

Public Charter/Community Schools: Guidance for New Developers
Updated: March 2016

Definitions

Public Charter or Community School: A public charter or community school is a public school created in Ohio law, independent of any school district and part of the state's education program. Community schools (often called "charter schools" in other states) offer an education that is regarded as equivalent to that of Ohio's traditional public schools and private schools approved by the Ohio Department of Education. Charter/community schools are public nonprofit, nonsectarian schools that operate independently of any school district but under a contract with an authorized sponsor/authorizing entity that is established by statute or approved by the Ohio Department of Education. Charter/community schools are public schools of choice and are state and federally funded. There are two types of community schools: new start-up community schools and conversion community schools.

Contract: A community school contract is a legally binding document signed by both the governing authority and the sponsor/authorizer agreeing to fulfill all requirements as stated in [Ohio law](#). Specifications of the contract are between the sponsor/authorizer and the governing authority. Per [Ohio law](#), contracts must be **adopted** by March 15 and **signed** by May 15 in the year prior to the proposed school opening by the sponsor/authorizer board and the community school governing authority.

- Contract adoption means the majority voting members of the sponsor/authorizer and the community school governing authority vote to convert or establish a new start-up school.
- Contract signing means the majority voting members of the sponsor/authorizer and the community school governing authority agree to sign a legally binding document which fulfills all requirements as stated in [law](#).

Conversion community schools: Conversion community schools are created by converting all or a portion of an existing traditional public school, including a joint vocational school or building operated by an educational service center (ESC) to a community school. Conversion community schools may be opened by any school district in the state, and they are considered to be districts for many purposes. Because community schools are by [law](#) "independent of any school district," once created, conversion community schools operate independently from the sponsor/authorizing school district or ESC.

District conversion community schools are created by converting all or a portion of an existing traditional public school to a community school. Conversion community schools may be opened by any school district in the state. Conversion community schools operate independently of the sponsor/authorizer district and are considered their own district for many purposes.

Educational service center (ESC) conversion community schools are created when an ESC converts all or part of a building that it operates into a community school. ESC-sponsored/authorized conversion community schools may be opened in any district in the state in which the ESC owns or operates a facility.

Joint Vocational School District (JVSD) conversion community schools are created when a joint vocational school district converts all or part of its school into a community school. Joint vocational school district-sponsored/authorized conversion community schools may be opened in any district in the state in which the joint vocational school district has a school.

Governing authority: This group is comprised of, at least, five individuals for new start-up community schools and at least three individuals for conversion community schools. Typically the trustees, those who developed the school, become the governing authority through the execution of the community school contract. Governing authority members of new start-up community schools may be on up to five such community schools at the same time.

Highly Qualified Teacher (HQT): For community schools, HQT is a federally required designation reported for Ohio teachers who have at least a bachelor's degree, a teaching certificate/license other than a short-term substitute or non-tax and the evidence that demonstrates their subject area expertise for each of the core academic courses he or she teaches (English language arts, reading, science, mathematics, government and civics, history, economics, geography, music, visual arts, dance, drama, foreign language).

Note: Highly Qualified Teachers must be reported through EMIS for the teachers of record as stated. Additionally, all other teaching staff (not listed in EMIS as teacher of record) including intervention specialists and tutors of core academic subjects must have their status on file at the community school as outlined in the HQT Toolkit. The community school must have a policy/procedure for collecting, verifying and maintaining teachers' (and tutors') HQT evidence in compliance with their records and retention policies. Community schools must also collect, verify and maintain the records for Qualified Instructional Paraprofessionals. For questions or concerns about what type of evidence (for teachers, tutors and paraprofessionals) must be collected/verified/maintained, the community school administrator should refer to HQT Toolkit available at the department's [Toolkit page](#).

Internet- or Computer-based Community Schools: These are community schools, also known as [eSchools](#), in which the enrolled students work primarily from their residences. Students work on assignments in non-classroom-based learning opportunities provided via an Internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include Internet-based, other computer-based and non-computer-based learning opportunities. Opening a new eSchool is limited to developers and authorizers being approved by the department through a separate application process.

Local Report Card: A report detailing indicators based on students' performance on achievement tests, rates of improvement on those tests and student attendance and graduation rates. [Click here for more information](#) on the Local Report Card.

