

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 200**

**Senators Lehner, Brenner**

**Cosponsor: Senator Thomas**

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**A BILL**

To amend sections 3314.03, 3323.11, 3326.11, and 1  
3328.24 and to enact sections 3319.077 and 2  
3319.078 of the Revised Code with regard to 3  
professional development for screening and 4  
intervention for children with dyslexia. 5

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

**Section 1.** That sections 3314.03, 3323.11, 3326.11, and 6  
3328.24 be amended and sections 3319.077 and 3319.078 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 3314.03.** A copy of every contract entered into under 9  
this section shall be filed with the superintendent of public 10  
instruction. The department of education shall make available on 11  
its web site a copy of every approved, executed contract filed 12  
with the superintendent under this section. 13

(A) Each contract entered into between a sponsor and the 14  
governing authority of a community school shall specify the 15  
following: 16

(1) That the school shall be established as either of the 17  
following: 18

(a) A nonprofit corporation established under Chapter	19
1702. of the Revised Code, if established prior to April 8,	20
2003;	21
(b) A public benefit corporation established under Chapter	22
1702. of the Revised Code, if established after April 8, 2003.	23
(2) The education program of the school, including the	24
school's mission, the characteristics of the students the school	25
is expected to attract, the ages and grades of students, and the	26
focus of the curriculum;	27
(3) The academic goals to be achieved and the method of	28
measurement that will be used to determine progress toward those	29
goals, which shall include the statewide achievement	30
assessments;	31
(4) Performance standards, including but not limited to	32
all applicable report card measures set forth in section 3302.03	33
or 3314.017 of the Revised Code, by which the success of the	34
school will be evaluated by the sponsor;	35
(5) The admission standards of section 3314.06 of the	36
Revised Code and, if applicable, section 3314.061 of the Revised	37
Code;	38
(6) (a) Dismissal procedures;	39
(b) A requirement that the governing authority adopt an	40
attendance policy that includes a procedure for automatically	41
withdrawing a student from the school if the student without a	42
legitimate excuse fails to participate in seventy-two	43
consecutive hours of the learning opportunities offered to the	44
student.	45
(7) The ways by which the school will achieve racial and	46

ethnic balance reflective of the community it serves; 47

(8) Requirements for financial audits by the auditor of 48  
state. The contract shall require financial records of the 49  
school to be maintained in the same manner as are financial 50  
records of school districts, pursuant to rules of the auditor of 51  
state. Audits shall be conducted in accordance with section 52  
117.10 of the Revised Code. 53

(9) An addendum to the contract outlining the facilities 54  
to be used that contains at least the following information: 55

(a) A detailed description of each facility used for 56  
instructional purposes; 57

(b) The annual costs associated with leasing each facility 58  
that are paid by or on behalf of the school; 59

(c) The annual mortgage principal and interest payments 60  
that are paid by the school; 61

(d) The name of the lender or landlord, identified as 62  
such, and the lender's or landlord's relationship to the 63  
operator, if any. 64

(10) Qualifications of teachers, including a requirement 65  
that the school's classroom teachers be licensed in accordance 66  
with sections 3319.22 to 3319.31 of the Revised Code, except 67  
that a community school may engage noncertificated persons to 68  
teach up to twelve hours per week pursuant to section 3319.301 69  
of the Revised Code. 70

(11) That the school will comply with the following 71  
requirements: 72

(a) The school will provide learning opportunities to a 73  
minimum of twenty-five students for a minimum of nine hundred 74

twenty hours per school year. 75

(b) The governing authority will purchase liability 76  
insurance, or otherwise provide for the potential liability of 77  
the school. 78

(c) The school will be nonsectarian in its programs, 79  
admission policies, employment practices, and all other 80  
operations, and will not be operated by a sectarian school or 81  
religious institution. 82

