

## TO BE RESCINDED

3301-102-02           **Definitions.**

The following terms are defined as they are used in the rules in this chapter:

- (A) "Administrative services" means services designed to accomplish reasonably expected functions of a public school's daily operations, including, but not limited to, services provided by a superintendent, principal, treasurer, school psychologist, or data coordinator.
- (B) "Challenged school district" means any of the following:
- (1) A school district that is part of the pilot project area;
  - (2) A school district that meets one of the following conditions:
    - (a) On the effective date of this rule, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to the effective date of this rule;
    - (b) For two of the 2012-2013, 2013-2014, and 2014-2015 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 under section 3302.03 of the Revised Code;
    - (c) For the 2015-2016 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section;
  - (3) A big-eight school district;
  - (4) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.
- (C) "Chief administrative officer" means the individual assigned the role of superintendent in the Ohio educational directory system - redesign (OEDS-R) or its successor system.
- (D) "Conflict of interest" has the same meaning as set forth in Chapters 102. and 2921. of the Revised Code.

- (E) "Community school" means a public school created under Chapter 3314. of the Revised Code, independent of any school district and part of the state's program of education.
- (F) "Community school contract" means a written agreement and any amendments thereto, between the sponsor and the governing authority of a community school that establishes the duties, rights and responsibilities of both parties in accordance with all sections of the Revised Code and all rules of the Administrative Code that are applicable to sponsors and community schools.
- (G) "Conversion school" means a community school created by converting all or a portion of an existing traditional public school or building operated by an educational service center or joint vocational school district to a community school.
- (H) "Department" means the Ohio department of education.
- (I) "Eligible applicant" means any of the following:
- (1) The board of education of the district in which the school is proposed to be located;
  - (2) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;
  - (3) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;
  - (4) The governing board of any educational service center, as long as the proposed school will be located in a county within the territory of the service center or in a county contiguous to such county;
  - (5) The board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code [university of Akron, Bowling Green state university, Central state university, university of Cincinnati, Cleveland state university, Kent state university, Miami university, Ohio university, the Ohio state university, Shawnee state university, university of Toledo, Wright state university, and Youngstown state university], or a sponsoring authority designated by any such board of trustees, as long as a contractually specified mission of the proposed community school will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the university's teacher preparation program approved by the state board;

(6) Any qualified tax-exempt applicant under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) (January 2009), if all of the following conditions are satisfied:

- (a) The applicant has been in operation for at least five years prior to the application date;
- (b) The applicant has net assets of at least five hundred thousand dollars that are owned by the applicant and verifiable by an audited financial statement provided by a certified public accountant and has demonstrated a record of financial responsibility;
- (c) The state board has determined that the applicant is an education-oriented entity;

An education-oriented entity is one that has been

- (i) Granted a federal non-profit certificate; and is
- (ii) Organized for one or more of the following purposes:

- (a) Supporting and/or directly providing educational services and/or programs aimed at the ultimate goal of obtaining a diploma or GED; or

- (b) Promoting career and college readiness among persons eligible to attend a K-12 program.

The state board will determine on a case-by-case basis whether an applicant is organized for one of the purposes stated in the this paragraph. In making this determination, the state board shall consider, but not be limited to, the following criteria:

- (i) Applicant's mission, organizational goals and strategic plan, in the event the applicant has a strategic plan;
    - (ii) Activities that the applicant routinely engages in and/or that routinely take place in the course of a typical business day;
    - (iii) Applicant's historical record of providing or supporting academic and/or vocational programs; and

(iv) Applicant's agreements with third-party service providers regarding the provision of academic and/or vocational programs.

(d) The state board has determined that the applicant has a demonstrated record of successfully implementing educational programs; and

Demonstration of the applicant's successful implementation of educational programs shall be supported by outcome data related to the goals of the applicant's educational programs and may also include process measures, financial measures and other indicators of added value to the program participants and others; and

(e) The applicant is not a community school.

An applicant may meet the requirement regarding its status as a tax-exempt entity by successfully showing that it falls under a parent organization that has obtained tax-exempt status under section 501(c) of the Internal Revenue Code for itself and its affiliated entities; however, all other eligibility criteria in this chapter must be met by the applicant itself and not the parent organization.

(J) "EMIS" (education management information system) The education management information system provides the architecture and standards for reporting data to the Ohio department of education. EMIS is the statewide data collection system for Ohio's primary and secondary education system. Staff, student, district, building, and financial data are collected through this system. The source data for Ohio's accountability and funding systems are the EMIS data files. In addition, these files are utilized for many other state and federal requirements.

