors are:<sup>7</sup>
  - a. The Ohio Department of Education.
  - b. The board of education of the local school district where the school will be located.
  - c. The board of education of any joint vocational school district that serves an area that includes the majority of the area served by the local school district.
  - d. The board of education of any other city, local or exempted village school district with territory in the county where the majority of that local school district is located.
  - e. The governing board of any educational service center as long as the proposed school is either in the same county or a county adjacent to the educational service center.
  - f. The sponsoring authority designated by the board of trustees of any of

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<sup>5</sup> ORC § 3314.02 (C)(1)

<sup>6</sup> ORC § 3314.02 (A)(2) through (6)

<sup>7</sup> ORC §§ 3314.02 (C); ORC 3314.029 and OAC 3301-102-02

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the following state universities as long as the mission of the proposed school per the contract is demonstration of teaching practices included in the university's teacher preparation program.

The University of Akron; Bowling Green; Central State; University of Cincinnati; Cleveland State; Kent State; Miami University; Ohio State; Ohio University; Shawnee State; University of Toledo; Wright State; and Youngstown State.

- h. A qualified tax-exempt entity that has operated for at least five years prior to applying for sponsorship; has assets of at least \$500,000 and a record of financial responsibility; and has been determined by the State Board of Education and the Ohio Department of Education to be an "education-oriented entity" with a demonstrated record of successful implementation of education programs.
2. Upon receiving a proposal, a board for a sponsoring authority can enter into a preliminary agreement.<sup>8</sup>
3. After a preliminary agreement between a sponsoring authority and a proposing group, the proposing group shall file a copy of the preliminary agreement with the superintendent of public instruction and may proceed to:<sup>9</sup>
  - a. Finalize plans for the school.
  - b. Establish a governing authority.
  - c. Negotiate a contract with sponsoring authority.
4. The preliminary agreement does not establish the school. There must be a signed contract between the governing board and the sponsor. The contract must be adopted by March 15 and executed by May 15. ODE must also make the contract available on its website.

**C. Board requirements for start-ups. See also Board Governance Chapter<sup>10</sup>**

1. There must be at least five individuals on the board of each start-up school.
2. No board member can owe the state any money or be in a dispute with the state over whether money is owed concerning the operation of a charter school.
3. A board member can serve on up to five start-up community school governing boards.
4. No board members or their immediate relatives can own or work for a sponsor or operator for one year after governing authority board membership ends. Immediate relatives include spouses, children, parents, grandparents, siblings, and in-laws.

**D. Compensation for board members. See also Board Governance Chapter<sup>11</sup>**

1. A governing board of a charter school can vote to compensate its

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8 ORC § 3314.02 (C)(2)

9 ORC § 3314.02 (C)(2)

10 ORC § 3314.02 (E)

11 ORC § 3314.02 (E)(4)

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members for their service on the board.

2. A member of a governing board can receive no more than \$5,000 in compensation per year from all the governing authorities of which they are members.
3. Governing board members can receive no more than \$425 per meeting.

#### **E. Opening New E-Schools<sup>12</sup>**

1. The State Board of Education adopted rules to determine the experience and quality of applicants for new internet- or computer-based community schools (E-Schools). The Superintendent of Public Instruction must approve or deny these applications.
2. Up to five new E-Schools can be opened each year, subject to the approval by the Superintendent of Public Instruction.

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<sup>12</sup> ORC § 3314.013 and OAC 3301-102-09

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# Admission of Students

## REQUIREMENTS AND RESTRICTIONS

### A. Public charter schools must:

1. Be open to any individual age 5 to 22 who is entitled to attend a public school in Ohio.<sup>1</sup>
  - a. A charter school may admit a child to kindergarten if he or she meets standards from an accepted standardized testing program that has been approved by the board.
  - b. A child younger than five years of age may be admitted to school early in accordance with ORC 3321.01.
2. Be free of tuition.<sup>2</sup>
3. Provide a copy of its most recent report card to parents during the admissions process.<sup>3</sup>

### B. Restrictions

1. Charter schools cannot restrict admission based on any of the following:<sup>4</sup>
  - a. Race
  - b. Creed
  - c. Color
  - d. Disabling condition
    - The school must comport with all state and federal laws dealing with education of children with disabilities.
    - A charter school can contract for special education services<sup>5</sup>
2. Charter schools may restrict by: <sup>6</sup>
  - a. Certain grade levels
  - b. Age groups
  - c. "At risk" students
  - d. Geographical residence. A charter school board must adopt a policy identifying from which districts it will admit students. It can restrict admission to students to the following:
    - Sub-section of "home" district.
    - "Home" district.
    - "Home" district and adjacent districts.
    - All of Ohio.
  - e. Gender
  - f. Capacity

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1 ORC §§§ 3314.06 (A); 3313.64; 3313.65

2 ORC § 3314.08 (I)

3 ORC § 3313.6411 (B)

4 ORC § 3314.06 (D)

5 ORC § 3314.022

6 ORC § 3314.06

## KEY CONCEPTS

### REQUIREMENTS AND RESTRICTIONS

### ENROLLMENT

### STUDENT PARTICIPATION IN "HOME" DISTRICT

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## ADMISSIONS AND ENROLLMENT

### A. Lottery. If a school cannot accommodate all students who wish to attend it, the school must hold a lottery.<sup>7</sup>

1. The lottery must be based on students who submitted applications.
  - a. A school using certain endorsed Montessori methods as its primary instructional method may admit students younger than five but shall not receive funds under this chapter for those individuals.
2. The lottery must give preference to:
  - a. Students residing in “home” district.
  - b. Students who attended the previous year.
3. The lottery may give preference to siblings of students who attended the previous year.

### B. No monetary or in-kind incentives<sup>8</sup>

1. A charter school cannot offer monetary or in-kind incentives to students or parents to entice enrollment in the school.
  - a. Required books and supplies are permissible.

### C. Enrollment Verification<sup>9</sup>

1. Charter schools may adopt a policy prescribing the number of documents (see law for qualifying documents) needed to verify a student’s residency; if adopted, the charter school’s policy would supercede district policy.
2. If a charter and district reach different conclusions about a student’s home school district, the charter school must first provide the district with documentation of residency and make a good faith effort to identify the residence.
  - a. A charter may only appeal to ODE after these steps have been taken. Any appeal must take place within 60 days of ODE’s monthly deadline for reporting enrollment.

## EXTRACURRICULAR ACTIVITIES

### A. Participation in Extracurricular Activities<sup>10</sup>

1. Definition
  - a. “Extracurricular activity” means a pupil activity program that a school or school district operates that is not part of the district’s graded course of study.
  - b. Extracurricular activity includes an interscholastic extracurricular activity that a school or district sponsors or participates in and that has participants from more than one school or school district.
2. Home district **must** allow charter school students to participate

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<sup>7</sup> ORC § 3314.06 (H)

<sup>8</sup> ORC § 3314.648 (H)

<sup>9</sup> ORC § 3314.11

<sup>10</sup> As stated in Sub H.B. 487, Sec. 3313.537.

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- a. A student of a charter school must be given an opportunity to participate in any extracurricular activity at the district school to which the student would otherwise be assigned during that school year.
  - b. The student must be of the appropriate age and grade level, as determined by the superintendent of the home district.
  - c. The student must fulfill the same academic, nonacademic, and financial requirements as any other participant. A district cannot impose additional rules or fees on a charter student.
3. Non-home districts **may** allow charter school students to participate
    - a. The superintendent of a district may allow other students who are not entitled to attend school in that district the chance to participate in an extracurricular activity offered by a school of the district.
    - b. To allow these students to participate, the school the student attends must not offer the activity, and the activity must not be interscholastic athletics or interscholastic contests or competition in music, drama, or forensics.
    - c. The student must fulfill the same academic, nonacademic, and financial requirements as any other participant. A district cannot impose additional rules or fees on a charter student.
  4. No academic course required.
    - a. Previous law allowed a school district board of education to require a charter student to take an academic course as a condition to extracurricular activity participation; that provision has been removed from law.

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# School Performance and Accountability

## KEY CONCEPTS

### STATE REQUIREMENTS

- A. Testing
- B. Graduation

### SPONSOR CONTRACTUAL REQUIREMENTS

- A. Requirements
- B. Submitting reports
- C. Consequences

### REPORT CARDS

- A. Measurements
- B. Ratings
- C. Sharing accountability

### AUTOMATIC CLOSURE

- A. When it applies
- B. Timeline

## STATE REQUIREMENTS

### A. Testing

1. Charter school students are subject to the same state testing requirements as students in traditional district schools.<sup>1</sup>
2. Charter school students may also be subject to additional requirements, as defined in the contract they have with their sponsor.

### B. Graduation

1. Charter students, like all public students, must complete at least 20 units of study to graduate, which include specific units in a variety of subjects.<sup>2</sup>
2. Other requirements depend on when the students entered ninth grade.
  - a. Students who have entered ninth grade on or after July 1, 2010, and before July 1, 2016, had to pass the Ohio Graduation Test, although these students may graduate without completing the requirements if they meet the following requirements:
    - During the student's third year of high school, the student and his or her parent or guardian sign and file a written statement asserting consent to having the student graduate without completing the core curriculum.
    - The student and parent or guardian fulfill any procedural requirements stipulated by the school.
    - The student and parent or guardian develop, with a representative of the student's high school, an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.
    - The student's high school provides counseling and support for that plan.
    - The student completes a minimum curriculum prescribed in law.
  - b. Charter school students who enter ninth grade on or after July 1, 2014, have different diploma requirements.<sup>3</sup>
    - i. They do not need to pass the Ohio Graduation Test.
    - ii. Instead, they must meet the curricular requirements and also complete one of the following:
      - Score at a remediation free level in English, math, and reading on nationally standardized assessments; or
      - attain a passing score on the end-of-course -examinations, or

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<sup>1</sup> ORC § 3314.017 (A)

<sup>2</sup> ORC § 3313.603

<sup>3</sup> See ORC § 3313.603, 3313.61 through 3313.618,

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- attain a passing score on a nationally recognize job skills assessment and obtain either an industry-recognized credential or a state agency or board-issue license for practice in a specific vocation.
3. Dropout recovery schools seeking a waiver for curriculum requirements must develop student success plans that satisfy requirements related to career advising and student services.<sup>4</sup>

## SPONSOR CONTRACTUAL REQUIREMENTS

### A. Requirements<sup>5</sup>

A full list of requirements can be found in the Sponsor chapter (page 37). In terms of student performance, each charter school contract must include:

1. The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments.
2. Performance standards by which the success of the school will be evaluated by the sponsor.

### B. Submitting reports<sup>6</sup>

1. The school governing authority must report to its sponsor and the parents of all students enrolled in the school:
  - a. A report of the school's activities and progress in meeting the goals and performance standards.
  - b. A report of its financial status.
  - c. This must be submitted within four months after the end of each school year.

### C. Consequences<sup>7</sup>

1. Schools that fail to meet performance expectations can be subject to probation and/or expiration, termination or nonrenewal of the school contract by their sponsor. See also Sponsor chapter.

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<sup>4</sup> ORC § 3313.603.

<sup>5</sup> ORC § 3314.03 (A)(3) and (4)

<sup>6</sup> ORC § 3314.03 (A)(11)(g)

<sup>7</sup> ORC §§ 3314.07; 3314.072

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## REPORT CARDS<sup>8</sup>

The Ohio Department of Education develops report cards for charter schools in the same manner as traditional district schools, except for dropout recovery schools which are held to an alternative accountability performance rating system. A school will receive ratings applicable to the grade levels served and only for groups for which there are at least ten students.<sup>9</sup> Annual report cards are issued for all charter schools regardless of sponsor type or how long the school has been in operation.

### A. Measurements

The report cards measures include:

1. Percent of applicable indicators met
2. Performance index score
3. Annual measurable objectives
4. Value added, if applicable.
5. Four- and five-year adjusted cohort graduation rate
6. Overall value added score
7. Value added score for students identified as gifted
8. Value added score for students with disabilities
9. Value added score for students whose performance places them in the lowest quintile for achievement on a statewide basis
10. Improving literacy in grades kindergarten through three
11. Percentage of students participating in advanced placement classes and the percentage of those students receiving a score of three or better on advanced placement examinations (reported only)
12. Number of students who have earned in at least three college credits through dual enrollment programs (not including remedial or developmental courses) (reported only)
13. Percentage of students that have taken a national standardized test used for college admission and the percentage determined to be remediation-free (reported only)
14. Percentage of students who receive industry credentials (reported only)
15. Percentage of students participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations (reported only)

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<sup>8</sup> ORC § 3302.03

<sup>9</sup> ORC § 3302.03

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16. Percentage of students who receive an honors diploma (reported only)

Added for school year 2014-2015 (up to 17 measures):

17. Results of the college and career-ready assessments (reported only)

Additionally, beginning school year 2014-2015:

- Prepared for Success (a component score for measures 11-16) is now graded
- The five other components are now graded
- An Overall Grade is calculated

Added for school year 2015-2016 (up to 18 measures):

18. A measure of academic progress for high school students (developed by the state board no later than July 1, 2015) is now graded.

The department may include any additional education and fiscal performance data it deems valuable.

### **Performance Rating System for Dropout Prevention and Recovery schools.**

The report card measures include:

1. Adjusted cohort graduation rates for four, five, six, seven and eight-years
2. Percentage of twelfth-grade students and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday, passing high school achievement assessments
3. Annual measureable objectives
4. Growth in student achievement in reading and math (reported only)
5. Student outcome data (reported only)

Added for school year 2014-2015

Measures 1-4 will graded, and an overall performance designation assigned.

### **B. Sharing accountability<sup>10</sup>**

1. Conversion schools ("Rollup" provision).
  - a. Academic data from conversion charter schools will be included in the report card of the sponsoring district (known as "rollup" provision).