(d) The school will comply with sections 9.90, 9.91, 83  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 84  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 85  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 86  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 87  
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 88  
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 89  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 90  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 91  
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 92  
3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 93  
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 94  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 95  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 96  
4123., 4141., and 4167. of the Revised Code as if it were a 97  
school district and will comply with section 3301.0714 of the 98  
Revised Code in the manner specified in section 3314.17 of the 99  
Revised Code. 100

(e) The school shall comply with Chapter 102. and section 101  
2921.42 of the Revised Code. 102

(f) The school will comply with sections 3313.61, 103

3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 104  
Revised Code, except that for students who enter ninth grade for 105  
the first time before July 1, 2010, the requirement in sections 106  
3313.61 and 3313.611 of the Revised Code that a person must 107  
successfully complete the curriculum in any high school prior to 108  
receiving a high school diploma may be met by completing the 109  
curriculum adopted by the governing authority of the community 110  
school rather than the curriculum specified in Title XXXIII of 111  
the Revised Code or any rules of the state board of education. 112  
Beginning with students who enter ninth grade for the first time 113  
on or after July 1, 2010, the requirement in sections 3313.61 114  
and 3313.611 of the Revised Code that a person must successfully 115  
complete the curriculum of a high school prior to receiving a 116  
high school diploma shall be met by completing the requirements 117  
prescribed in division (C) of section 3313.603 of the Revised 118  
Code, unless the person qualifies under division (D) or (F) of 119  
that section. Each school shall comply with the plan for 120  
awarding high school credit based on demonstration of subject 121  
area competency, and beginning with the 2017-2018 school year, 122  
with the updated plan that permits students enrolled in seventh 123  
and eighth grade to meet curriculum requirements based on 124  
subject area competency adopted by the state board of education 125  
under divisions (J)(1) and (2) of section 3313.603 of the 126  
Revised Code. Beginning with the 2018-2019 school year, the 127  
school shall comply with the framework for granting units of 128  
high school credit to students who demonstrate subject area 129  
competency through work-based learning experiences, internships, 130  
or cooperative education developed by the department under 131  
division (J)(3) of section 3313.603 of the Revised Code. 132

(g) The school governing authority will submit within four 133  
months after the end of each school year a report of its 134

activities and progress in meeting the goals and standards of 135  
divisions (A) (3) and (4) of this section and its financial 136  
status to the sponsor and the parents of all students enrolled 137  
in the school. 138

(h) The school, unless it is an internet- or computer- 139  
based community school, will comply with section 3313.801 of the 140  
Revised Code as if it were a school district. 141

(i) If the school is the recipient of moneys from a grant 142  
awarded under the federal race to the top program, Division (A), 143  
Title XIV, Sections 14005 and 14006 of the "American Recovery 144  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 145  
the school will pay teachers based upon performance in 146  
accordance with section 3317.141 and will comply with section 147  
3319.111 of the Revised Code as if it were a school district. 148

(j) If the school operates a preschool program that is 149  
licensed by the department of education under sections 3301.52 150  
to 3301.59 of the Revised Code, the school shall comply with 151  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 152  
standards for preschool programs prescribed in rules adopted by 153  
the state board under section 3301.53 of the Revised Code. 154

(k) The school will comply with sections 3313.6021 and 155  
3313.6023 of the Revised Code as if it were a school district 156  
unless it is either of the following: 157

(i) An internet- or computer-based community school; 158

(ii) A community school in which a majority of the 159  
enrolled students are children with disabilities as described in 160  
division (A) (4) (b) of section 3314.35 of the Revised Code. 161

(12) Arrangements for providing health and other benefits 162  
to employees; 163

(13) The length of the contract, which shall begin at the 164  
beginning of an academic year. No contract shall exceed five 165  
years unless such contract has been renewed pursuant to division 166  
(E) of this section. 167

(14) The governing authority of the school, which shall be 168  
responsible for carrying out the provisions of the contract; 169