(K) "Governing authority" means for new start-up community schools a board of not less than five individuals, and for conversion community schools, a board of not less than three individuals, who are charged with the responsibility of establishing policies and procedures for the operation and management of a new start-up or conversion community school and responsible for carrying out all of the provisions of a community school contract. The following stipulations apply to members of a governing authority:

(1) No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed;

- (2) No person shall serve on the governing authorities of more than five start-up community schools at the same time; and
  - (3) No present or former member, or immediate relative of a present or former member of the governing authority of any community school established under Chapter 3314. of the Revised Code shall be an owner, employee or consultant of any nonprofit or for-profit operator of a community school, as defined in section 3314.014 of the Revised Code, unless at least one year has elapsed since the conclusion of the person's membership.
- (L) "Immediate relatives" means spouses, children, parents, grandparents, siblings, and in-laws.
- (M) "Learning opportunity" means classroom-based or non-classroom-based supervised instructional and educational activities that are defined in the community school's contract and are
- (1) Provided by or supervised by a licensed teacher;
  - (2) Goal oriented; and
  - (3) Certified by a licensed teacher as meeting the criteria established for completing the learning opportunity.
- (N) "New start-up school" has the same meaning as defined in division (A)(5) of section 3314.02 of the Revised Code.
- (O) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by section 50.52 of Am. Sub. H.B. No. 215 of the 122nd General Assembly. This "pilot project area" includes the entire territory of any school district having the majority of its territory in Lucas County.
- (P) "Preliminary agreement" means a written agreement and any amendments thereto, between a proposing person or group and a sponsor that sets forth the intention of both parties to negotiate in good faith towards the execution of a community school contract in accordance with Chapter 3314. of the Revised Code.
- (Q) "Site visit" means a visit in person by a representative of the sponsor, or of the department, on-site at the location of the school with the school administrator, fiscal officer, and/or member(s) of the governing authority to review and verify contractual, local, state and federal compliance as to the following matters, including, but not limited to: health and safety, educational program, including provision of student learning opportunities as referenced in division (A)(23) of section 3314.03 of the Revised Code and as defined in paragraph (M) of this rule, student state-

required academic assessment(s), fiscal operations, governance and administration, and other assessment and accountability measures, as defined in the community school's contract.

(R) SOES (School options enrollment system) The SOES or its successor system is the EMIS subsystem that drives funding for students in community schools and STEM Schools. This Web application is used to enter and review student enrollment and demographic data to form the basis for the flow of funds to community schools and STEM schools. School personnel enter data in the SOES and traditional public school personnel review, verify, or challenge that data.

(S) "Sponsor" means any of the following:

(1) An eligible entity that has been approved by the department to sponsor new start-up community schools and that has entered into a sponsorship agreement with the department regarding the manner in which it will conduct its sponsorship; or

(2) An entity that is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval or;

(3) A city, local, or exempted village school district, educational service center, or joint vocational school district that has entered into a community school contract to sponsor a conversion community school.

(T) "Sponsor capacity" means an organization's capability of providing sufficient technical assistance, oversight, and monitoring, consistent with sponsor duties defined in division (D) of section 3314.03 of the Revised Code, which includes taking steps to intervene in a school's operations to ensure that the community schools it sponsors will meet all legally mandated fiscal, academic, and operational requirements.

(U) "Sponsor oversight" means actions taken by the sponsor to fulfill its legal obligations to monitor all aspects of a school's fiscal, academic and operational performance, including, but not limited to, compliance with applicable rules, laws, and all terms of the community school's contract.

(V) "Sponsorship agreement" means a written agreement, and any amendments thereto, between the department and a sponsor which establishes the duties, rights and responsibilities of both parties in accordance with all sections of the Revised Code and all rules of the Administrative Code that are applicable to sponsors and community schools.

(W) "State board" means the state board of education.

(X) "Technical assistance" means the provision of targeted and customized supports by professionals with subject matter expertise relevant to the operations of a community school toward successfully fulfilling its obligations under applicable rules, laws and the terms of its community school contract.

Effective:

Five Year Review (FYR) Dates: 5/13/2022

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: R.C. 3301.07, 3314.015, 3314.016, 3314.08  
Rule Amplifies: ORC Chapter 3314.  
Prior Effective Dates: 07/07/2003, 05/19/2006, 04/19/2008, 07/24/2010,  
06/27/2013