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<sup>10</sup> ORC §3302.03

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- Districts can request a waiver from the rollup provision if the conversion school primarily enrolls students between 16 and 22 years old who previously dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.
  - Districts must reapply for this waiver every year.
2. Other arrangements where academic charter data counts along with the district data
    - a. Districts can agree to have charter school academic data combined with district data if the district leases a building to a charter located in the district.
    - b. Districts can also enter into an agreement with a charter school located in the district whereby the district and the school endorse each other's program.
    - c. In either of the above cases, districts can elect to have data regarding the academic performance of students enrolled in the charter school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card.
      - Any district that so elects shall file a copy of the lease or agreement with the department of education annually.
  3. Sharing enrollment data
    - a. Under the recently passed Cleveland Plan (H.B. 525), Cleveland district can, at its own discretion, have the number of students enrolled in a charter school located in Cleveland noted on its report card, if the district sponsors the school or has entered into an agreement with the school to endorse each others' programs

## AUTOMATIC CLOSURE

A charter school will be permanently shut down based on its consistently low ratings and, if the data is available, its failure to make academic growth. A school's ratings during its first two years of operation are not part of the automatic closure assessment.<sup>11</sup> The 2014 mid-biennium budget (Sub H.B. 487) provides that data from 2014-15 will not be used to determine whether a school district or charter school is subject to various sanctions, including the automatic closure laws.

### A. Closure based on grades served<sup>12</sup>

1. Schools serving no higher than grade three.
  - a. For the 2013-14 school year, will be automatically closed if for two of the past three years:
    - i. has been in Academic Emergency OR
    - ii. has received an "F" in the Kindergarten through 3rd grade literacy measure

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<sup>11</sup> ORC § 3314.35

<sup>12</sup> ORC § 3314.35 (A)(3)

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2. Schools serving any grade four through eight, but no grade above nine.
    - a. For the 2013-14 school year, will be automatically closed if for two of the past three years
      - i. was rated Academic Emergency AND showed less than one year of growth in either reading or math OR
      - iii. has received an "F" for the performance index score AND an "F" for the value added score
  3. Schools offering any grade ten through twelve.
    - a. For the 2013-14 school year, will be automatically closed if for two of the past three years
      - i. has been in Academic Emergency OR
      - ii. has received an "F" for the performance index score and has not met the annual measureable objectives
  4. The value-added progress dimension must be calculated using assessment scores for only those students to whom the school has administered the state achievement assessments for at least the two most recent school years but using value-added data only from the most recent school year.<sup>13</sup>
  5. Schools that operate dropout prevention and recovery programs<sup>14</sup>
    - a. Any dropout prevention or recovery school that has received a designation of "does not meet standards" for at least two of the three most recent school years shall be automatically closed.

#### **B. Exemptions<sup>15</sup>**

Automatic closure rules do not apply to:

1. Charter schools in which the majority of the enrolled students are children with disabilities receiving special education and related services.

#### **C. Timeline for automatic closure<sup>16</sup>**

1. Schools subject to automatic closure will be closed at the conclusion of the school year in which the school first becomes subject to the automatic closure.

#### **D. Re-opening of a permanently closed school**

1. A school that has been permanently closed cannot reopen if any of the following are true:
  - i. The new school has the same sponsor,
  - ii. The new school has the same chief administrator as the closed one,
  - iii. The governing board of the new school has any of the same members of the closed school,
  - iv. Fifty percent or more of the teaching staff at the new school were

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<sup>13</sup> ORC § 3314.35

<sup>14</sup> ORC §§ 3314.35; 3314.351

<sup>15</sup> ORC § 3314.35 (A)(4)

<sup>16</sup> ORC § 3314.35 (B)

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employed as teachers at the closed school during its last year of operation;

- v. Fifty percent or more of the administrative staff were employed as administrators at the closed school during its last year of operation, or
- vi. The performance standards and accountability plan in the contract for the new school are the same as for the closed school.<sup>17</sup>

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# E-Schools

## KEY CONCEPTS

### E-SCHOOL DEFINITION

#### REQUIREMENTS

- A. Contracts
- B. Teachers for e-community schools
- C. Computer requirements
- D. Maximum daily hours by student
- E. Servicing disabled students
- F. Facility space contracts between e-schools and non-public schools
- G. Testing locations

#### ACCOUNTABILITY

- A. Compliance with standards
- B. Withdrawal of student for not taking tests

## E-SCHOOL DEFINITION

E-school: A community school where students work primarily from home. The assignments and instruction that the students receive are provided via the internet or a computer-based program. The definition extends to include “comprehensive instructional methods that include internet-based, other computer-based, and non-computer-based learning opportunities.”<sup>1</sup>

## REQUIREMENTS

### A. Contracts

Contracts between the sponsor and the governing authority shall have each of the following:

1. Filter requirements.<sup>2</sup>
  - a. Filtering devices are required to be installed and provided at no cost to the students. The filter should protect against obscene internet materials.
2. Teacher visits.<sup>3</sup>
  - a. A plan should be in place that outlines how teachers shall conduct in person visits, and specify the number of times a teacher will visit their students.
3. Central base of operation.<sup>4</sup>
  - a. The school will set up a central base of operation.
  - b. The sponsor will maintain a representative within 50 miles of that base of operation to provide monitoring and assistance.
4. Monitoring and technical assistance.<sup>5</sup>
  - a. A representative of the sponsor of a community school must meet with the governing authority or treasurer of the school at least once every month to review.

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1 ORC § 3314.02 (A)(7)

2 ORC § 3314.21 (C)(1)

3 ORC § 3314.21 (B)

4 ORC § 3314.21 (C)(3)

5 ORC § 3314.023

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- Financial records of the school, and;
  - Enrollment records of the school

## **B. Teachers for e-schools<sup>6</sup>**

1. Each e-school shall retain an affiliation with at least one full-time teacher of record.
  - a. Teacher of record means a teacher who is responsible for the overall academic development and achievement of a student and not simply the student's instruction in any single subject.
2. Each student shall be assigned to at least one teacher of record.
3. Teachers shall conduct in person visits with their students throughout the school year.
4. No teacher of record shall oversee more than 125 students.

## **C. Computer requirements<sup>7</sup>**

- a. Each child in an e-school is entitled to a computer—although parents may waive this entitlement.
  - b. Stipend or other substitutes for a computer are prohibited.
  - c. If multiple students reside in one residence, there must be at least one computer provided per student unless parents consent to fewer (see below).
2. Parental waiver process.
    - a. Computer requirement can be waived if following steps are taken.
      - Parent and school sign statement attesting that child has access to a computer containing sufficient hardware, software, programming, and connectivity, thus allowing the child the opportunity to fully participate in all of the learning opportunities offered by the school.
      - A copy of a waiver shall be retained by the e-school and the parent who attested to the conditions.
      - Immediately upon execution of the waiver, the school shall submit a copy of the waiver to the Ohio Department of Education ODE.
      - Parent may change mind at any point and request a computer; the school then has 30 days to comply with request.
    - b. The school shall also notify ODE department of any parent's decision to amend the waiver executed; or if less than one computer per student is accepted in a residence with multiple students enrolled.

## **D. Maximum daily hours by student<sup>8</sup>**

1. A student in an e-school may not participate in any more than 10 hours of "learning opportunities" per 24 hour period.
2. Any time beyond 10 hours does not count toward the annual minimum (Annual minimum = 920 hours per school year).
3. If the e-school records attendance on a day schedule, rather than hour, then one day consists of at least five hours of participation.

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<sup>6</sup> ORC § 3314.21 (B)

<sup>7</sup> ORC § 3314.22

<sup>8</sup> ORC § 3314.27

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## **E. Servicing disabled students<sup>9</sup>**

1. A plan is needed to accommodate disabled students.
2. The Department of Education shall develop guidelines for the content and format of these plans.
3. Deadlines to have a plan submitted:
  - a. Schools established after June 30, 2005:
    - The plan shall be submitted to the sponsor prior to the school's receipt of its first payment.
    - And subsequently, on or before September 1st each year that the school is in operation.
  - b. Schools established prior to June 30, 2005:
    - The plan shall be submitted to the sponsor on or before September 1, 2005,
    - And on or before September 1st each year subsequently that the school is in operation.
4. Sponsor duties after receiving the plan:
  - a. Within 30 days after receiving the plan prescribed above, the sponsor of each e-school shall certify to the Department of Education all of the following:
    - A statement of whether the plan received is satisfactory to the sponsor.
      - o If the plan received is not satisfactory to the sponsor, the sponsor must assure that it will promptly assist the school in developing a plan that is satisfactory to the sponsor.
  - b. The sponsor's assurance that it will monitor the implementation of the plan.
  - c. The sponsor's assurance that it will take any necessary corrective action to ensure that the school's plan is properly and fully implemented.

## **F. Facility space contracts between e-schools and nonpublic schools<sup>10</sup>**

1. On or after July 1, 2004, no e-school shall enter into a contract with a nonpublic school to use or rent any facility space at the nonpublic school for the provision of instructional services to students enrolled in the e-school.
2. If after July 1, 2004, an e-school has a contract with a nonpublic school for facility use, ODE shall not make any payments to the e-school for any student who is enrolled in the e-school and receives any instructional services from the e-school at the nonpublic school.

## **G. Testing locations<sup>11</sup>**

1. Each e-school shall provide a location for statewide tests within a 50 mile radius of the student's residence.

## **H. Enrollment Increase Caps**

1. E-Schools are limited by the percentage which they may increase

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<sup>9</sup> ORC § 3314.28

<sup>10</sup> ORC § 3314.24

<sup>11</sup> ORC § 3314.25

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- their enrollment each year, beginning with the 2014-2015 year.
- a. If an e-school has an enrollment limit greater than or equal to 3,000 students, the cap is 15%.
  - b. If an e-school has an enrollment limit less than 3,000 students, the cap is 25%.
  - c. New schools are limited to 1,000 students.
2. If a school exceeds its enrollment limit the Department of Education is to deduct the funds for the students over enrollment cap and return these funds to these student's districts.

## ACCOUNTABILITY

### A. Compliance with standards<sup>12</sup>

1. Schools must comply with the standards developed by the International Association for K-12 Online Learning.<sup>13</sup>

### B. Withdrawal of student for not taking tests<sup>14</sup>

1. Withdrawal. If a student fails to participate in the spring testing for two consecutive years, and was not exempt from taking the test, the student will be withdrawn from the school.
2. Reporting. Reporting requirements for students who failed to participate in the testing:
  - a. The school shall report any such student's data verification code for details on data verification codes) to the Department of Education.
  - b. The Department of Education shall maintain a list of all data verification codes reported and provide that list to each e-school.
3. Consequences.
  - a. State funds are withheld for each student that fails to participate in the testing for two consecutive years.
  - b. The parent of the student who fails to participate in testing will pay the student's tuition, which would have come from state funds.
  - c. If a parent does not pay, the school can withdraw the student from their school.

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<sup>12</sup> ORC § 3314.23

<sup>13</sup> <http://www.inacol.org/our-work/strategic-priorities/quality-assurance/>

<sup>14</sup> ORC § 3314.26

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# Facilities

## KEY CONCEPTS

### OVERVIEW

- A. Contractual requirements
- B. Using multiple facilities
- C. Residential care facilities
- D. Health and safety regulations

### ACQUISITION AND DISPOSAL OF FACILITIES

- A. Acquiring facilities
- B. Disposing of facilities

## REQUIREMENTS

### A. Contractual requirements<sup>1</sup>

1. Contracts between the sponsor and the charter school must specify both the classroom facilities to be used and a method to acquire those classroom facilities.

### B. Using multiple facilities<sup>2</sup>

1. A brick-and-mortar charter school may be located in multiple facilities if certain conditions are met.

### C. Residential care facilities (“Home”)<sup>3</sup>

1. A charter school that was operating as of May 1, 2005, may operate from or in any home located in the state, regardless of when the community school’s operation from or in a particular home began.

### D. Health and safety regulations<sup>4</sup>

1. Charter school classroom facilities must meet all health and safety standards.
2. Charter schools, like traditional public schools, must adopt a School Safety Plan that addresses serious threats to safety and appropriate emergency responses to those threats.<sup>5</sup>
  - a. School safety plan details:
    - Plan development must include consulting with local law enforcement and safety officials, parents of students, teachers, and non-teaching employees.
    - The plan must include methods to revise the plan when safety issues occur.
    - The plan must be updated once every three years and whenever there are major modifications to the building.
  - b. Filing the school safety plan:<sup>6</sup>
    - The governing authority must file the plan along with a building blueprint with each law enforcement agency that has jurisdiction as well as the local fire department.
    - A copy of the safety plan and a floor plan must also be filed with the state Attorney General.

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1 ORC § 3314.05 (A)

2 ORC § 3314.05 (B) & (C)

3 ORC § 3313.64 and HB 59 Section 263.390

4 ORC § 3314.05 (B)(5)

5 ORC § 3313.536 (A) & (B)

6 ORC § 3313.536 (C)

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## ACQUISITION AND DISPOSAL OF FACILITIES

### A. Sale of Property

1. Sale of school districts' real property.<sup>7</sup>
  - a. School districts must first offer real property valued over \$10,000 to start-up charter schools or public college-preparatory boarding schools located within the territory of the district.
  - b. This only applies to schools that, at the time of sale, currently exist and are located within the selling district; schools planning to open in or relocate to that district are not included.
  - c. The price must not be higher than fair market value as determined by an appraisal not more than a year old.
  - d. If more than one charter school or boarding school accepts the offer made by the board, the board must sell the building to the school that accepted the offer first.
  - e. If no charter school accepts the offer within sixty days, the district may dispose of the property according to the manner described in law.
2. Lease or sale of unused facilities.<sup>8</sup>
  - a. Districts must offer for sale or lease any real property it has not used for at least two years to charter schools or public college-preparatory boarding schools that are located within the territory of the district.
    - Unused means real property that a district had used for school operations (including academic instruction and/or administration) but that has not been used in that capacity for at least two years.
  - b. Districts may offer for sale or lease any real property it has not used for at least two years to charter schools that have stipulated in contracts with their sponsors their plans to open or relocate to that district.
  - c. Sales.<sup>9</sup>
    - If only one school notifies the district within 60 days of the offer of its intent to purchase the building, the district shall sell the school building to that school at fair market value as determined by an appraisal not more than a year old.
    - If more than one school notifies the district of its intent to purchase, the district shall conduct a public auction among only the schools that had notified the district of their intent to purchase. The district is not obliged to accept any offer less than fair market value as determined by an appraisal not more than a year old.