(15) A financial plan detailing an estimated school budget 170  
for each year of the period of the contract and specifying the 171  
total estimated per pupil expenditure amount for each such year. 172

(16) Requirements and procedures regarding the disposition 173  
of employees of the school in the event the contract is 174  
terminated or not renewed pursuant to section 3314.07 of the 175  
Revised Code; 176

(17) Whether the school is to be created by converting all 177  
or part of an existing public school or educational service 178  
center building or is to be a new start-up school, and if it is 179  
a converted public school or service center building, 180  
specification of any duties or responsibilities of an employer 181  
that the board of education or service center governing board 182  
that operated the school or building before conversion is 183  
delegating to the governing authority of the community school 184  
with respect to all or any specified group of employees provided 185  
the delegation is not prohibited by a collective bargaining 186  
agreement applicable to such employees; 187

(18) Provisions establishing procedures for resolving 188  
disputes or differences of opinion between the sponsor and the 189  
governing authority of the community school; 190

(19) A provision requiring the governing authority to 191  
adopt a policy regarding the admission of students who reside 192

outside the district in which the school is located. That policy 193  
shall comply with the admissions procedures specified in 194  
sections 3314.06 and 3314.061 of the Revised Code and, at the 195  
sole discretion of the authority, shall do one of the following: 196

(a) Prohibit the enrollment of students who reside outside 197  
the district in which the school is located; 198

(b) Permit the enrollment of students who reside in 199  
districts adjacent to the district in which the school is 200  
located; 201

(c) Permit the enrollment of students who reside in any 202  
other district in the state. 203

(20) A provision recognizing the authority of the 204  
department of education to take over the sponsorship of the 205  
school in accordance with the provisions of division (C) of 206  
section 3314.015 of the Revised Code; 207

(21) A provision recognizing the sponsor's authority to 208  
assume the operation of a school under the conditions specified 209  
in division (B) of section 3314.073 of the Revised Code; 210

(22) A provision recognizing both of the following: 211

(a) The authority of public health and safety officials to 212  
inspect the facilities of the school and to order the facilities 213  
closed if those officials find that the facilities are not in 214  
compliance with health and safety laws and regulations; 215

(b) The authority of the department of education as the 216  
community school oversight body to suspend the operation of the 217  
school under section 3314.072 of the Revised Code if the 218  
department has evidence of conditions or violations of law at 219  
the school that pose an imminent danger to the health and safety 220



of the school's students and employees and the sponsor refuses 221  
to take such action. 222

(23) A description of the learning opportunities that will 223  
be offered to students including both classroom-based and non- 224  
classroom-based learning opportunities that is in compliance 225  
with criteria for student participation established by the 226  
department under division (H) (2) of section 3314.08 of the 227  
Revised Code; 228

(24) The school will comply with sections 3302.04 and 229  
3302.041 of the Revised Code, except that any action required to 230  
be taken by a school district pursuant to those sections shall 231  
be taken by the sponsor of the school. However, the sponsor 232  
shall not be required to take any action described in division 233  
(F) of section 3302.04 of the Revised Code. 234

(25) Beginning in the 2006-2007 school year, the school 235  
will open for operation not later than the thirtieth day of 236  
September each school year, unless the mission of the school as 237  
specified under division (A) (2) of this section is solely to 238  
serve dropouts. In its initial year of operation, if the school 239  
fails to open by the thirtieth day of September, or within one 240  
year after the adoption of the contract pursuant to division (D) 241  
of section 3314.02 of the Revised Code if the mission of the 242  
school is solely to serve dropouts, the contract shall be void. 243

(26) Whether the school's governing authority is planning 244  
to seek designation for the school as a STEM school equivalent 245  
under section 3326.032 of the Revised Code; 246

(27) That the school's attendance and participation 247  
policies will be available for public inspection; 248