New start-up community schools are established in a contract between a sponsoring/authorizing entity established by statute or approved by the Ohio Department of Education and the governing body of the community school. New start-up community schools are limited in their location to what are referred to as *challenged school districts*. A challenged school district means any of the following:

- (1) A school district that is part of the pilot project area (districts in LucasCounty);
- (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 school district ranked in the lowest 5 percent of school districts according to performance index score under section 3302.21 of the Revised Code.
- (4) An Ohio Eight school district, which includes the following districts: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown.

Preliminary Agreement: A preliminary agreement describes the intention of the sponsor/authorizer and the developer/founder to pursue, in good faith, the execution of a contract between the two parties and must precede the contract.

Sponsor/Authorizer: An entity able to establish a community school. A sponsor/authorizer 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/authorizes meet all legally mandated fiscal, academic and operational requirements. A sponsor/authorizer must meet the following criteria:

- (1) An entity that has been approved by the department to sponsor/authorize new start-up community schools and that has entered into a sponsorship/authorizer agreement with the department regarding the manner in which it will conduct its authorizing;
- (2) An entity that is exempted by sections 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/authorize a conversion community school.

Trustees: Per [Ohio law](#), “Directors” means the persons vested with the authority to conduct the affairs of the corporation irrespective of the name, such as trustees, by which they are designated. Trustees are the developers of the school as a public benefit corporation under Chapter 1702. They work with the sponsor/authorizer to develop a preliminary agreement and to adopt a contract for the new start-up community school. They also recruit and select, as needed, any additional members for the Governing Authority for the community school. If the Trustees of the public benefit corporation are **not** the same as the governing authority listed in the Articles of Incorporation, the Articles should be amended for consistency of membership.

Policy

The Ohio Department of Education’s Office of Community Schools provides training and technical assistance for new and prospective developers to establish community schools that comply with all applicable state and federal rules and regulations.

Guidance

Community schools are generally created to provide a unique educational program or meet the needs of an underserved group of students. Currently, there are two types of community schools: new start-ups and conversions. There are three kinds of conversions: district-sponsored/authorized; educational service center-sponsored/authorized; and joint vocational school district-sponsored/authorized conversion community schools.

While each community school may target different populations and use different curriculum models, all will face challenges. In establishing a new school, it is important to work closely with the sponsor/authorizer to ensure the school starts properly and is successful. This guidance document provides key dates and important information to assist developers design and operate new community schools.

New start-up community schools are limited in location to *challenged* school districts. These districts include the eight largest urban school districts, as well as districts with poor academic ratings; districts in the original pilot project area, Lucas County; and a school district ranked in the lowest 5 percent of school districts according to the performance index score under section 3302.21 of the Revised Code. Refer to the Ohio Department of Education’s website for the most recent list of challenged school districts.

Community schools must enroll a minimum of 25 students and provide a minimum of 920 hours of learning opportunities annually. Community schools may have a year-round calendar.

Critical First Steps

A community school is created when an eligible sponsor/authorizer enters into a community school contract with a governing authority. There is a statutory sequence for certain actions:

1. The developers must enter into a **Preliminary Agreement** with the sponsor/authorizer. The Preliminary Agreement is a legally recognized declaration that both the sponsor/authorizer and the developers agree to work in good faith

toward the successful execution of a community school contract. A Preliminary Agreement is a required step; it precedes the community school contract. The term of the Preliminary Agreement may begin in a year prior to the school's proposed opening year and should extend past the anticipated contract execution date. **The Preliminary Agreement does not replace the requirement for a contract to be adopted between the developer and sponsor/authorizer by March 15.**

2. A **contract adoption** must occur by March 15 in the year the school is to open. The contract adoption is represented by a sponsor/authorizer's approved board resolution, stating the sponsor/authorizer's intent to enter into the community school contract or a sponsor/authorizer's signed board minutes summarizing that action.

At least a draft version of the community school contract should exist at the time the sponsor/authorizer and school take action to formally adopt the contract. The contract adoption must be completed by March 15 of the year the school is to open.