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<sup>7</sup> ORC § 3313.41 (G)

<sup>8</sup> ORC § 3313.411

<sup>9</sup> ORC § 3313.411

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- d. Leases.<sup>10</sup>
    - If more than one charter school notifies the district of its intent to lease the building, the district shall conduct a lottery among interested parties.
    - The lease price shall not be higher than fair market value as determined by an appraisal not more than a year old.
  - e. Offer expires after 60 days.<sup>11</sup>
    - If no charter school accepts the offer to lease or buy the building after 60 days, the district can dispose of the property in accordance with Ohio law.
  3. Charter schools that propose to use classroom facilities owned by a school district or educational service center may not use the facility unless they enter into an agreement with the school district or educational service center to use it.<sup>12</sup>
    - a. The terms and conditions of this agreement are determined by the board of the school district or educational service center.
  4. Facilities funding<sup>13</sup>
    - a. The General Assembly, in HB 59, appropriated community school facilities money to be used to pay each charter school that is not an internet- or computer-based community school an amount equal to \$100 for each full-time equivalent (FTE) pupil.
    - b. The facilities money is to be used to assist charter schools in paying for cost associated with school facilities.

## **B. Facilities disposal**

1. Charter schools that purchase property from a school district must offer to sell the property back to the school district at fair market value before they offer it to other parties.<sup>14</sup>
  - a. The school district board has at least 60 days to accept or refuse that offer.
  - b. This also applies when a charter school closes due to contract termination or nonrenewal.
2. Any funds gained from the sale of real property acquired by the community school are distributed according to the "School Closure" section.<sup>15</sup>

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<sup>10</sup> ORC § 3313.411

<sup>11</sup> ORC § 3313.411

<sup>12</sup> ORC § 3314.05 (C)

<sup>13</sup> HB 59 Section 263.320

<sup>14</sup> ORC § 3314.051

<sup>15</sup> ORC § 3314.074

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# Transportation

## KEY CONCEPTS

### REQUIREMENTS

#### A. Overview

### ALTERNATIVE ARRANGEMENTS

#### A. Alternative arrangement

### SPECIAL CIRCUMSTANCES

#### A. Disabled students

#### B. Calamity days

#### C. Impracticality

### AGREEMENT FUNDING

## REQUIREMENTS

### A. Overview

1. If a student in grades K-8 lives more than two miles from the charter school they attend, the local school district is required to transport them to their charter school<sup>1</sup>. However, an alternative arrangement may be made, as described below.
  - a. If the student requires more than 30 minutes of direct travel time by bus, a board of education has no obligation to offer transportation to a charter school student.
2. In general, a district is not required to transport high school students to charter schools, unless the district provides transportation to native<sup>2</sup> high school students who attend district schools.
3. For any school year that begins on or after July 1, 2014, a school district is not required to provide transportation for any native student enrolled in a charter school scheduled to open for operation in the current school year, if the charter school, by April 15th of the previous school year, submits written notification to the school district stating that the charter school is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the charter school.<sup>3</sup>

## ALTERNATIVE ARRANGEMENTS

### A. Alternate arrangement

The district board of education and charter school can agree that the charter school is responsible for providing or arranging for transportation of students.

1. An effective agreement must be certified by the state superintendent of public instruction and must meet all of the following requirements<sup>4</sup>:
  - a. It must be submitted to the department of education by the deadline.
  - b. It must provide transportation for native students in grades K-8 who live more than 2 miles from the charter school which they attend. If the district offers transportation to students in grades 9-12, the charter school should as well.
  - c. The transportation provided by the charter school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.
  - d. The sponsor of the charter school must also sign the agreement.

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1 ORC § 3327.01

2 ORC § 3314.09

3 ORC § 3314.091 (B)(4)

4 ORC § 3314.091 (A)

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2. Duration.
    - a. Transportation responsibility lasts one full school year and continues into subsequent school years unless the governing authority submits written notification to the district board stating otherwise.
  3. Relinquishing responsibility.
    - a. A governing authority shall not relinquish responsibility for transportation before the end of a school year, and shall submit the notice relinquishing responsibility by January 31st, in order to allow the school district reasonable time to prepare transportation for its native students enrolled in the school.<sup>5</sup>

## SPECIAL CIRCUMSTANCES

### A. Disabled students

A charter school shall provide or arrange free transportation for any disabled student (with an IEP) who is enrolled in the school. <sup>6</sup>

### B. Calamity days

There is no clear answer as to whether providing transportation for charter students is required on days that public schools are closed due to differing calendars. The Attorney General, however, has addressed the issue for nonpublic schools. The Attorney General has stated that there is still an obligation to transport students on days when the district schools are closed.<sup>7</sup>

### C. Impracticality

A school has the discretion to deem transportation of a student to be impractical<sup>8</sup> based on the five factors below:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- (6) Whether other reimbursable types of transportation are available.

If the school deems transportation to be impractical, it must provide the parent or guardian with compensation for the transportation not provided. The transportation compensation shall be an amount not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year.

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5 ORC § 3314.091 (B)(3)

6 ORC §§ 3314.091 (C)(3); 3327.01

7 1983 Op. Att’y Gen. No. 83-096

8 ORC § 3327.02

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## AGREEMENT FUNDING

### A. Overview

The Ohio Department of Education shall make payments to the charter school for each student actually transported, according to the terms of the agreement between the school district board and the charter school governing authority.<sup>9</sup>

### B. Funding Calculation

Payments to a charter school providing transportation under an agreement with the school district board shall be calculated as follows:

1. For any fiscal year in which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:
  - a. The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by;
  - b. The number of students included in the district's transportation ADM for the current fiscal year<sup>10</sup>, plus the number of students enrolled in the community school not counted in the district's transportation ADM<sup>11</sup>.
2. Beginning with the 2013-14 school year, the payment to the community school shall be the amount that otherwise would be paid to the school district for the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

### C. Deductions

The department shall deduct the payment under [ORC § 3314.091 \(D\)\(1\)](#) from the state education aid<sup>12</sup>, as defined in of the Revised Code, and, if necessary, the payment under [ORC § 321.14](#) and [ORC § 323.156](#) of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under [ORC § 3314.091 \(D\)\(1\)](#) in the calculation of the district's transportation payment under [ORC § 3317.0212](#) of the Revised Code and the operating appropriations act.

### D. Payments

A community school shall be paid<sup>13</sup> only for students who are eligible,<sup>14</sup> and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

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<sup>9</sup> [ORC §§ 3314.091 \(A\); 3314.091 \(C\)\(1\)](#)

<sup>10</sup> [ORC § 3317.03 \(B\)\(13\)](#)

<sup>11</sup> [ORC § 3314.091 \(B\)](#)

<sup>12</sup> [ORC § 3314.08](#)

<sup>13</sup> [ORC § 3314.091 \(D\)\(1\)](#)

<sup>14</sup> [ORC §§ 3327.01; 3314.091 \(C\)\(1\)](#)

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### **E. Using payments**

A community school shall use these payments<sup>15</sup> solely to pay the costs of providing or arranging for the transportation of eligible<sup>16</sup> students, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

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<sup>15</sup> ORC § 3314.091

<sup>16</sup> ORC § 3327.01, ORC § 3314.091 (C)(1)

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# Sponsors

## KEY CONCEPTS

### OVERVIEW

### WHO CAN SPONSOR

### LIMITATIONS ON SPONSORSHIP

### APPROVAL PROCESS FOR SPONSORSHIP OF START UP SCHOOLS

### SPONSOR AGREEMENT WITH ODE

### SPONSOR REVOCATION

### ADOPTION AND APPROVAL OF CONTRACTS

### CONTRACT REQUIREMENTS

### COMPREHENSIVE PLAN

### EXPIRATION, TERMINATION, OR NONRENEWAL OF CONTRACTS

### ANNUAL ASSURANCES BY SPONSORS

## OVERVIEW

Every charter school needs a sponsor (known as authorizers in other states). Ohio is unique among states with charter schools by allowing a variety of entities to become sponsors, including districts, the Ohio Department of Education (ODE), and approved nonprofits. Some states only allow one type of entity, such as a school district, to sponsor or authorize a school.

Sponsors have three statutory responsibilities: oversight, monitoring, and technical assistance. Sponsors enter into contracts with the governing board of charter schools, and it is this contract that legally creates the school. Sponsors also ensure that schools adhere to the contracts, and they make important decisions such as whether to renew contracts with schools. The contracts between sponsors and schools include provisions required by law, as described in this chapter; they may also include specific terms negotiated between the sponsor and school. Under new law, ODE must make these contracts available on its website.

This chapter provides information on who can become a sponsor, how one becomes a sponsor, and what sponsors are legally required to do under both the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). The OAC contains the rules and regulations that have been promulgated by various state administrative agencies; in the case of charter school sponsors, the relevant administrative rules have been promulgated by ODE. State law requires that regulations are reviewed every five years. Ohio's Joint Committee on Agency Rule Review (JCARR) is tasked with the responsibility of conducting this review. JCARR is comprised of five members of the Ohio House and five from the Senate. JCARR can recommend via a concurrent resolution the invalidation of a rule change to the General Assembly based on specified criteria. For more information on those criteria, see JCARR in the glossary of this book. In order for a rule to be invalidated by the General Assembly, the resolution by JCARR must pass both chambers of the General Assembly.

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## WHO CAN SPONSOR

### A. Conversion Schools<sup>1</sup>

1. Conversion sponsors can be any joint vocational school district or any city, local, or exempted school district where the school will be located. To sponsor a conversion in Cleveland, the sponsor must receive approval from ODE.<sup>2</sup>
2. Educational service centers can also sponsor conversion schools under the following conditions:<sup>3</sup>
  - a. If the conversion is in the territory of the ESC or a contiguous county, no special conditions apply.
  - b. If the conversion is outside of the ESC's service territory or contiguous county, the ESC must receive approval from ODE and must enter into an agreement with ODE.
  - c. If the conversion is in Cleveland, the ESC must receive approval for ODE.<sup>4</sup>

### B. Start-up schools

1. Most entities wanting to sponsor must be approved by ODE. Eligible sponsoring entities are as follows:
  - The board of education in the district where the school is located.
  - The board of a joint vocational school district (it must have territory in the county where the district where the school is proposed to be has a major part of its territory).
  - The board of any other city, local, or exempted village school district (it must have territory in the county where the district where the school is proposed to be has a major part of its territory).
  - The governing board of any educational service center, provided that it receives approval from the ODE and enters into an agreement with ODE. If the startup school is in Cleveland, it must also have a recommendation from the district's Transformation Alliance.
  - A sponsoring authority designated by any of the thirteen state universities, or the board of the trustees of the university itself so long as the mission of the proposed school will be the practical demonstration of teaching methods and/or practices that are part of the university's teacher preparation program.
  - A qualified, tax-exempt, 501(c)(3) organization that meets all of the following:
    - o It must have been in operation at least five years before applying to be a sponsor;
    - o It must have over \$500,000 in net assets and a demonstrated record of financial responsibility; and

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1 ORC § 3314.02

2 ORC § 3313.87

3 ORC § 3314.02

4 ORC § 3313.87

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- o It must have an education orientation, as determined by the State Board of Education and Ohio Department of Education.
2. Some entities have been given their authority by statute and do not need approval from ODE. Those entities are:<sup>5</sup>
    - a. The Ohio Council of Community Schools (OCCS)
    - b. Lake Erie West Educational Service Center
    - c. The Ohio Department of Education<sup>6</sup>
      - ODE may sponsor a maximum of 20 schools per year.
      - Five of those 20 can be for the establishment of new schools. ODE may deny an application for direct authorization from an existing charter school whose contract was not renewed or terminated by its sponsor.
      - Any existing school that ODE assumes sponsorship of must have had its contract non-renewed or terminated by its previous sponsor. ODE can sponsor up to 15 existing start-up schools.
      - ODE also assumes sponsorship of a school whose sponsor has had its approval to sponsor schools revoked. Any school ODE obtains sponsorship of through this way does not count against its 20 school cap.
      - ODE may deny an application for direct authorization from an existing community school whose contract was not renewed by its sponsor.

## LIMITATIONS ON SPONSORSHIP

### A. Geography

1. Sponsors of conversion schools<sup>7</sup>
  - a. There are no geographic limits for conversion schools.
2. Sponsors of start ups<sup>8</sup>
  - a. Start-up schools can only be located in a challenged school district
  - b. Eligible districts are generally limited to the counties in which they exist.
  - c. Educational service centers may only sponsor start up schools in a county within the territory of the service center or in a contiguous county.
    - ESCs are permitted to sponsor schools outside of these restrictions if they had sponsored the school prior to 2007
  - d. Joint vocational school districts are generally limited to the counties they serve.
  - e. Nonprofits vary in terms of the areas they serve, based on their contract with ODE (some are statewide, others are limited by county, etc.).

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5 ORC § 3314.021

6 ORC § 3314.029

7 ORC § 3314.02 (B)

8 ORC§ 3314.02 (C)(1)

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## B. Number of Schools

1. Conversions
  - a. There are no limits to the number of conversion schools an eligible conversion sponsor can open.
2. Start-ups
  - a. All sponsors (except ODE) are limited to sponsoring no more than 100 start-up schools.
  - b. ODE is limited to sponsoring 20 total schools, of which only 5 can be new schools.<sup>9</sup>

## C. Performance Requirements

1. Sponsors ranking in the bottom twenty percent of all sponsors (conversions and start-ups combined) on an annual composite performance index score of their schools are prohibited from sponsoring additional schools. ODE is not subject to this prohibition.<sup>10</sup>
  - a. Charter schools not included in composite index:
    - Schools that have been open less than two full school years<sup>11</sup>
    - Dropout recovery schools (but they will be once they are subject to permanent closure laws, see page 16 for more details).<sup>12</sup>
    - Schools in which a majority of the students are children with disabilities receiving special education and related services<sup>13</sup>
  - b. ODE is required to publish the rankings between October 1 and October 15 of each year.
  - c. Any contract between a school and a sponsor who is prohibited from sponsoring schools due to this composite index will be void.
    - The school will not be allowed to open until it secures a contract with a new sponsor.
2. Beginning in 2015<sup>14</sup>, sponsors will be rated on three criteria:
  - a. The academic performance of their students in schools they sponsor,
  - b. Their adherence to quality practices specified by the Department of Education,
  - c. Their compliance with applicable and administrative rules.

