

Community Schools Guidance Letter #2012-3
Effective date: October 3, 2012
Updated: November 23, 2012

Multiple Facilities FAQs for Sponsors and Community Schools

Objective

To provide guidance for sponsors and community schools regarding community schools locating in multiple facilities under the same contract.

Statutory Requirements:

Ohio Revised Code (ORC) section 3314.05 Specification of use and acquisition of facilities

Policy

Community schools may be located in multiple facilities under the same contract as long as the facilities comply with requirements of ORC 3314.05.

Guidance

Community schools should work with their sponsor to ensure the multiple facilities comply with requirements of ORC 3314.05 and all required documents are submitted to the Office of Community Schools for a contract modification.

Frequently Asked Questions

1. Question: Can a site-based community school be located in multiple districts and/or offer duplicate grades in multiple buildings? Yes, under certain circumstances:

ORC 3314.05	(B) (1) Same School District	(B) (2) Same School District	(B) (3) Two school districts	(B) (4) Same or multiple districts
Multiple Facilities?	If limitations on space prohibit serving all the grade levels in a single facility.	If the community school's contract meets the following criteria: <ul style="list-style-type: none"> - Executed on or before May 15, 2008; - Did not open prior to July 1, 2008 - Opened using the Operator Provision - The school's LRC rating has not fallen below CI for at least two consecutive years. 	<ul style="list-style-type: none"> - If at least one district is challenged and considered the primary location; - There is only one building per district - Transportation between facilities does not take more than 30 minutes of direct travel time as measured by a school bus. 	<ul style="list-style-type: none"> - If the facilities are all in the same county; - The governing authority has entered into and maintains a contract with an operator; - The governing authority designated one district as the school's primary location
Duplicate grades across buildings?	No	Yes	No	Yes
Conversion community school?	Yes	No	No	Yes
New start-up community school?	Yes	Yes	Yes	Yes
Applies to	No	No	No	No

eschools?				
-----------	--	--	--	--

2. Question: What documents does the Office of Community Schools require for a contract modification to have multiple facilities under the same contract?

2. Answer:

Submit the following documents to the Office of Community Schools prior to instructing students in any new facility:

- _____ Copy of a signed and dated school Governing Authority Resolution or Board Minutes verifying the addition of facilities (annexes)
- _____ Copy of a signed and dated communication on the sponsor’s letterhead or Sponsor Resolution or Board Minutes indicating agreement with the addition of facilities (annexes)
- _____ Sponsor Assurances for the new facility (ies)
(at least ten business days prior to the school’s opening, if the facility change coincides with a new school year, or prior to instructing students in the new facility if the change happens after the school year has begun)

Also update the information in OEDS to reflect the addition of the annex (s).

3. Question: What is the process the department uses to assign unique identification numbers to the school and to each facility maintained by the school?

3. Answer:

The Office of Community Schools assigns an IRN to each community school once minimum criteria have been met. A unique id is created for each location by the Ohio Educational Directory System. The unique id assigned to each location will be visible in OEDS so that the public knows there are multiple facilities. ODE will notify community schools and sponsors as soon as this functionality is available in OEDS.

4. Question: How will the Department use the "location keys" assigned to each building?

4. Answer:

The Department will use the "location keys" for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

5. Question: For schools with one IRN but with multiple facilities, how will accountability be reported and assigned for the facilities using the single IRN?

5. Answer:

In the case of a school with one IRN and multiple facilities, all reporting for the school would be done using the single IRN. The IRN would receive one Local Report Card based on the aggregate of data from the multiple facilities. Student records may not be comingled between multiple facilities; they must be located in the facility where the students are assigned.

6. Question: For schools with one IRN but with multiple facilities, how will funds be disbursed and assigned for the facilities using the single IRN?

6. Answer:

In the case of a school with multiple facilities, all reporting for the school would be done using the single IRN. Funding would be disbursed to the school with the IRN based on the aggregate of data from the multiple facilities. Even though all funds will be disbursed to the IRN, such as with the CCIP, funds must be used as designated for the purposes and students identified by the funding sources, but there would be a single accounting of funds, a single audit of the IRN’s "one set of books". Student records may not be comingled between multiple facilities; they must be located in the facility where the students are assigned.

7. Question: For schools with one IRN but with multiple facilities, should each facility have a separate GA?

7. Answer:

No, there is one Governing Authority for the school as a whole, however it is recommended that the GA meetings rotate among the different facility locations.

8. Question: For schools with one IRN but with multiple facilities, if one location is subject to NCLB sanctions or a special education corrective action plan, would the entire entity be subject to the same?

8. Answer:

Yes, if a school with multiple facilities receives a finding, sanction or is required to submit and complete a corrective action plan it would apply to the IRN, not to the specific facility.

Proposed FAQ:

9. Question: Is a modular unit considered a separate facility and as such required to meet the requirements of ORC section 3314.05 *Specification of use and acquisition of facilities*?

9. Answer: Usually a modular unit is a separate building on the same property as the school. The physical address of the school covers the main building and any outbuildings. Modular units are typically located on the primary property, don't have a unique address; have the same school bell schedule and calendar; the students arrive on the same busses or walk to, dropped off at the same location; same cafeteria, gym, library, etc. Given these parameters, a modular unit would not be considered to be a truly separate facility. For a modular unit to be considered a separate facility it would need to have at a minimum an address separate from the primary location. The modular unit, annex or "separate facility" must be covered under the sponsor assurances and if the building comes on site after the assurances are submitted for the school year, then an updated version of the sponsor assurances should be provided prior to students receive instruction in the building.

Statutory Requirements

ORC 3314.05 Specification of use and acquisition of facilities.

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

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

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

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

(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008.

(b) The school was not open for operation prior to July 1, 2008.

(c) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

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

(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" for two or more consecutive years.

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

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

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

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

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

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

- (a) The facilities are all located in the same county.
- (b) The governing authority has entered into and maintains a contract with an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

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

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

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

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

Definitions

- **Community School:** Called charter schools in other states, a public school created under Ohio Revised Code (ORC) Chapter 3314, independent of any school district and part of the state's program of public education, offering an education that is regarded by the Ohio Department of Education (ODE) as equivalent to that of Ohio's traditional public schools and private schools.
- **Facility:** According to 34 CFR 222.176 [Title 34 – Education; Subtitle B -- Regulations of the Offices of the Department of Education; Chapter II -- Office of Elementary and Secondary Education, Department of Education; Part 222 -- Impact Aid Programs; Subpart L -- Impact Aid Discretionary Construction Grant Program Under Section 8007(B) of the Act; General], the term school facility means "a building used to provide free public education, including instructional, resource, food service, and general or administrative support areas, so long as they are a part of the facility."
- **Governing Authority:** a group of at least five individuals who are charged with the responsibility of establishing policies and procedures for the operation and management of a community school and responsible for carrying out all of the provisions of a community school contract; equivalent to a traditional district's school board.
- Proposed Definition of **Modular unit/building:** means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and

installation, on the building site. Modular buildings must conform to all local building codes for their proposed use.

- **Sponsor:** An entity which 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, as their entering into contracts legally authorizes the establishment of the charter or community school.