For ESC's authorizing conversion community schools, documentation that the ESC owns or operates the building proposed to be converted should be in place by March 15 of the year the school is to open, as well.

The following items must be submitted to the Ohio Department of Education's Office of Community Schools within 10 days of such action:

- signed preliminary agreement; and
- sponsor/authorizer's approved board resolution, stating the sponsor/authorizer's intent to enter into the community school contract; or
- sponsor/authorizer's signed board minutes summarizing the above action.

3. A **contract execution** occurs when the community school contract is signed by both the governing authority and the sponsor/authorizer. A contract must be signed (executed) by both parties no later than May 15 of the calendar year prior to the school's planned opening.

For a new community school contract to remain valid, unless the mission of the school is solely to serve dropouts, the community school must be open for operation by Sept. 30 of the calendar year in which the contract is executed. If school has not opened by Sept. 30 in the calendar year in which the contract is signed, the contract becomes void by operation of law. If the contract is for a drop-out recovery school, it remains valid for 12 months after it is signed and school may open later in the school year.

If a contract, which meets the department's legal sufficiency requirements, is executed for a new start-up school proposed to open in a school district which meets the definition of *challenged* by March 15, the contract is considered valid and the school can open even if the district's academic local report card rating improves and thus removes it from the *challenged* district list.

Important Note: Final preparations for opening the school

- Ensure all necessary permits and inspections required by health and safety agencies are complete.
- Secure liability insurance.
- Submit change of address, grade levels, name, etc. documentation to the Office of Community Schools, if the school's address, grade levels, name, etc. are different from information initially submitted to the Office of Community Schools in order to obtain an IRN.
- Make appropriate changes in Ohio Educational Directory System, School Options Enrollment System, etc. to match the changes in address, grade levels, etc. if these are different from information initially entered to obtain an IRN.
- Make arrangements for the sponsor/authorizer to conduct a final site visit based, in part, on all necessary permits being in place and municipal and county inspections completed.
- Request that the sponsor/authorizer submit an Opening and Annual Sponsor/Authorizer Assurances Form to the Office of Community Schools no later than 10 days prior to the school's opening date, verifying that the school is ready to open.

Funding and Accountability

Funding for Community Schools – All community schools receive state per-pupil funding from the Ohio Department of Education. Community schools receive funding from the state through the per-pupil foundation allocation. All community schools are eligible for grants and federal title funds, the same as traditional school districts. Unlike city, local, exempted village and joint vocational school districts, community schools have no tax base from which to draw funds for buildings and investments in infrastructure. For more information, visit the department's [community school funding page](#).

Community School Payments – Community schools are paid monthly by the department based upon the equivalent of the number of full-time students enrolled in the school as reported through the School Options Enrollment System. Community schools receive the state per-pupil formula amount, plus any funds that students are eligible to receive by virtue of characteristics such as special needs conditions, participation in career-technical programs or family low-income status. For fiscal year 2015, the per-pupil formula amount will be \$5,800.

Effective July 2014, the department will release the first payment (opportunity grant) beginning in September, for new schools after the new school submits the sponsor assurance and is open for instruction. The student data extracted from EMIS/SOES by midnight on Aug. 15, Sept. 15 or Oct. 15, depending on which month the school is open for instruction, is the basis of the payment.

Transportation for Community School Students – Typically, community school students are transported by their resident districts following the same policies that are in place for students attending the traditional public school as long as the student's ride is not greater

than 30 minutes. Community schools should check with the resident district's transportation director as soon as possible before school opens to ensure that policies are correctly understood and routes are established for students enrolled in the community school. A community school also may choose to arrange for its own transportation services. This option should be discussed with the school's governing authority and sponsor/authorizer to be sure that all implications of this decision are clearly understood. For more information, visit the department's website at education.ohio.gov, keyword search: Transportation Guidance.

Accountability for Community Schools – Each community school receives a local report card issued by the department at the end of the school's first year of operation and each year thereafter. The community school receives a rating based upon its performance, the same as traditional public schools. Community schools serving a general education population as well as a dropout prevention and recovery population are subject to closure for continuous poor academic performance. Accountability questions may be e-mailed directly to accountability@education.ohio.gov

Licensure and HQT Requirements for Community School Teachers – Community school teachers, including special education teachers, intervention specialists, physical education and Title I teachers are required to meet department licensure and HQT requirements (see Definitions). Although Ohio's community school law allows some flexibility in meeting teacher licensure requirements, the department requires all community school teachers to meet HQT requirements for the core academic classes they are assigned to teach in a community school. For more information, visit the department's Web page: [Licensure and HQT requirements for Community School Teachers](#).