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<sup>9</sup> ORC § 3314.029

<sup>10</sup> ORC § 3314.016

<sup>11</sup> ORC § 3314.35 (C)

<sup>12</sup> ORC § 3314.35 (A)(4)

<sup>13</sup> ORC § 3314.35 (A)(4)

<sup>14</sup> ORC § 3314.016

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## APPROVAL PROCESS FOR SPONSORSHIP OF START UP SCHOOLS

### A. Notification<sup>15</sup>

1. ODE must post information about the application and approval process for sponsors of start-up schools, including cycles and deadlines during the fiscal year, on its website by July first of each year.
2. ODE must post confirmation of applications received on its website.
3. ODE must provide each applicant with a written notice of whether it has been approved or not after completion of ODE review process.
4. If the entity is not approved, ODE must provide reasons. An entity not approved can appeal in accordance with [Section 119.12](#) of the Revised Code.

### B. Requirements<sup>16</sup>

Eligible entities applying for sponsorship must submit a written application to ODE demonstrating that the entity can and will do all of the following—which, if the entity is approved, will also be specified in the final sponsorship agreement with ODE.

1. Demonstrate that it is an eligible entity capable of sponsoring a new start-up school to be located in a challenged school district.
2. Demonstrate that if the applicant sponsors or operates schools in another state, at least one of the schools sponsored or operated by the applicant must be rated comparable to or better than the performance of Ohio schools rated in continuous improvement or its successor equivalent rating under section 3302.03 of the Revised Code;
3. Demonstrate, in its application that the applicant or its representative(s) possess the requisite skills, professional knowledge and expertise to, provide technical assistance and monitor, oversee, and hold accountable for compliance with all applicable laws, rules, and terms of the community school contract for each community school that it proposes to sponsor;
4. Demonstrate the applicant's specific willingness to comply with all other sections of the Revised Code and all rules of the Administrative Code which are applicable to sponsors and community schools .

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<sup>15</sup> OAC 3301-102-03

<sup>16</sup> OAC 3301-102-03 (E)

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## SPONSOR AGREEMENT WITH ODE

### A. Upon approval, the sponsor will sign an agreement with ODE that specifies the following<sup>17</sup>:

1. The number of contracts a sponsor may enter into; and
2. The geographic area in which sponsor has the authority to enter into contracts with schools; and
3. The terms of the agreement; and
  - a. The sponsor must notify ODE at least 180 days before the expiration of the agreement regarding the sponsor's intent to renew.
  - b. The initial term of this agreement will be 7 years. Additional years can be added depending on the sponsor's performance.
4. The duties and responsibilities of sponsors.

### B. Duties and responsibilities<sup>18</sup>

1. All the requirements from the sponsor application.
2. The agreement must also include written statements that the sponsor will do all of the following:
  - a. Attend training sessions as required by ODE.
  - b. Ensure that technical assistance is available to each charter school it sponsors.
  - c. Conduct annual site visits to the school prior to its opening.
  - d. Provide written assurances for each sponsored school no later than 10 days prior to opening of the school.
  - e. Have a representative of the sponsor who is knowledgeable in school finance meet with the school's board, review financial and enrollment records of the school at least once every month, and prepare written reports, which are made available to ODE upon request.
  - f. Notify ODE within 24 hours of any of the following:
    - a school's failure to comply with applicable state or federal law, or
    - a school's failure to comply with contractual requirements, or
    - a school's financial difficulties, if they could result in the sponsor placing the school on probationary status, suspending the school's operation, or terminating the school's contract. (In such circumstances, the sponsor shall provide written notice to the department within thirty days of the charter school's noncompliance or financial difficulties; the sponsor must specify the exact nature of the problem and the plan for and status of any resolution.)
  - g. Comply with financial reporting requirements established by ODE and report financial records separately as to each individual charter school's financial records, in accordance with applicable accounting standards.
  - h. Notify ODE in writing within 24 hours of the execution of each preliminary agreement and community school contract and submit copies of each to ODE in the format required within 10 business days of execution.

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<sup>17</sup> ORC § 3314.015 and OAC 3301-102-04 (B)

<sup>18</sup> OAC 3301-102-04 and 3301-102-05

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## SPONSOR REVOCATION

### A. The State Board may revoke sponsorship authority at any time that it finds the sponsor is not in compliance with or is no longer willing to comply with any of the following:<sup>19</sup>

1. Any section of the Ohio Revised Code or any rule of the Ohio Administrative Code applicable to sponsors or charter schools.
2. The sponsorship agreement to which it is a party.
3. Any charter school contract to which it is a party.

### B. Notification

1. ODE must notify a sponsor within a reasonable time under the circumstances that it intends to seek revocation of sponsorship authority, unless the sponsor can demonstrate a satisfactory remedy for the deficiencies.<sup>20</sup>
2. The State Board shall notify the sponsor and all of the charter schools it sponsors within ten business day of its finding.<sup>21</sup>
3. Hearing
  - a. If a request for a hearing is received from the sponsor within 10 days, the State Board or its designee shall conduct a hearing on that matter in accordance with Chapter 119 of the Revised Code.<sup>22</sup>
  - b. After the hearing, if the State Board or its designee has confirmed the original finding, ODE may revoke the sponsor's authority.<sup>23</sup>

### C. Appeal

1. ODE's decision to revoke sponsorship authority may be appealed in accordance with ORC 119.12.<sup>24</sup>

### D. Assuming sponsorship of revoked sponsor's schools

1. ODE's Office of School Sponsorship may assume the sponsorship of a school if the original sponsor lost authority, until either the expiration of two school years or until a new sponsor is secured by the school's governing authority, whichever happens first.<sup>25</sup>

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<sup>19</sup> OAC 3301-102-07 (B) (1)-(3)

<sup>20</sup> OAC 3301-102-07 (A)

<sup>21</sup> OAC 3301-102-07 (C)

<sup>22</sup> OAC 3301-102-07 (D)

<sup>23</sup> OAC 3301-102-07 (E)

<sup>24</sup> OAC 3301-102-07 (G)

<sup>25</sup> OAC 3301-102-07 (F)

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## ADOPTION AND APPROVAL OF CONTRACTS

### A. Contract Adoption

1. Contract adoption occurs when a sponsor and the governing board of a charter school indicate their intent to enter into a contract. This can occur in one of the following ways:<sup>26</sup>
  - a. A sponsor's board approves a resolution stating its intent, or
  - b. The board minutes from a sponsor's board meeting summarizes the action, or
  - c. A preliminary agreement is signed between a sponsor and a school.
2. A contract must be adopted by March 15 prior to school's opening and memorialized by a resolution by the charter school board.<sup>27</sup>
  - a. The March 15 deadline does not apply to ODE because an application to ODE at anytime, which then starts the mandatory time frame for approval or denial.

### B. Contract execution<sup>28</sup>

1. The contract is executed when both the school's governing board and the sponsor's governing board sign it.
2. All contracts must be executed by May 15.
  - a. The May 15 deadline does not apply to ODE because an application to ODE at anytime, which then starts the mandatory time frame for approval or denial.
3. After the contract is signed, the sponsor must submit a finalized copy of the contract to ODE within 10 business days.
4. Unless it is a dropout recovery school, the charter school must open by September 30 of the year in which the contract is executed, or the contract is void.

## CONTRACT REQUIREMENTS

Charter schools are governed by the contract between the school and the sponsor. The contract contains some provisions mandated by law and some which have been agreed upon by the parties. The contract must be filed with the State Superintendent of Instruction. Listed here are all of the required elements of the contract.<sup>29</sup>

### A. Public benefit corporation.

1. The contract must state that a school shall be established as a public benefit corporation.
  - a. This applies to all schools established after April 8, 2003.
  - b. Schools established before 2003 were established as nonprofit corporations.

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<sup>26</sup> ORC § 3314.02 (B) and (C)

<sup>27</sup> ORC § 3314.02 (D)

<sup>28</sup> ORC § 3314.02 (D)

<sup>29</sup> ORC § 3314.03 (A)

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**B. School Characteristics. The contract must describe the following:**

1. The educational program of the school;
2. The characteristics of students it expects to attract;
3. The ages and grades of students it will serve; and
4. The focus of the curriculum.

**C. Academic goals and progress.**

1. The contract must state the academic goals to be achieved.
2. The contract must describe the method of measurement that will be used to determine progress toward the academic goals, and the statewide assessment tests must be included as a method of measurement.

**D. Performance standards.**

1. The contract must describe the performance standards by which the sponsor will evaluate the school.

**E. Admission procedures.**

**F. Dismissal procedures.**

1. These must include automatic withdrawal of a student who fails to participate in 105 consecutive hours of learning without a legitimate excuse.

**G. Description of how the school will achieve a racial and ethnic balance relative to the community it serves.**

**H. Requirements for financial audits by state auditor.**

1. Charter school financial records must be maintained in the same manner as traditional district schools.
2. Audits must be conducted.<sup>30</sup>

**I. The facilities to be used and their locations.**

**J. Qualifications of teachers, including the following (note there is no requirement that administrators be licensed):**

1. A requirement that teachers are licensed according to the Ohio Revised Code, except that charter schools can employ non-certified teachers to teach up to 12 hours per week.<sup>31</sup>

**K. Statements that the school will do the following:**

1. Provide learning opportunities to a minimum of 25 students for a minimum of 920 hours per school year.
2. Purchase liability insurance or otherwise provide for the potential liability of the school.
3. Be nonsectarian in its programs, admission policies, employment practice, and all other operations, and will not be operated by a sectarian school or religious organization.

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<sup>30</sup> ORC § 117.10

<sup>31</sup> ORC § 3319.301

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4. Comply with a lengthy, enumerated list of state statutes.<sup>32</sup>
  5. Comply with Ohio's ethics laws.
    - a. These are described in Chapter 102 of the Ohio Revised Code
    - b. Charter schools must also comply with ORC 2921.42 which prohibits public officials from having unlawful interests in public contracts
    - c. Charter schools must also comply with ORC 2921.43 as applicable.
  6. Comply with the requirement relating to the issuance of diploma, including the Core Curriculum.
    - a. It is permissible for a student to successfully complete the charter school's curriculum instead of the "high school curriculum" for students entering the ninth grade for the first time prior to July 1, 2010.
  7. Submit a report to the school's sponsor and parents each year.
    - a. The report must address the school's activities and progress in meeting goals and standards.
    - b. It must be submitted within four months after the end of each school year.
  8. That the school will display national and Ohio mottoes if donated to the school.
    - a. This does not apply to e-schools.
  9. That if the school is a recipient of the federal Race to the Top funds, it will pay teachers based on performance.

**L. The school will make arrangements to provide health and other benefits to employees.**

**M. The length of the contract.**

1. Initial contracts cannot be longer than five years.
2. After the initial contract, the school and sponsor can agree to the duration of the contract during the renewal process.

**N. The governing authority of the school, which is responsible for carrying out the contract.**

**O. Financial plan.**

1. The plan must detail an estimated budget for each year of the period of the contract.
2. The plan must specify the total estimated per pupil expenditure each year.

**P. Requirements and procedures regarding disposition of employees in case contract is terminated or not renewed.**

**Q. Whether the school is a conversion or start-up school.**

1. If it is a conversion school, the contract must specify the duties and responsibilities that the board of the entity that is converting the school is delegating to the board of the charter school with respect to all or any of specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees.

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<sup>32</sup> ORC § 3314.03 (A)(11)(d)

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- R. Provisions establishing procedures for resolving disputes or differences of opinions between the sponsor and the governing authority.**
- S. Admissions policy for students outside the district.**
1. The contract must contain a provision requiring the board of the school to adopt a policy regarding whether (and if so, how) it will admit students who reside outside the district where the school is located.
  2. The policy shall comply with admission procedures (see also the chapter “Admissions of Students”) and shall do one of the following:
    - a. Prohibit the enrollment of students who reside outside the district where the school is located; or
    - b. Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; or
    - c. Permit the enrollment of students who reside in any other district in the state.
- T. A provision recognizing the authority of the department of education to take over the sponsorship of the school.**
- U. A provision recognizing the sponsor’s authority to assume the operation of a school.**
- V. Health and Safety. The contract must contain a provision recognizing both of the following:**
1. The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety regulations; and
  2. The authority of the department of education to suspend the operation of the school if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school’s students and employees, and the sponsor refused to take action.
- W. Learning opportunities.**
1. Learning opportunities must be defined in the school’s contract.
  2. Learning opportunities must provide descriptions of both classroom and non-classroom based learning opportunities that are in compliance with criteria for student participation as defined by the department of education.
- X. The school will comply with the provisions under the federal No Child Left Behind law or equivalent.**
- Y. The school will open by September 30 of each school year, unless it is a dropout recovery school.**

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## COMPREHENSIVE PLAN

### A. The school will also submit a plan to the sponsor that specifies:<sup>33</sup>

1. The process by which the governing authority of the school will be selected in the future;
2. The management and administration of the school;
3. If the school is currently an existing school or an education service center, the arrangements for the students and teachers who choose not to attend the converted school.
4. The instructional program and educational philosophy of the school.
5. Internal financial controls.

## EXPIRATION, TERMINATION, OR NONRENEWAL OF CONTRACTS

### A. Expiration<sup>34</sup>

1. The contract expires on the date provided for in the contract. Another contract can be entered into unless the contract is terminated or not renewed pursuant to this section.

### B. Non-renewing or terminating<sup>35</sup>

1. A sponsor can choose to not renew or terminate a contract prior to its expiration for any of the following reasons:
  - a. Failure to meet student performance requirements as stated in the contract;
  - b. Failure to meet generally accepted standards of fiscal management;
  - c. Violation of any provision of the contract or applicable state or federal law;
  - d. Other good cause.
2. Sponsors can terminate the contract before it expires if they have already suspended the contract.
3. Notification by February 1. A sponsor must notify a school of its plan to terminate or take actions to not renew no later than February 1 of the year in which the termination or nonrenewal would occur.
  - a. Notification must include detailed reasons for proposed action.
  - b. Notification must include the effective date of the termination or nonrenewal.
  - c. Notification must inform school that it may request an informal hearing before the sponsor. This request must be in writing and made within 14 days after the school has received the notification.
  - d. If a school requests an informal hearing, the informal hearing must occur within fourteen days of the receipt for a request for the hearing.