(28) That the school's attendance and participation 249

records shall be made available to the department of education, 250  
auditor of state, and school's sponsor to the extent permitted 251  
under and in accordance with the "Family Educational Rights and 252  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 253  
and any regulations promulgated under that act, and section 254  
3319.321 of the Revised Code; 255

(29) If a school operates using the blended learning 256  
model, as defined in section 3301.079 of the Revised Code, all 257  
of the following information: 258

(a) An indication of what blended learning model or models 259  
will be used; 260

(b) A description of how student instructional needs will 261  
be determined and documented; 262

(c) The method to be used for determining competency, 263  
granting credit, and promoting students to a higher grade level; 264

(d) The school's attendance requirements, including how 265  
the school will document participation in learning 266  
opportunities; 267

(e) A statement describing how student progress will be 268  
monitored; 269

(f) A statement describing how private student data will 270  
be protected; 271

(g) A description of the professional development 272  
activities that will be offered to teachers. 273

(30) A provision requiring that all moneys the school's 274  
operator loans to the school, including facilities loans or cash 275  
flow assistance, must be accounted for, documented, and bear 276  
interest at a fair market rate; 277

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

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

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

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

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

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 306  
regarding internal financial controls adopted by the governing 307  
authority of the school. 308

(C) A contract entered into under section 3314.02 of the 309  
Revised Code between a sponsor and the governing authority of a 310  
community school may provide for the community school governing 311  
authority to make payments to the sponsor, which is hereby 312  
authorized to receive such payments as set forth in the contract 313  
between the governing authority and the sponsor. The total 314  
amount of such payments for monitoring, oversight, and technical 315  
assistance of the school shall not exceed three per cent of the 316  
total amount of payments for operating expenses that the school 317  
receives from the state. 318

(D) The contract shall specify the duties of the sponsor 319  
which shall be in accordance with the written agreement entered 320  
into with the department of education under division (B) of 321  
section 3314.015 of the Revised Code and shall include the 322  
following: 323

(1) Monitor the community school's compliance with all 324  
laws applicable to the school and with the terms of the 325  
contract; 326

(2) Monitor and evaluate the academic and fiscal 327  
performance and the organization and operation of the community 328  
school on at least an annual basis; 329

(3) Report on an annual basis the results of the 330  
evaluation conducted under division (D) (2) of this section to 331  
the department of education and to the parents of students 332  
enrolled in the community school; 333

(4) Provide technical assistance to the community school 334

in complying with laws applicable to the school and terms of the 335  
contract; 336

(5) Take steps to intervene in the school's operation to 337  
correct problems in the school's overall performance, declare 338  
the school to be on probationary status pursuant to section 339  
3314.073 of the Revised Code, suspend the operation of the 340  
school pursuant to section 3314.072 of the Revised Code, or 341  
terminate the contract of the school pursuant to section 3314.07 342  
of the Revised Code as determined necessary by the sponsor; 343

(6) Have in place a plan of action to be undertaken in the 344  
event the community school experiences financial difficulties or 345  
closes prior to the end of a school year. 346

(E) Upon the expiration of a contract entered into under 347  
this section, the sponsor of a community school may, with the 348  
approval of the governing authority of the school, renew that 349  
contract for a period of time determined by the sponsor, but not 350  
ending earlier than the end of any school year, if the sponsor 351  
finds that the school's compliance with applicable laws and 352  
terms of the contract and the school's progress in meeting the 353  
academic goals prescribed in the contract have been 354  
satisfactory. Any contract that is renewed under this division 355  
remains subject to the provisions of sections 3314.07, 3314.072, 356  
and 3314.073 of the Revised Code. 357

(F) If a community school fails to open for operation 358  
within one year after the contract entered into under this 359  
section is adopted pursuant to division (D) of section 3314.02 360  
of the Revised Code or permanently closes prior to the 361  
expiration of the contract, the contract shall be void and the 362  
school shall not enter into a contract with any other sponsor. A 363  
school shall not be considered permanently closed because the 364

operations of the school have been suspended pursuant to section 365  
3314.072 of the Revised Code. 366