Required Special Education Services in Community Schools – Community schools are required to provide special education services for students with disabilities and follow proper procedures as required by state and federal special education statutes, rules and regulations.

Consultants from the Office of Community Schools and the Office for Exceptional Children can provide guidance to developers, community schools and sponsor/authorizers to help ensure that the required identification and service provision requirements are met for all students who may have or may be suspected of having a disability.

Persons with complaints regarding the compliance with mandates of the Individuals with Disabilities Education Act (IDEA) should contact the Office for Exceptional Children at (614) 466-2650 or visit the department's website at education.ohio.gov, keyword search: Office for Exceptional Children. For detailed information on services and supports to students with disabilities, go to the department Web page [Special Education](#)

Career-Technical Programs in Community Schools – Community schools serving students, in any Grades 7 through 12, may decide to add career-technical programs to their subject offerings for students. Once the community school contract is approved, school leaders can develop an educational plan, allowing up to three months for the approval

process. When the educational plan is approved, community schools can submit their programs of study. Resources to guide and direct application for these programs are available on the department's website at education.ohio.gov (click on *Career-Tech*, then *CTE in Community Schools*).

In addition, community school students have access to career-technical programs through their home school districts. Students may attend the community school for a portion of the day and the career-technical school for a portion of the day under certain circumstances. Resources to guide and direct application for these programs are available on the department's website at education.ohio.gov (click on *Career-Tech*, then *CTE in Community Schools*).

Involvement of Parents – Given that community schools are schools of choice, each community school is expected to encourage significant parent involvement in all aspects of the school. Community schools are required to adopt a policy on parental involvement that is designed to build consistent and effective communication between the parents and foster caregivers of students enrolled in the community school. For more information and resources, go to the department's website, education.ohio.gov and enter the key words *parent involvement*.

Data and Information

New Community Schools Need an EIN and IRN – An Employer Identification Number (EIN) is a number assigned by the Internal Revenue Service. For instructions on obtaining an EIN, click [here](#).

An Internal Retrieval Number (IRN) is a unique number assigned by the department to each school. To obtain an IRN, the following forms need to be completed.

- [W-9](#)
- [New Vendor Information and Form](#)
- [OEDS-R Administrator Form](#)

Accounts that Need to be Created – Community schools must create accounts in the following Web applications:

- [Security Application for Enterprise](#) (SAFE) Web portal, a "single sign on" software security solution for Ohio Department of Education customers.
- [Ohio Educational Directory System](#), a decentralized data system that allows organizations (public schools, JVSDs, community schools, ESCs, nonpublic schools, etc.) to maintain their own data that can be searched by the general public.
- [School Options Enrollment System](#), the EMIS subsystem that drives funding for students in community and STEM schools, used to enter and review student enrollment and demographic data, forming the basis for the flow of funds to community and STEM schools.

- [Education Monetary Assistance Distribution](#), a database accessible through a secure website in which school districts and community schools identify students in poverty based on family participation in the Ohio Works First Program, used to determine district and non-Internet-based community school Poverty-Based Assistance funding.

Contracting with an Information Technology Center – All schools must contract with an Information Technology Center (ITC) to submit school data to the department. The ITC also is the point of contact for gaining access to the Statewide Student Identifier Database (SSID).

- [Information on SSIDs](#)
- [Information on ITC sites](#)

Signing Up For Newsletters – There are a number of newsletters, including the department's weekly *EdConnection* newsletter, that provide all schools with important information on a variety of topics. [Click here to subscribe to the weekly EdConnection newsletter.](#) [Click here for additional department newsletters.](#)

References

[Contract Elements](#)

Ohio Revised Code 3314, 3314.014, 3314.02 (B), 3314.03.

[List of Sponsors](#)

Contacts

Please see the [OCS homepage](#) for office more information.