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<sup>33</sup> ORC § 3314.03 (B)

<sup>34</sup> ORC § 3314.07 (A)

<sup>35</sup> ORC § 3314.07 (B)

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- e. In the case of an informal hearing, the sponsor shall issue a written decision within 14 days of the hearing either affirming or rescinding its decision to terminate or not renew.
  4. **Appealing decision.** A school can appeal its sponsor's decision to terminate to the state board of education. A school cannot appeal a sponsor's decision to non-renew.
    - a. The notice shall be filed with the state board no later than fourteen days after the school receives the sponsor's written decision to terminate the contract.
    - b. The state board must conduct a hearing within sixty days of receipt of notice of the school's appeal.
    - c. The state board must issue a written decision on the appeal that includes reasons for affirming or rescinding the decision of the sponsor.
    - d. The state board's decision is final.
    - e. If the sponsor whose decision is being appealed is ODE, its initial decision is denial.
  5. **Effective date of termination.** The termination of a contract shall be effective upon the occurrence of the later of the following events:
    - a. The date the sponsor notifies the school of its decision to terminate the contract; or,
    - b. If an informal hearing is requested and the sponsor's decision is affirmed, then the effective date of termination is when the sponsor issues that decision; or, if that decision is appealed to the state board, and the state board affirms the decision, then the effective date of termination is the date established in the resolution of the state board affirming the sponsor's decision.
  6. **Closing.**<sup>36</sup>
    - a. Any charter school whose contract is terminated prior to its expiration will close permanently at the end of the current school year or on a date specified in the notification of termination. Any such school shall not enter into a contract with any other sponsor.
    - b. Any student who attended the school whose contract has been suspended, nonrenewed, or terminated shall be admitted to the schools of the district where the student is entitled to attend—and any deadlines for the purpose of admitting students shall be waived for these students.
  7. **School decides not to renew.**<sup>37</sup>
    - a. If a school decides not to renew its contract, it must notify its sponsor in writing at least 180 days prior to the expiration of that contract.
    - b. The school may then enter into a new contract with another sponsor.

### **C. Liability**<sup>38</sup>

1. Sponsors and its officers, directors, and employees are immune from civil liability for any action authorized under specified law or the contract.

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<sup>36</sup> ORC § 3314.07 (B)(6) and (C)

<sup>37</sup> ORC § 3314.07 (D)

<sup>38</sup> ORC § 3314.07 (E)

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2. They are not liable in damages in a tort or civil action for harm allegedly arising from any of the following:
    - a. A failure of the school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation;
    - b. An act or omission of the school or any of its officers, directors, or employees that results in harm.

## ANNUAL ASSURANCES BY SPONSORS

### A. The following assurances must be submitted by the sponsor to the Ohio Department of Education within ten days before school opens (See also ODE’s website “How to Sponsor a Community School”):<sup>39</sup>

1. That a current copy of the contract between the sponsor and the governing authority of the school has been submitted to the department.
  - a. Any modifications must also be filed with the department.
2. That the school has submitted a plan to the sponsor for providing special education and related services to students with disabilities and has demonstrate the capacity to provide these services, in accordance with state and federal law.
3. That the school has a plan and procedure for administering the achievement and diagnostic assessments.
4. That school personnel has the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the EMIS system.
5. That all required information about the school has been submitted to the Ohio education directory system or any successor system.
6. That the school will enroll at least the minimum number of students (25) in the school year for which the assurances are provided.
7. That all classroom teachers are licensed in accordance with state law, except that noncertified persons can teach up to 12 hours per week pursuant to ORC 3319.301.
8. That the school’s fiscal officer is in compliance with ORC 3314.011.
9. That the school has conducted a criminal records check for current employees responsible for care, custody, or control of children; for applicants to these positions; new hires, and each of its governing board members.<sup>40</sup>
10. That the school holds all of the following:
  - a. Proof of property ownership or lease for the facilities used by the school;
  - b. A certificate of occupancy;

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<sup>39</sup> ORC § 3314.19

<sup>40</sup> ORC §§ 3319.39; 3319.391

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- c. Liability insurance for the school that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;
  - d. A satisfactory health and safety inspection;
  - e. A satisfactory fire inspection; and,
  - f. A valid food permit, if applicable;
11. That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided.
  12. That the school has designated a date it will open for the school year.
  13. That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.

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# Board Governance

## KEY CONCEPTS

### REQUIREMENTS

- A. Overview
- B. Restrictions
- C. Compensation
- D. Contract with sponsor
- E. Termination of contract

## REQUIREMENTS

### A. Overview

1. Each start-up charter school must have a governing board with at least five members.<sup>1</sup>
2. The governing board is a non-profit entity that functions much like the board of a traditional school district, except that charter school governing board members can be appointed or selected. Traditional school districts (except Cleveland) elect their school board members.
3. Governing boards enter into contracts with sponsors.<sup>2</sup>
4. Charter school board meetings are public and are subject to the sunshine laws.<sup>3</sup>
5. The school must complete a criminal records check for each board member.<sup>4</sup>

### B. Restrictions

1. No individual can serve on the board of more than five start-up charter schools at the same time.<sup>5</sup>
2. No board member can owe the state any money or be in a dispute with the state over whether money is owed concerning the operation of a charter school.<sup>6</sup>
3. No present or former member, or immediate relative of a present or former member, of the board of any Ohio charter school can be an owner, employee, or consultant of any sponsor or operator of a charter school, unless at least one year has elapsed since the conclusion of the person's membership on the charter school board.
  - a. "Immediate relatives" refer only to spouses, children, parents, grandparents, siblings, and in-laws.

### C. Compensation<sup>7</sup>

1. Charter school board members can be compensated for their service.
2. Compensation for individual members cannot exceed more than \$425 per meeting.
3. No board member can receive more \$5,000 per year for serving on charter school boards.
  - a. This amount takes into account all of the charter school boards (which can be no more than five) that an individual serves on.

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1 ORC § 3314.02 (E)

2 ORC § 3314.03

3 ORC § 149.43

4 ORC § 3314.19 (I)

5 ORC § 3314.02 (E) (2)

6 ORC § 3314.02 (E) (1)

7 ORC § 3314.02

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#### **D. Required reports<sup>8</sup>**

1. The governing board must submit a report of the school's activities and how the school has done in terms of meeting the goals and performance standards.
2. The governing board must also submit a report of its financial status.
3. These reports must be submitted to the sponsor and the parents of all students enrolled in the school within four months of the end of every school year.

#### **E. Contract with sponsor<sup>9</sup>**

1. Contract between the charter school and sponsor must be approved by a majority of board members.
2. Contract must be adopted no later than March 15 and approved no later than May 15 of the year in which the school will open.
  - a. Adoption.
    - The contract adoption is represented by a sponsor's approved board resolution, stating the sponsor's intent to enter into the community school contract or a sponsor's signed board minutes summarizing that action, or a Preliminary Agreement between the sponsor and the developer.
    - A formally adopted resolution between the sponsor and school with at least a draft version of the charter school contract must exist at the time of the contract adoption which must be completed by March 15th of the year the school is to open.
  - b. Execution.
    - Contract execution occurs when the charter school contract is signed by both the governing authority and the sponsor.
    - For a contract to remain valid, the school must open for operation by September 30th of the calendar year in which the contract is executed.
      - o If school has not opened by September 30th in the calendar year in which the contract is signed, the contract becomes void by operation of law.
      - o There is one exception: if the school is a drop-out recovery school, the contract remains valid for twelve months after it is signed.
3. The governing board must notify the Ohio Department of Education after the contract has been signed.
4. For a detailed list of the contract requirements, please see the section entitled "Contract Requirements" in the Sponsor chapter, pages 37-40.

#### **F. Termination of contract with operator/removal of board members<sup>10</sup>**

1. Charter school governing board members can be removed by their sponsor if the board decides to terminate or non-renew a contract with a school operator, and that decision is appealed to the school sponsor or to the state board of education (if the sponsor has sponsored the school for less than 12 months).
2. If the sponsor decides the operator should continue to manage the school, it shall remove the existing governing authority and the operator shall appoint a new governing authority.

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<sup>8</sup> ORC § 3314.03

<sup>9</sup> ORC § 3314.02 (D)

<sup>10</sup> ORC § 3314.026

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# Other Applicable Laws

Charter schools are exempted from some, but not all, of the state laws that other public schools must follow. Much of the legal justification for this application comes through the contract between the school and sponsor. This chapter lists those laws, organized by topic. The citations at the end of the chapter are to the actual provision in law; they are all made applicable to charter schools via Ohio Revised Code 3314.03 (A).

## KEY CONCEPTS

HEALTH

SAFETY

TESTING AND INFORMATION MANAGEMENT

STUDENT RIGHTS AND RESPONSIBILITIES

ATTENDANCE

SUNSHINE LAWS AND PUBLIC RECORDS

ACADEMIC PERFORMANCE AND ASSESSMENT

ADMISSIONS

PARENT COMMUNICATION

DISPLAYING FLAGS AND MOTTOS

EMPLOYEE RIGHTS AND RESPONSIBILITIES

FUNDING AND FINANCIAL PROJECTS

TEACHER LICENSING AND EVALUATIONS

ODE OVERSIGHT

MISCELLANEOUS

## HEALTH

### A. General

1. The governing authority of a charter school must periodically review the health and safety policies and procedures to ensure compliance with federal laws and regulations.<sup>1</sup>
2. A charter school must adopt a food allergy protection policy.<sup>2</sup>
3. Where a charter school employs a school physician, the physician has the authority to conduct examinations and diagnoses.<sup>3</sup>

### B. Immunization

1. A charter school must (with some limited exceptions) require immunization of students and keep a record of the student.<sup>4</sup>
  - a. Schools must require proof of immunizations for mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella for all students; and for hepatitis B and chicken pox for students entering kindergarten.<sup>5</sup>

### C. Screenings and Inspections

1. A charter school must provide hearing, vision, speech and communications, health or medical problems, and developmental disorders screening to students enrolling in kindergarten or first grade and must notify parents of the screening.<sup>6</sup>
2. If a charter school provides medical and dental inspection to students, then hearing, vision, and dental inspections are to be provided.
  - a. Students may be exempted if the child has had inspections from licensed practitioners within the previous year.<sup>7</sup>

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- 1 ORC § 3313.86
  - 2 ORC § 3313.719
  - 3 ORC § 3313.71
  - 4 ORC § 3313.67
  - 5 ORC § 3313.671
  - 6 ORC § 3313.673
  - 7 ORC § 3313.69

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- b. Charter schools must keep records of vision and hearing tests and measurers used to correct any defects.<sup>8</sup>
  3. Medical Devices
    - a. A student may possess and use an inhaler with written approval from physician and copies of written approval must be given to the principal and school nurse.<sup>9</sup>
    - b. A student of may possess and use an epinephrine autoinjector, along with a backup dose, to treat anaphylaxis if written approval from a physician are given to the principal and school nurse.<sup>10</sup>

#### **D. Nutrition**

1. A charter school must adopt and enforce nutrition standards that govern the types, times, and locations of foods and beverages sold on school premises. <sup>11</sup>
  - a. When devising nutritional standards, the schools must do all of the following:
    - Consider nutritional values; and
    - Consult with a dietician, dietetic technician, or nutritionist; and
    - Consult federal dietary guidelines.
  2. A la carte items. (A la carte means an individually priced food or beverage that is available for sale to students.)<sup>12</sup>
    - a. Charter schools must regulate the sale of a la carte beverage items.
    - b. A charter school must use software provided by ODE to determine the nutritional value of a la carte foods.<sup>13</sup>

## **SAFETY**

### **A. Safety Protocol<sup>14</sup>**

1. Charter schools are required to create a school safety plan for each school building that include the following:
  - a. Procedures deemed appropriate by the board or governing authority for responding to threats and emergency events.
  - b. A protocol for addressing serious threats to the safety of school property, students, employees, or administrators.
  - c. A protocol for responding to any emergency events that compromise the safety of school property, students, employees, or administrators.

### **B. Missing Children**

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- 8 ORC § 3313.50
  - 9 ORC § 3313.716
  - 10 ORC § 3313.718
  - 11 ORC § 3313.814
  - 12 ORC § 3313.816
  - 13 ORC § 3313.817
  - 14 ORC § 3313.536

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1. A charter school is required to create informational programs to educate students, parents, and the community about missing children.<sup>15</sup>
    - a. The school is also authorized to create a voluntary fingerprinting program.
  2. All charter schools must comply with the reporting requirements of missing children to local law enforcement and the missing children clearinghouse.<sup>16</sup>

### **C. Child Abuse or Neglect**

1. A charter school must provide employee in-service training in child abuse prevention, violence prevention, and substance abuse.<sup>17</sup>
2. A charter school must comply with all reporting requirements for suspected child abuse or neglect.<sup>18</sup>

### **D. Bullying and Harassment**

1. A charter school must adopt and disseminate a policy prohibiting harassment. The policy must be included in student and employee handbooks.<sup>19</sup>
  - a. The policy must include a definition, specified in law, but that generally refers to either violence within a dating relationship, or an intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and that causes mental or physical harm to the other student.
  - b. The policy must also include the following:
    - Procedures for reporting incidents;
    - Procedures for notifying parents;
    - Procedures for documenting instances;
    - Procedures for responding to and investigating any reported incident;
    - Strategies for protecting victims or other persons from new or additional harassment.
    - Disciplinary procedures for any student guilty.
2. A charter school is authorized to form bullying prevention task forces, programs, and initiatives.<sup>20</sup>

### **E. Protective Eyewear<sup>21</sup>**

1. Each visitor, teacher, and student participating or observing hazardous activities must wear an industrial quality eye protective device. A school may require the student to purchase, or charge a rental fee for the eye protection.

