

3301-102-02      **Definitions.**

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

(A) "Administrative office" means the primary center as designated by the community school that houses the following items, including, but not limited to:

- (1) Student records;
- (2) Personnel files;
- (3) Financial records;
- (4) School policies and procedures; and
- (5) The school's main telephone line.

(B) "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)~~(C) "Base of operation" means a central facility where an internet- or computer-based community school maintains its administrative office.

~~(C)~~(D) "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 is in a state of academic emergency under section 3302.03 of the Revised Code;
- (3) A school district that is in a state of academic watch under section 3302.03 of the Revised Code;
- (4) A big eight school district means a school district that for fiscal year 1997 met the following conditions:
  - (a) Had a percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; and

- (b) Had an average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

~~(E)~~ "Chief administrative officer" means the individual designated by the governing authority as the person in charge of the community school's daily operation and assigned the role of superintendent in the Ohio educational directory system - redesign (OEDS-R) or its successor system.

~~(F)~~ "Conflict of interest" has the same meaning as set forth in Chapters 102. and 2921. of the Revised Code.

~~(D)~~~~(G)~~ "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.

~~(E)~~~~(H)~~ "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.

~~(F)~~~~(I)~~ "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.

~~(G)~~~~(J)~~ "Department" means the Ohio department of education.

~~(H)~~~~(K)~~ "Eligible entity" 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 entity under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) (January 2009 ~~March 2005~~), if all of the following conditions are satisfied:
- (a) The entity has been in operation for at least five years prior to the application date;
  - (b) The entity has net assets of at least five hundred thousand dollars that are owned by the entity and verifiable by an audited financial statement provided by a certified public accountant and has demonstrated ~~must demonstrate~~ a record of financial responsibility;
  - (c) The department has determined that the entity is an education-oriented entity ~~whose mission or operations demonstrate that it fosters education;~~
  - (d) The department has determined that the entity has a demonstrated record of successfully implementing ~~implemented~~ educational programs; and
  - (e) The entity is not a community school.

~~(L)~~ (L) "Fiscal year" means July first through June thirtieth.

~~(M)~~ (M) "Governing authority" means a board of not less than five 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 two 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.

~~(K)~~(N) "Immediate relatives" means spouses, children, parents, grandparents, siblings, and in-laws.

~~(L)~~(O) "Internet- or computer-based school" has the same meaning as defined in division (A)(7) of section 3314.02 of the Revised Code.

(P) "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.

~~(M)~~(Q) "New start-up school" has the same meaning as defined in division (A)(5) of section 3314.02 of the Revised Code ~~means a new community school other than one created by converting all or a portion of an existing traditional public school.~~

~~(N)~~(R) "Office of Community Schools" means the office in the department established to provide advice and services for the community schools program established pursuant to Chapter 3314. of the Revised Code.

~~(S)~~(S) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former section 50.52 of Am. Sub. H.B. No. 215 of the 122nd General Assembly ~~general assembly~~. This "pilot project area" includes the entire territory of any school district having the majority of its territory in Lucas County.

~~(T)~~(T) "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.

~~(U)~~(U) "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 student academic assessment, fiscal operations, governance and administration, and assessment and accountability.

(V) "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;

(2) An entity other than the state board of education that has entered into a community school contract to sponsor a new start-up or conversion community school on or before April 8, 2003;

(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.

(W) "Sponsor capacity" means an organization's capability of providing sufficient technical assistance, oversight, and monitoring, 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.

(X) "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 and laws and all terms of the community school's contract.

~~(R)~~ "Sponsor" means ~~an eligible entity which has been approved by the department to sponsor community schools and which has entered into a sponsorship agreement with the department regarding the manner in which it will conduct its sponsorship, or an entity other than the state board of education that has entered into a community school contract to sponsor a community school on or before April 8, 2003.~~

~~(S)~~(Y) "Sponsorship agreement" means a written agreement, and any amendments thereto, between the department and ~~an entity approved by the department to be 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.

~~(T)~~(Z) "State board" means the state board of education.

~~(U)~~(AA) "Technical assistance" means providing relevant knowledge and/or expertise and/or assuring the provision of ~~the following~~ resources to assist the community school or sponsor in fulfilling its obligation under applicable rules and laws mission, including, but not limited to, guidance training, information, written materials and manuals.

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Certification

07/14/2010

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Date

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