Sec. 3319.077. (A) As used in this section: 367

(1) "Dyslexia" has the same meaning as in section 3323.25 368  
of the Revised Code. 369

(2) "Special education" has the same meaning as in section 370  
3323.01 of the Revised Code. 371

(B) The department of education, in consultation with the 372  
international dyslexia association in Ohio, shall develop 373  
guidelines regarding the best practices for universal screening 374  
and intervention for children with dyslexia or children 375  
displaying dyslexic characteristics and tendencies. 376

(C) (1) The department, in consultation with the 377  
international dyslexia association in Ohio, shall maintain a 378  
list of courses that fulfill the professional development 379  
requirements prescribed in division (D) of this section. The 380  
list may consist of online or classroom learning models. 381

(2) Each approved course shall align with the guidelines 382  
developed under division (B) of this section, be evidence-based, 383  
and require instruction and training for identifying 384  
characteristics of dyslexia and understanding the pedagogy for 385  
instructing students with dyslexia. 386

(D) Beginning in the 2020-2021 school year, both of the 387  
following shall apply: 388

(1) Each new teacher employed by a local, city, or 389  
exempted village school district who provides instruction for 390  
students in any of grades kindergarten through twelve, including 391  
those providing special education instruction, shall complete an 392

initial professional development course approved under division 393  
(C) of this section. 394

(2) Each district board of education shall require 395  
teachers or specialists providing instruction in special 396  
education, English language arts, or literacy to complete 397  
professional development courses approved under division (C) of 398  
this section on a regular basis, as determined by the district 399  
board. 400

**Sec. 3319.078.** (A) Beginning in the 2020-2021 school year, 401  
each city, local, and exempted village school district shall 402  
establish a structured literacy certification process for 403  
teachers providing instruction for students in grades 404  
kindergarten through five employed by the district. Each process 405  
shall align with the guidelines developed under division (B) of 406  
section 3319.077 of the Revised Code and shall require 407  
completion of a practicum. 408

(B) (1) Not later than the end of the 2022-2023 school 409  
year, each district shall have at least one teacher certified 410  
under the structured literacy process per every two hundred 411  
students in grades kindergarten through five. 412

(2) Not later than the end of the 2023-2024 school year, 413  
each district shall have at least one teacher certified under 414  
the structured literacy process per every one hundred fifty 415  
students in grades kindergarten through five. 416

(3) Not later than the end of the 2024-2025 school year, 417  
each district shall have at least one teacher certified under 418  
the structured literacy process per every one hundred students 419  
in grades kindergarten through five. 420

**Sec. 3323.11.** Each school district shall employ, as 421

necessary, the personnel to meet the needs of the children with 422  
disabilities enrolled in its schools. Personnel shall possess 423  
appropriate qualifications and certificates or licenses as 424  
prescribed in section 3319.077 of the Revised Code and in rules 425  
of the state board of education. 426

**Sec. 3326.11.** Each science, technology, engineering, and 427  
mathematics school established under this chapter and its 428  
governing body shall comply with sections 9.90, 9.91, 109.65, 429  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 430  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 431  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 432  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 433  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 434  
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 435  
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 436  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 437  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 438  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 439  
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 440  
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 441  
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 442  
3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 443  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 444  
and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 445  
3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 446  
Revised Code as if it were a school district. 447

**Sec. 3328.24.** A college-preparatory boarding school 448  
established under this chapter and its board of trustees shall 449  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 450  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 451  
3313.6024, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 452



3313.7112, 3313.721, 3313.89, 3319.077, 3319.078, 3319.39, 453  
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 454  
if the school were a school district and the school's board of 455  
trustees were a district board of education. 456

**Section 2.** That existing sections 3314.03, 3323.11, 457  
3326.11, and 3328.24 of the Revised Code are hereby repealed. 458