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<sup>15</sup> ORC § 3313.96

<sup>16</sup> ORC § 109.65

<sup>17</sup> ORC § 3319.073

<sup>18</sup> ORC § 2151.421

<sup>19</sup> ORC § 3313.666

<sup>20</sup> ORC § 3313.667

<sup>21</sup> ORC § 3313.643

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## TESTING AND INFORMATION MANAGEMENT

### A. Testing Requirements and Procedures

1. Charter schools must comply with each of the Ohio statewide achievement assessments and Ohio graduation requirements.<sup>22</sup>
2. Charter schools must comply with procedural regulations regarding administration of assessments, alternate assessment method, rescheduling for medical reason or other good cause, grading of assessments, and provision of intervention services.<sup>23</sup>
3. Charter schools must comply with the college and work ready assessment system, which is a nationally standardized assessment that measures college and career readiness, and a series of end-of-course examinations in the areas of science, mathematics, English language arts, and social studies.<sup>24</sup>
4. Charter schools must comply with administration of diagnostic assessments of statewide academic standards where required.<sup>25</sup>

### B. Education Management Information System (EMIS)<sup>26</sup>

1. Charter schools must comply with all guidelines for the statewide education management information system (EMIS).

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<sup>22</sup> ORC § 3301.0710

<sup>23</sup> ORC § 3301.0711

<sup>24</sup> ORC § 3301.0712

<sup>25</sup> ORC § 3301.0715

<sup>26</sup> ORC § 3301.0714

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## STUDENT RIGHTS AND RESPONSIBILITIES

### A. Suspension, Expulsions, and Permanent Exclusions

1. A charter school must follow the suspension, expulsion, or permanent exclusion procedures for removal from curricular or extracurricular activities as if it were a traditional school district.<sup>27</sup>
2. A charter school must adopt, post, and provide copies of its policy regarding suspension, expulsion, removal, and permanent exclusion. The policy must specify the types of misconduct, reasons for reductions in punishment, definitions of key terms, and hearing procedure.<sup>28</sup>
3. A charter school may permanently exclude a student adjudicated as a juvenile delinquent if the student was age sixteen or older when the conduct occurred and the same conduct would be a criminal offense if committed by an adult.<sup>29</sup>

### B. Use of Force Against Student<sup>30</sup>

1. An employee may not use corporal punishment.
2. Employees may use reasonable force to prevent physical injury to themselves or others.
3. Employees may also use reasonable force to obtain possession of weapons or other dangerous objects from a student.

### C. Confidentiality of Student Information<sup>31</sup>

1. A charter school must maintain confidentiality of student information against for profit activities.
2. Consent is required for the release of any personally identifiable information other than directory information.
  - a. Directory information includes a student's name; address; telephone listing; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; date of graduation; and awards received.
  - b. Schools must notify parents and students above the age of consent of the schools policy regarding the release of directory information and give them an opportunity to opt out of disclosure of their directory information.
  - c. Exception: Law enforcement officers, probation officers, and education officials may have access to personally identifiable information.

### D. Sealed Records<sup>32</sup>

1. All charter schools must comply with permitted and unpermitted uses concerning court-ordered sealed records, including indexing and limited inspection requirements.

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<sup>27</sup> ORC § 3313.66

<sup>28</sup> ORC § 3313.661

<sup>29</sup> ORC § 3313.662

<sup>30</sup> ORC § 3319.41

<sup>31</sup> ORC § 3319.321

<sup>32</sup> ORC § 2151.357

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## ATTENDANCE

### A. Charter school responsibilities. Charter schools must do the following:

1. Enforce compulsory school attendance for students age 6 to 18 years old.<sup>33</sup>
2. Excuse absences for approved school related extracurricular activities up to a maximum of four days per school year. If approved absences will exceed four days, the school must require teacher accompaniment and instructional assistance during the travel period.<sup>34</sup>
3. Employ an attendance officer.<sup>35</sup>
  - a. This officer has police powers to serve warrants, investigate and enforce the laws relating to compulsory education and the employment of minors.<sup>36</sup>
  - b. The officer's duties also include initiating enforcement proceedings.<sup>37</sup>
  - c. The officer, in conjunction with the charter school governing board, must conduct examination into cases of truancy, and notify the parent, guardian or responsible person of the duty to cause the child's attendance at school. In cases of inaction, a charter school must enforce the school's intervention strategy or file a complaint with the juvenile court.<sup>38</sup>
4. A charter school board must form and adopt a policy of intervention strategies for habitual truancy.<sup>39</sup>
5. Notify the superintendent of the students' new school the reason for the withdrawal.<sup>40</sup>
  - a. The teacher of a withdrawing student must determine the reason and destination of the student.
  - b. The teacher then must notify the charter school superintendent, who in turn must notify the new superintendent of the school or district.
  - c. If a teacher gives notification of withdrawal for reasons other than a change of residence and the student is not reenrolled, then the superintendent must notify the registrar of motor vehicles and the juvenile judge for the county.

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33 ORC § 3321.01

34 ORC § 3321.041

35 ORC § 3321.14

36 ORC § 3321.17

37 ORC § 3321.18

38 ORC § 3321.19

39 ORC § 3321.191

40 ORC § 3321.13

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## SUNSHINE LAWS AND PUBLIC RECORDS

### A. Sunshine Laws (Open Meetings)<sup>41</sup>

1. Governing boards must comply with public meeting requirements when taking any official action and conducting deliberations upon official business.
2. All meetings must be open unless the subject matter is specifically exempted by law.
3. Minutes must be prepared, filed, and maintained and be open to public inspection.
4. Governing boards must provide advance public notice of all meetings.

### B. Public records<sup>42</sup>

1. As public entities, charter schools must maintain records and make them available for inspection and copying by the public.
2. The noted exceptions are identifiable personal information and information covered by federal privacy laws.

Note: Because this area is complex and much of the decisions are derived from court cases and advisory opinions, the Attorney General and Auditor of State recommend that specific questions be directed to a school's legal counsel.

## ACADEMIC PERFORMANCE AND ASSESSMENTS

### A. Third Grade Reading Guarantee<sup>43</sup>

1. Beginning with the 2013-2014 school year, if a student does not meet the expected English language arts requirements on standardized test at the end of third grade, the district must retain the student unless one of the following applies:
  - a. The student has limited English proficiency, has been enrolled in U.S. schools for less than two full school years, and has had less than two years of English as a second language instruction; or,
  - b. The student satisfies an ODE Alternative English Assessment; or,
  - c. The student qualifies as a special education student and has an IEP (Individualized Educational Plan) that exempts retention; or
  - d. The student is a special education student and both of the following criteria are met:
    - The student's IEP or 504 plan indicates two years of intensive remediation in reading; and
    - The student was previously retained in any of grades K to 3 but still demonstrates a deficiency in reading; or,

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<sup>41</sup> ORC § 121.22

<sup>42</sup> ORC § 149.43

<sup>43</sup> ORC § 3313.608

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- e. The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.
    - In this case, the student must continue to receive intensive reading instruction in grade four, including an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

#### **B. Academic Prevention and Intervention<sup>44</sup>**

1. Charter schools are required to create a policy governing conduct of academic prevention/intervention services to include: diagnostic assessments; classroom-based intervention services; regular collection of student performance data; and evaluation procedures.

#### **C. Dual Enrollment<sup>45</sup>**

1. Charter schools are required to provide at least one dual enrollment program for college credit.

#### **D. Core Curriculum Notice<sup>46</sup>**

1. Charter schools are required to provide parental notification of core curriculum requirements and the effects of a student's non completion of the core curriculum.

#### **E. Career Readiness and Financial Literacy<sup>47</sup>**

1. Charter schools are required to adopt a resolution describing how the school will address college and career readiness and financial literacy for seventh or eighth grades.

#### **F. Graduation Requirements<sup>48</sup>**

1. Charter schools are required to comply with the state course requirements for high school graduation including the workforce or college preparatory units requirements.

#### **G. Diagnostic Assessments<sup>49</sup>**

1. Charter schools are required to create and implement a diagnostic assessment policy for first and second grades to identify and remediate for English Language Arts.
2. Any student scoring a "limited level of skill" on the annual assessment for English Language Arts must be assessed in accordance with the school's grade promotion and retention policy.

#### **H. Diplomas<sup>50</sup>**

1. A charter school may award a diploma upon satisfaction of curriculum, or individual education program, and all applicable assessments.

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44 ORC § 3313.6012

45 ORC § 3313.6013

46 ORC § 3313.6014

47 ORC § 3313.6015

48 ORC § 3313.603

49 ORC § 3313.0715

50 ORC § 3313.61

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2. An honors diploma may only be awarded where compliance with the Ohio core curriculum and prescribed assessment scores are met.

### **I. Graduation Credit Equivalents<sup>51</sup>**

1. A charter school must comply with the ODE standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses.
2. A charter school operating a high school may grant a diploma of adult education subject to residency, age, assessment, and curriculum requirements.

## **ADMISSIONS**

### **A. School Report Card<sup>52</sup>**

1. During the admissions process, a charter school must provide the student's parent with a copy of the most recent report school card.

### **B. Prior records<sup>53</sup>**

1. At time of initial entry, a student must present the charter school with prior school records, custody order if applicable, and certification of birth for the new student.
  - a. If required documents are not presented, the school must notify local law enforcement of possible missing child.
  - b. Any document placing a student under alternative custody is required to be provided to the school; department of youth service discharge or release, parental rights order or decree, power of attorney, domestic abuse victim shelter, or caretaker authorization.

### **C. Incentives<sup>54</sup>**

1. A charter school may not offer monetary incentives or in kind incentives to students or parents to entice enrollment in school.
  - a. Required books and supplies are not prohibited.

## **PARENT COMMUNICATION**

### **A. All charter schools must create a policy on parents' and foster caregivers' roles that informs and facilitates effective communication and active involvement among the school and parents and caregivers.<sup>55</sup>**

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<sup>51</sup> ORC § 3313.611

<sup>52</sup> ORC § 3313.6411

<sup>53</sup> ORC § 3313.672

<sup>54</sup> ORC § 3313.648

<sup>55</sup> ORC § 3313.472

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## DISPLAYING FLAGS AND MOTTOES

- A. A charter school must display the United States flag each day school is in session.<sup>56</sup>
- B. If a donation of funds, or an actual display of either the National or State mottoes are presented to a charter school, then the motto must be displayed.<sup>57</sup>
  - a. The school may determine appropriate design requirements.

## EMPLOYEE RIGHTS AND RESPONSIBILITIES

### A. Background checks

- 1. In addition to a BCI criminal records check, a charter school must require an FBI criminal records check for any employee unless certain conditions are met.<sup>58</sup>
- 2. All applicants and new hires for nonlicensed positions are subject to the criminal records check provisions of the law, except for student transportation positions. All nonlicensed employees must undergo a criminal background check once every five years.<sup>59</sup>
- 3. If a charter school employs student transportation drivers, the school must comply with the state qualifications for drivers, which include criminal background checks every six years.

### B. New Criminal Offenses<sup>60</sup>

- 1. Employees must notify his or her supervisor of any criminal offense.

### C. Equal Pay<sup>61</sup>

- 1. A charter school is prohibited from discriminating in payment of employee wages for work done under similar conditions including equal skill, effort, and responsibility.
- 2. Schools may discriminate based on any of the following criteria:
  - a. A seniority system;
  - b. A merit system;
  - c. A system which measures earnings by the quantity or quality of production; or
  - d. A wage rate differential determined by any factor other than race, color, religion, sex, age, national origin, or ancestry.

### D. Employee Benefits

- 1. A charter school's governing board is authorized to purchase or procure insurance or deferred retirement savings account for educational employees.<sup>62</sup>

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<sup>56</sup> ORC § 3313.80

<sup>57</sup> ORC § 3313.81

<sup>58</sup> ORC § 3319.39

<sup>59</sup> ORC § 3319.391

<sup>60</sup> ORC § 4113.52

<sup>61</sup> ORC § 4111.17

<sup>62</sup> ORC § 9.90

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2. A charter school's governing board may impose the following two conditions on the employee's choice of agent, broker, or company for a tax-sheltered annuity:<sup>63</sup>
    - a. release of liability for the school;
    - b. minimum of one per cent of full-time employees or five employees.

#### **E. Jury Duty<sup>64</sup>**

1. A charter school may not penalize an employee for being called to jury duty if reasonable notice is given.

## **FUNDING AND FINANCIAL PROJECTIONS**

### **A. Financial Projection<sup>65</sup>**

1. A charter school board is required to submit five-year projections of operational revenues and expenditures pursuant to the rules adopted by ODE and the Auditor of State.

### **B. Funding Formula<sup>66</sup>**

1. The definitions within the Ohio Foundation Program do not all apply to charter schools because the state funding formula differs from the traditional school district formula.

### **C. Supplemental Funds<sup>67</sup>**

1. Explanations of the calculation for supplemental payments for safety and security and for remediation or similar programs that receive extra funding.

### **D. Federal Funds<sup>68</sup>**

1. A charter school that is a recipient of federal Race to the Top program grants must adopt an annual performance based teacher salary schedule.

## **TEACHER LICENSING AND EVALUATIONS**

**A. A charter school may hire someone to teach on an individual basis if the individual obtains an ODE permit as a qualified nonlicensed individual and complies with other requirements.**

**B. By July 1, 2013 a charter school that is a recipient of Race to the Top program grants from the federal government must adopt a standards-based policy to evaluate all teachers once annually. Evaluations must be completed by stated deadlines, and teachers must receive written reports of the evaluation. Student growth will account for fifty percent of these teacher evaluations.**

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<sup>63</sup> ORC § 9.91

<sup>64</sup> ORC § 2313.19

<sup>65</sup> ORC § 5705.391

<sup>66</sup> ORC § 3317.02

<sup>67</sup> ORC § 3317.029

<sup>68</sup> ORC § 3317.141

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## MISCELLANEOUS

Additionally, charter school contracts must state that they will comply with all of the laws and administrative regulations generally applying to the following topics:

1. Chapter 117 concerning the Auditor of State.
2. Chapter 1347 concerning Personal Information Systems.
3. Chapter 2744 concerning Political Subdivision Tort Liability.
4. Chapter 3365 concerning Post-Secondary Enrollment Options.
5. Chapter 3742 concerning Lead Abatement.
6. Chapter 4112 concerning the Civil Rights Commission.
7. Chapter 4123 concerning Workers' Compensation.
8. Chapter 4141 concerning Unemployment Compensation.
9. Chapter 4167 concerning the Public Employment Risk Reduction Program.

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# Blended Learning

## KEY CONCEPTS

### DEFINITIONS

- A. Blended Learning
- B. Digital Learning

### STANDARDS NOTIFICATION

Senate Bill 316, signed into law in June 2012, made significant progress in expanding blended and digital learning opportunities for students. Blended learning refers to a “hybrid” or “mixed-mode” of different learning environments. It combines traditional face-to-face learning with computer-mediated activities. The combination of delivery methods can be adapted to accommodate the various learning needs of a diverse audience in a variety of subjects.

As a result of the new law, Ohio now has definitions of blended and digital learning, and blended charter schools can now operate in the state.

## DEFINITIONS

### A. Blended learning<sup>1</sup>

1. Defined as “the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.”
2. An e-school is not a blended learning school.

### B. Digital learning<sup>2</sup>

1. Defined as “learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.”
2. The provisions regarding digital learning in SB 316 do not affect current law with respect to the operation of e-schools.

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<sup>1</sup> ORC § 3301.079 (J)(1)

<sup>2</sup> ORC § 3301.079 (J)(3)

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## STANDARDS

### A. Overview<sup>3</sup>

1. The State Board of Education must adopt standards for the operation of blended learning classrooms by school districts, community schools, STEM schools, and public college-preparatory boarding schools.
2. The State Board is also required to revise its existing operating standards for school districts and chartered nonpublic schools to include standards for blended learning programs.

### B. These standards must include:

1. Provisions regarding the student-to-teacher ratios for blended learning; the law states that the maximum ratio is one teacher for every 125 students.
2. Provision(s) regarding the requisite licensing, training, and qualifications of teachers, administrators, and other professional personnel.
3. Provision(s) regarding standards for efficient and effective instructional materials and equipment, including library facilities.
4. Provision(s) regarding the proper organization, administration, and supervision of each school, including regulations for the preparation school records, reports, and a statement of policies and objectives for each school.
5. Provision(s) regarding the standards for buildings, grounds, and health and sanitary facilities.
6. Provision(s) regarding admission of students, and the requirements for their promotion from grade to grade. These standards must ensure that students are capable and prepared for the level of study for which they are certified.
7. Provision(s) regarding the requirements for graduation.
8. Any other factors as the board finds necessary.

### C. New academic standards or model curricula<sup>4</sup>

1. Whenever the State Board adopts new state academic standards or model curricula, ODE must provide the information on the use of blended learning in the delivery of the standards or curricula to students.

## NOTIFICATION

### A. Operating or ceasing to operate a blended learning program

1. Must notify the Ohio Department of Education by July 1 of the school year for which the change is effective.

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<sup>3</sup> ORC § 3302.41

<sup>4</sup> ORC § 3301.079 (G) and (J)

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# Fiscal Officer

## KEY CONCEPTS

### STATE REQUIREMENTS

### QUALIFICATIONS

### DUTIES

### OBLIGATIONS

## STATE REQUIREMENTS

- A. Every community school established must have a designated fiscal officer.<sup>1</sup>
- B. The fiscal officer must execute a bond before performing any duties of fiscal officer.<sup>2</sup>
  - 1. Bond Requirements:
    - a. Amount and surety must be established by a resolution of the governing authority.
    - b. Payable to the state of Ohio.
    - c. Conditioned for the faithful performance of all the official duties required of the fiscal officer.
    - d. Deposited with the governing authority.
    - e. File a copy, certified by the governing authority, with the county auditor of the county in which the community school is located.

## QUALIFICATIONS

- A. The following people are qualified to become a designated fiscal officer:<sup>3</sup>
  - 1. A licensed school treasurer.<sup>4</sup>
  - 2. A licensed business manager.<sup>5</sup>
  - 3. For the first year, a school's fiscal officer does not have to be licensed. After the first year, the fiscal officer must fit into one of the above categories.<sup>6</sup>

## DUTIES

- A. Overview. Fiscal officer duties may fall into two categories:
  - 1. Specific duties in the contractual agreement with a management company/operator, governing authority, or sponsor; and/or
  - 2. Unwritten duties necessary to make the school operate correctly and to assure good management.

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1 ORC § 3314.011

2 OAC 117-6-07

3 ORC § 3314.011

4 ORC § 3301.074

5 ORC § 3319.03

6 ORC § 3314.011

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## B. Specific duties include:

1. Responsibility for the financial affairs of the community school.
2. Ensuring compliance between the school financial records and the school's financial plan that is on file with the state superintendent of public instruction.
3. Monitoring any notes issued by the school to pay necessary and actual expenses.
4. Monitoring and accounting for proceeds of any notes, and how receipts are expended by the school.<sup>7</sup>
5. Monitoring and ensuring that facilities loans undertaken by the school do not exceed fifteen year terms.<sup>8</sup>
6. Monitoring and accounting for proceeds of any federal or state grant, and how receipts are expended by the school.<sup>9</sup>
7. Monitoring and accounting for proceeds of any private funds, and how receipts are expended by the school.<sup>10</sup>
8. Signing all checks.
9. Receiving all funds on behalf of the school.
10. Depositing all funds in a designated depository.
11. Acting as the agent of the governing authority in all dealings with the county auditor, county treasurer, and all other persons relating to the funds of the school district.
12. Reporting to the governing authority.<sup>11</sup>
13. Maintaining and preparing financial records for the sponsor representative to review.
14. Maintaining a detailed footnote accounting explanation for any management company services that comprise more than twenty percent of the annual gross revenue of the school to be included in the annual report.
15. Monitoring and ensuring compliance with the schools internal financial controls as defined in the contract.
16. Monitoring the sponsor payments to ensure that they do not exceed three percent of the annual state revenue.
17. Monitoring and reporting expenditures exceeding the "threshold catastrophic cost" of any special education student.
18. Providing accurate and complete data required for the submission of the five-year projection of operational revenues and expenditures.
19. Ensuring that the school financial records are maintained according to public school standards, including:
20. Maintaining a record of all school funds of the district.
21. Rendering a statement to the governing authority and to the sponsor once every two months, or more often if required, showing:

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7 ORC § 3314.08 (J)(1)(a)

8 ORC § 3314.08 (J)(1)(a)

9 ORC § 3314.08 (F)

10 ORC § 3314.08 (F)

11 ORC § 3314.17

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- a. the revenues along with the sources derived,
  - b. the receipts along with the sources derived,
  - c. the various appropriations made by the board,
  - d. the expenditures from each board appropriation,
  - e. the disbursements from each board appropriation,
  - f. the purposes of each board appropriation,
  - g. the balances remaining in each appropriation, and
  - h. the assets and liabilities of the school district.
22. Preparing the fiscal year statement to be a complete exhibit of the financial affairs of the school.
  23. Making available all monthly and yearly statements for examination by the public.
  24. Directing and assigning all designated employees directly engaged in the day-to-day fiscal operations of the school.
  25. Suspending any “care, custody, or control of a child” responsibilities of an employee under the fiscal officer’s direction pending a criminal action.<sup>12</sup>

## OBLIGATIONS

### A. Individual Obligations

1. A fiscal officer may be personally liable for all public money received or collected by them or by their subordinates under color of office.<sup>13</sup>
2. A fiscal officer is not automatically protected from personal liability under Ohio laws of incorporation.
3. A fiscal officer’s mismanagement is a valid ground for a Sponsor to terminate the school’s contract.<sup>14</sup>
4. A fiscal officer cannot be personally liable on any of the school’s contracts.<sup>15</sup>
5. The Superintendent of Public Instruction may impose a one hundred dollar civil fine on a fiscal officer who:<sup>16</sup>
  - a. Intentionally fails to report data, reports erroneous, inaccurate, or incomplete data in any year; or
  - b. Negligently reports erroneous, inaccurate, or incomplete data in the current and any previous year.
6. A fiscal officer that qualifies by professional license is subject to all licensure statutes and administrative rules; including child support orders, and investigations. <sup>17</sup>
7. The Ohio Department of Education may refuse to issue, suspension, revoke or limit a license of a fiscal officer who submits false financial

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<sup>12</sup> ORC § 3314.40

<sup>13</sup> ORC § 9.39

<sup>14</sup> ORC § 3314.07 (B)(7)(b)

<sup>15</sup> ORC § 3314.071

<sup>16</sup> ORC § 3314.17 (C)

<sup>17</sup> ORC § 3301.074 (D)

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information for the five year plan, or the statewide education management information system.<sup>18</sup>

8. A licensed treasurer may not be a member of the board or employed by the board in any other capacity.<sup>19</sup>
9. Unless a law assigns a specific duty to a treasurer, a treasurer cannot be required to verify the accuracy of nonfinancial data.<sup>20</sup>
10. If the business manager fails to maintain a valid license, the business manager shall be removed by the board.<sup>21</sup>
11. To whom the business manager may be directly responsible may vary by the terms at the time of appointment to the position.<sup>22</sup>

## **B. Ethical Obligations.**

1. Under the Ohio ethics laws, a fiscal officer must file an annual financial disclosure statement that reports sources of income, investments, real estate holdings, and other financial interests.<sup>23</sup>
2. A fiscal officer may perform purely ministerial functions such as filing tax returns, incorporation papers, and similar documents.<sup>24</sup>
3. A fiscal officer must not do any of the following:<sup>25</sup>
  - a. Use her/his authority to secure anything of value for the fiscal officer, a family member, or business associate that could have a substantial and improper influence on the official.
  - b. Accept or solicit anything of value that could have a substantial and improper influence on the official.
  - c. Secure school contracts for herself/himself, a family member(s), or a business associate.
  - d. Have an interest in profits or benefits of a school contract entered into by the school with which she/he is "connected."
  - e. Profit from a school contract she/he approved, unless the contract was competitively bid and awarded to the lowest and best bidder.
  - f. Secure the investment of school funds in any share, bond, mortgage, or other security, if she/ he, a member of his/her family, or any of his/her business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.
  - g. Disclose any confidential information during or after leaving the fiscal officer position.

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18 ORC § 5705.391 (B)

19 ORC § 3313.22 (B)

20 ORC § 3313.31 (A)

21 ORC § 3319.03

22 ORC § 3319.03

23 ORC § 102.02 (A)

24 ORC § 102.03 (A)(7)

25 ORC §§ 102.03 (A); 2921.42(A)

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# Community School Funding

## KEY CONCEPTS

### OVERVIEW

#### STATE CHARTER SCHOOL FUNDING

##### A. FOUNDATION FUNDING FOR BRICK AND MORTAR SCHOOLS

##### B. FOUNDATION FUNDING FOR E-SCHOOLS

##### C. FACILITY FUNDING

##### D. TUITION

##### E. STATE GRANTS

##### F. STRAIGHT A FUND

## Overview

On July 1, 2013, Governor John Kasich signed House Bill 59, Ohio's biennial budget, into law. This included changes to the school funding formula in many areas and marked the first time charters received facilities funding. The mid-biennium budget passed in the summer of 2014 included new requirements for schools in their first year of operation, as described later in this chapter.

Ohio's public charter schools are primarily funded by state, federal, and private sources, with the state funds accounting for largest source of revenue. Generally, start-up charter schools do not have the ability to levy taxes or issue bonds secured by tax revenues. Although, there are two major exceptions to this limitation. The first initiative, The Cleveland Plan, allows partnering charter schools in the Cleveland Metropolitan School District to receive levy money. Partnering community schools will share 1 mill of the 15 mills in the levy that was passed in November 2012. The second initiative, The Columbus Plan, requires that a levy be placed upon the ballot, which, if passed, will share the funds from the budget with partnering charter schools. These schools would have to be in the Columbus City School District and be in a partnering agreement with the district. In November 2013, Columbus voters defeated a proposed school levy by a wide margin.

State funds are distributed to charters through a "pass-through system." Funds are first given to traditional school districts, then deducted from the traditional school district's funds to flow to the charter school. A traditional school district's state aid is determined by the difference between the school's local revenue and foundation funding (the minimum amount of per pupil spending required by the state). The more money a district receives in local tax dollars, the less the district receives from the state. Foundation funding follows any student who enrolls in a charter school from the student's district of residence.

For more information on this funding approach, see "Charter School Funding: The Whole Truth" available at <http://www.oapcs.org/news/650>.

## State Charter School Funding

### A. Foundation Funding for a brick and mortar school is the sum of the following items:

1. Opportunity Grant: Per pupil amount of base funding (\$5,745 in FY 2014)

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and \$5,800 in FY 2015)

Plus base funding supplements

- a. Large group academic intervention.
  - b. Professional development.
  - c. Data-based decision making.
  - d. Professional development regarding data-based decision making.
2. Special education funding.
- a. Students who have a current individualized education plan (IEP) completed by Dec. 1st qualify for weighted funding.
  - b. Special education categories:
    - (1) Category 1: \$1,503 per pupil in FY 2014, \$1,517 per pupil in FY 2015; speech only
    - (2) Category 2: \$3,813 per pupil in FY 2014, \$3,849 per pupil in FY 2015; learning disabled (also known as specific learning disability), developmentally handicapped (also known as cognitive disorder), ½ of other health handicapped (Other Health Impairment Minor)
    - (3) Category 3: \$9,160 per pupil in FY 2014, \$9,248 per pupil in FY 2015; severe behavior handicapped (emotional disturbance), hearing or visually impaired
    - (4) Category 4: \$12,225 per pupil in FY 2014, \$12,342 per pupil in FY 2015; ½ of other health handicapped (Other Health Impairment Major), orthopedically handicapped
    - (5) Category 5: \$16,557 per pupil in FY 2014, \$16,715 per pupil in FY 2015; multi-handicapped (also known as multiple disability)
    - (6) Category 6: \$24,407 per pupil in FY 2014, \$24,641 per pupil in FY 2015; deaf-blind, traumatic brain injury, autism
3. Funding for students in vocational school provided by a charter school.
- a. Charter schools are allowed to provide career-technical education in the same manner as school districts.
  - b. Five Categories of Career Tech Funding as specified in 3317.014:
    - (1) Category 1: Programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies. \$4,750 per pupil in FY 2014, \$4,800 per pupil in FY 2015.
    - (2) Category 2: Programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications. \$4,500 per pupil in FY 2014, \$4,550 per pupil in FY 2015.

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- (3) Category 3: Programs in career-based intervention programs. \$1,650 per pupil in FY 2014, \$1,660 per pupil in FY 2015.
  - (4) Category 4: Programs in education and training, marketing, workforce development academics, public administration, and career development. \$1,400 per pupil in FY 2014, \$1,410 per pupil in FY 2015.
  - (5) Category 5: Programs in family and consumer science programs. \$1,200 per pupil in FY 2014, \$1,210 per pupil in FY 2015.
4. Economically Disadvantaged funding equal to \$269 per pupil in FY 2014 and \$272 per pupil in FY 2015. Calculated based on RC § 3317.029.
    - a. This funding can only be used for:
      - (1) Extended school day or school year,
      - (2) Reading improvement and intervention,
      - (3) Instructional technology or blended learning,
      - (4) Professional development in reading instruction for teachers of students from kindergarten through third grade,
      - (5) Dropout prevention,
      - (6) School safety and security measures,
      - (7) Community learning centers that address barriers to learning,
      - (8) Academic intervention for students from grade 6-12.
    - b. School must report their use of these funds to the Department of Education.
  5. Payment for increased learning opportunities, adjusted for poverty-based assistance.
  6. Limited-English proficient (LEP) students.
  7. Kindergarten to third grade literacy funding.
  8. Community outreach and dropout prevention.
  9. Targeted Assistance. Equal to one quarter of the amount of targeted assistance that the student's home district would receive.
  10. Kindergarteners who attend charters count at 0.5 full-time equivalents (FTE), and count for 1.0 FTE for their home district.
  11. Preschool: Charter schools may apply to the Ohio Department of Education for unit funding for preschoolers with disabilities.

**B. Foundation Funding for an e –school encompasses only parts 1,2 and 3 of the previous section**

**C. Facility funding**

1. Brick and Mortar charter schools will receive \$100 per pupil for facilities

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funding. The amount will be prorated if there is not a large enough budget outlay to fund all schools at the full amount. (For FY 2014 it will be approximately \$98).

#### **D. Tuition**

1. Charter Schools may charge tuition for non-Ohio residents. However, these students cannot be counted in the school's annual report of enrollment.

#### **E. State Grants**

1. Charter schools can submit state grants through the Comprehensive Continuous Improvement Plan (CCIP).

#### **F. Straight A Fund<sup>1</sup>**

1. Charter schools are allowed to apply to the Straight A Fund innovative grants. Straight A Fund grants must be used for projects that aim to achieve significant advancement in one or more of the following goals:
  - a. student achievement;
  - b. spending reduction in the five-year forecast; and/or
  - c. utilization of greater share of classroom resources.
2. Each grant application must include the following components:
  - a. A description of the project, including a description of how the project will have substantial value and lasting impact;
  - b. An explanation of how the project will be self-sustaining; and
  - c. A description of quantifiable results of the project that can be benchmarked.
3. If the proposed project will result in increased ongoing spending, the applicant must show how the spending will be offset by verifiable, credible, permanent spending reductions.
4. Charter schools may apply individuals or as part of a consortia of charter schools. Charter school (and consortia) may also partner with private entities.
5. Grants totaling \$100 million in FY14 and \$150 million in FY15 will be awarded by the appointed Straight A Fund Governing Board via a competitive grant process.

#### **G. Requirements for payments to new charter schools<sup>102</sup>**

1. Before a new charter school receives state payments, its sponsor must confirm that the school complies with the following:
  - a. That the contract is file with ODE;
  - b. That the school has a licensed and, if required, bonded fiscal officer;

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<sup>1</sup> HB 59 Sections 263.320 and 263.325

<sup>2</sup> ORC § 3314.191

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- c. That employees and governing board members have had a background check;
    - d. That the school has sufficient liability insurance.
  2. Before a new charter school receives state payments, the sponsor must also done the following:
    - a. Approved the financial controls required by the comprehensive plan;
    - b. Ensured that the facilities will be open and ready for use by the date prescribed in the school contract, and the sponsor has reviewed and lease, purchase agreements, permits required by law or contract, and construction plans.
    - c. Confirmed that the chief administrator of the school actively is managing daily operations of the school; and
    - d. Confirmed that the projected enrollment reported to ODE is accurate.

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# Glossary

**Academic Emergency** – The lowest designation on the local report card (equivalent to an “F” grade). Generally, a school is in Academic Emergency if it meets less than 31 percent of the state performance indicators and has less than the required Performance Index Score.

**Academic Watch** – The second lowest designation on the local report card (equivalent to a “D” grade). Generally, a school remains in Academic Watch if it fails to make adequate yearly progress and either meets 31 percent or more of state performance indicators or has the required performance index score.

**Adequate Yearly Progress** – Also called AYP, this is a federally required measure. Schools must meet AYP goals that are set for graduation, attendance, and participation and proficiency in reading and math. The goals are applied to subgroups of students.

**Automatic Closure** – Also referred to as “permanent closure.” Refers to provisions in law that will automatically close down a charter school (as opposed to a nonrenewal decision by a sponsor).

**Big Eight** – Refers to Ohio’s urban districts that, at the time the definition was created, had over 12,000 students enrolled and had over 30 percent of those students receiving welfare benefits. The Big Eight are Akron, Canton, Cleveland, Cincinnati, Columbus, Dayton, Toledo, and Youngstown.

**Blended Learning** – The delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.

**Challenged Districts** – Startup charter schools can open in challenged school districts, currently defined as the Big 8 districts (see Big Eight); districts within the former Lucas County pilot area; districts in Academic Watch or Academic Emergency; and districts ranked in the bottom five percent of all districts according to the Performance Index Score.

**Charter School** – See community school.

**Community Schools** – Called charter schools in other states, a community school is a public school, independent of any school district, and part of the Ohio’s program of education. A community school may sue and be sued, acquire facilities as needed, contract for any services necessary for the operation of the school, and enter into contracts with a sponsor. The governing authority of a community school may carry out any act and ensure the performance of any function that is in compliance with the Ohio Constitution, state law applicable to community schools, and the contract entered into under Ohio law that establishes the school.

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**Comprehensive Continuous Improvement Plan (CCIP)** – unified grants application and verification system administered by ODE.

**Continuous Improvement** – The middle designation on a local report card (equivalent to a “C” grade). Generally, a school is in Continuous Improvement if 1) it met Adequate Yearly Progress and either has met between 50 and 75 percent of state performance indicators or had less than the required Performance Index score, or 2) it either fails to meet Adequate Yearly Progress but has either met over 50 percent of state performance indicators or has the required Performance Index Score.

**Contract** – A charter school contract is a legally binding document signed by both the governing authority of the charter school and the sponsor agreeing to fulfill all requirements as stated in law. Contracts must be adopted by March 15 and signed by May 15 in the school year prior to the opening of the school. Contract adoption means the majority voting members of the sponsor and the charter school governing authority vote to convert or establish a new start-up school. Contract signing means the majority voting members of the sponsor and the charter school governing authority agree to sign a legally binding document which fulfills all requirements as stated in law.

**Conversion** – One of two types of charter schools. Conversion schools are formed by converting all or part of an existing traditional public school to a charter school. Conversion schools can include a joint vocational school or a building operated by an educational service center. Unlike start-up charter schools, conversions can open anywhere in the state; they are not restricted to challenged areas.

**Digital Learning** – The learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

**Educational Service Center (ESC)** – In 1914, the Ohio General Assembly passed a law establishing 88 county school districts, known today as ESCs. They are charged them with the task of elevating the state’s system of education to a proper standard. The work of ESCs includes but is not limited to drafting courses of study for school systems, providing in-service training for teachers, and assuring quality classroom instruction through supervision and evaluation.

**E-School** – Also called Internet or computer-based school, students in e-schools work primarily from their residences on assignments in non-classroom based learning opportunities.

**Effective** – Second-highest designation on a local report card (equivalent to a “B” grade). Generally, a school is effective if it meets between 75 and 93.9 percent of state performance indicators or has the required Performance Index Score. However, if it fails to make adequate yearly progress in the two or more of the same subgroups for three or more consecutive years, the school will be in Continuous Improvement.

**Electronic Management Information System (EMIS)** – Statewide system for ODE to collect and manage school data including staff, student, district/ building, and financial data. RC § 3301.0714. Charter schools are subject to the same reporting requirements as traditional schools. EMIS data files

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are the source data for Ohio's accountability and funding systems. The four major functions of EMIS are state and federal reporting, funding and distribution of payments, academic accountability (compliance with No Child Left Behind), and statewide and district report generation (District Report Cards)

**Excellent** – Highest designation on a local report card (equivalent to an “A” grade). Generally a school is excellent if it meets at least 94 percent of state performance indicators or has a required Performance Index Score of 106 – 120 (but note that if it fails to make adequate yearly progress in the two or more of the same subgroups for three or more consecutive years, the school will be effective.) Generally, a school will be considered Excellent with Distinction if it meets the criteria for Excellent and also has exceeded expected growth for two consecutive years.

**Fiscal Officer** – Charter school treasurer; required to either have a treasurer's license or meet continuing education requirements

**Foundation Funding** – Basic amount of funding school districts receive through a combination of federal, state, and local monies.

**Governing Board** – Also called governing authority, it is the non-profit entity that governs the charter school. For start-up schools, the governing authority must be comprised of at least five individuals. For conversion schools, there must be at least three individuals on the governing authority.

**JCARR** – The Joint Committee on Agency Rule Review (JCARR) was created in 1977 by HB 257 of the 112th General Assembly. The committee consists of five State Representatives and five State Senators. The primary function of JCARR is to review proposed new, amended, and rescinded rules to ensure the following: the rules do not exceed the scope of the rule-making agency's statutory authority; the rules do not conflict with a rule of that agency or another rule-making agency; the rules do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed; the rule-making agency has prepared a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission; the rule-making agency has met the incorporation by reference standards for a text or other material as stated in law; and, if the rule has an adverse impact on business, that the rule-making agency has demonstrated through the business impact analysis (BIA), the Common Sense Initiative Office (CSI) recommendations, and the agency's memorandum of response to the CSI recommendations, that the regulatory intent of the rule justifies its adverse impact on business.

**Home District** – Refers to the school district that the student would attend if he or she attended the local public school. Based on geography.

**Local Report Card** – A school report card issued by ODE detailing performance indicators based on students' performance on achievement tests, rates of improvement on those tests, student attendance, and graduation rates.

**Lottery** – The system used to select students for a charter school if there are more applicants than spots.

**Office of Community Schools (OCS)** – A division of the Ohio Department of

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Education that supports and oversees charter school accountability in Ohio.

**Office of School Sponsorship (OSS)** – OSS is an entity within the Ohio Department of Education created in 2011 by House Bill 153. OSS provides sponsor oversight; it also has the authority to authorize start-up charter schools. It is limited by law to authorizing five new start up charter schools and 15 existing charter schools.

**Pass Through System** – Describes the way state funds first go to traditional school districts, then must be deducted from the traditional districts’ budget to go to charter schools

**Performance Index Score** – A weighted average that reflects the achievement for every student enrolled for the full academic year. The result is a scale from 120 to 0 points. Performance Index is a weighted average that includes all tested subjects and grades and untested students. The weights given are as follows: advanced scores 1.2 ; accelerated 1.1; proficient 1.0; basic 0.6; limited 0.5; untested 0.0.

**Permanent Closure** – See “Automatic Closure.”

**Race to the Top** – Federal grant program that awards states for advancing reforms to modernize the American education system. Ohio is a Race to the Top state, and schools can compete to get funds from the state.

**Rollup Provision** – Provision that allows accountability data from conversion charter schools to be included in the report card of their sponsoring district.

**School Closure Waiver** – A charter school that serves a majority of its students through a dropout prevention and recovery program may apply for a waiver from automatic closure, so long as it meets the necessary criteria.

**Sponsor** – An entity that contracts with a charter school. A sponsor has legal obligations to provide sufficient technical assistance, oversight and monitoring, including taking steps to intervene in a school’s operations, to ensure that the community schools it sponsors meet all legally mandated fiscal, academic and operational requirements. Sponsors are called authorizers in other states.

**Start-up** – One of two types of charter schools. Start-up schools can be proposed by any person or group. Start-ups must be created in challenged school districts (See “Challenged districts”). Start-ups enter into a contract with a sponsor established by statute or approved by ODE.

**STEM School** – STEM refers to “science, technology, engineering, and math.”

**Subgroups** – Schools must make progress with subgroups of students. Federal law relating to AYP (Adequate Yearly Progress) looks at ten subgroups of students: All; Economically Disadvantaged; Asian/Pacific Islander; Black (non-Hispanic); American Indian/Alaska Native; Hispanic; Multi-Racial; White (non-Hispanic); Students with Disabilities; and Students with Limited English Proficiency. If any one of these groups does not make Adequate Yearly Progress in one of its four categories, the school does not meet AYP.

**Surety bond** – A three-party agreement that legally binds together a principal who needs the bond, an obligee who requires the bond and a surety

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company that sells the bond. The bond guarantees the principal will act in accordance with certain laws. If the principal fails to perform in this manner, the bond will cover resulting damages or losses.

**Teacher-of-record** – A teacher who is responsible for the overall academic development and achievement of a student and not merely the student’s instruction in any single subject.

**The Cleveland Plan** – Law enacted on July 2, 2012 that affects Cleveland Metropolitan School District. The law establishes a Transformation Alliance to screen new sponsors in Cleveland, allows the school district to share levy proceeds with Cleveland charters, and eliminates seniority as the primary factor in personnel decisions, among other changes for charters.

**The Columbus Plan** – A law enacted on July 15, 2013 that affects Columbus City School District. The plan creates a ballot initiative that if passed by the voters, would share levy dollars with partnering community schools. This plan also creates an independent auditor for the district schools and this auditor would also audit any of the partnering community schools receiving funds under the Columbus Plan. Finally, the plan allows the Office of the Mayor of Columbus to sponsor community schools.

**Traditional** – Term used to distinguish public schools other than charter schools.

