

As Passed by the House

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H. B. No. 184

**Representatives Faber, Taylor, Willamowski, Wagner, Seaver, Fessler,
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Uecker, Walcher**

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A B I L L

To amend section 3314.03 and to enact section 1
3313.801 of the Revised Code to require school 2
districts and community schools that receive 3
donated copies of the mottoes of the United States 4
of America or the State of Ohio to display the 5
mottoes in school buildings. 6

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

Section 1. That section 3314.03 be amended and section 7
3313.801 of the Revised Code be enacted to read as follows: 8

Sec. 3313.801. If a reasonably sized copy of the official 9
motto of the United States of America "In God We Trust" or the 10
official motto of Ohio "With God, All Things Are Possible" is 11
donated to any school district, or if money is donated to the 12
district specifically for the purpose of purchasing such material, 13
the board of education of the school district shall accept the 14
donation and display the motto in an appropriate manner in a 15

classroom, auditorium, or cafeteria of a school building in the district.

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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.

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

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

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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;

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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;

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(4) Performance standards by which the success of the school will be evaluated by the sponsor;

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(5) The admission standards of section 3314.06 of the Revised Code;

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(6)(a) Dismissal procedures;

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(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a

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legitimate excuse fails to participate in one hundred five
consecutive hours of the learning opportunities offered to the
student. Such a policy shall provide for withdrawing the student
by the end of the thirtieth day after the student has failed to
participate as required under this division.

(7) The ways by which the school will achieve racial and
ethnic balance reflective of the community it serves;

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

(9) The facilities to be used and their locations;

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

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

(a) The school will provide learning opportunities to a
minimum of twenty-five students for a minimum of nine hundred
twenty hours per school year;

(b) The governing authority will purchase liability
insurance, or otherwise provide for the potential liability of the
school;

(c) The school will be nonsectarian in its programs,
admission policies, employment practices, and all other

operations, and will not be operated by a sectarian school or
religious institution;

(d) The school will comply with sections 9.90, 9.91, 109.65,
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643,
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671,
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.801,
3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14,
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52,
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,
4123., 4141., and 4167. of the Revised Code as if it were a school
district and will comply with section 3301.0714 of the Revised
Code in the manner specified in section 3314.17 of the Revised
Code;

(e) The school shall comply with Chapter 102. of the Revised
Code except that nothing in that chapter shall prohibit a member
of the school's governing board from also being an employee of the
school and nothing in that chapter or section 2921.42 of the
Revised Code shall prohibit a member of the school's governing
board from having an interest in a contract into which the
governing board enters that is not a contract with a for-profit
firm for the operation or management of a school under the
auspices of the governing authority;

(f) The school will comply with sections 3313.61, 3313.611,
and 3313.614 of the Revised Code, except that the requirement in
sections 3313.61 and 3313.611 of the Revised Code that a person
must successfully complete the curriculum in any high school prior
to receiving a high school diploma may be met by completing the
curriculum adopted by the governing authority of the community
school rather than the curriculum specified in Title XXXIII of the
Revised Code or any rules of the state board of education;

(g) The school governing authority will submit within four	106
months after the end of each school year a report of its	107
activities and progress in meeting the goals and standards of	108
divisions (A)(3) and (4) of this section and its financial status	109
to the sponsor, the parents of all students enrolled in the	110
school, and the legislative office of education oversight. The	111
school will collect and provide any data that the legislative	112
office of education oversight requests in furtherance of any study	113
or research that the general assembly requires the office to	114
conduct, including the studies required under Section 50.39 of Am.	115
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	116
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	117
(12) Arrangements for providing health and other benefits to	118
employees;	119
(13) The length of the contract, which shall begin at the	120
beginning of an academic year. No contract shall exceed five years	121
unless such contract has been renewed pursuant to division (E) of	122
this section.	123
(14) The governing authority of the school, which shall be	124
responsible for carrying out the provisions of the contract;	125
(15) A financial plan detailing an estimated school budget	126
for each year of the period of the contract and specifying the	127
total estimated per pupil expenditure amount for each such year.	128
The plan shall specify for each year the base formula amount that	129
will be used for purposes of funding calculations under section	130
3314.08 of the Revised Code. This base formula amount for any year	131
shall not exceed the formula amount defined under section 3317.02	132
of the Revised Code. The plan may also specify for any year a	133
percentage figure to be used for reducing the per pupil amount of	134
disadvantaged pupil impact aid calculated pursuant to section	135
3317.029 of the Revised Code the school is to receive that year	136

under section 3314.08 of the Revised Code.	137
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	138 139 140
(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	141 142 143 144 145 146 147 148 149
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	150 151 152
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	153 154 155 156 157 158
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	159 160
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	161 162
(c) Permit the enrollment of students who reside in any other district in the state.	163 164
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in	165 166

accordance with the provisions of division (C) of section 3314.015 167
of the Revised Code; 168

(21) A provision recognizing the sponsor's authority to 169
assume the operation of a school under the conditions specified in 170
division (B) of section 3314.073 of the Revised Code; 171

(22) A provision recognizing both of the following: 172

(a) The authority of public health and safety officials to 173
inspect the facilities of the school and to order the facilities 174
closed if those officials find that the facilities are not in 175
compliance with health and safety laws and regulations; 176

(b) The authority of the department of education as the 177
community school oversight body to suspend the operation of the 178
school under section 3314.072 of the Revised Code if the 179
department has evidence of conditions or violations of law at the 180
school that pose an imminent danger to the health and safety of 181
the school's students and employees and the sponsor refuses to 182
take such action; 183

(23) A description of the learning opportunities that will be 184
offered to students including both classroom-based and 185
non-classroom-based learning opportunities that is in compliance 186
with criteria for student participation established by the 187
department under division (L)(2) of section 3314.08 of the Revised 188
Code; 189

(24) The school will comply with section 3302.04 of the 190
Revised Code, including division (E) of that section to the extent 191
possible, except that any action required to be taken by a school 192
district pursuant to that section shall be taken by the sponsor of 193
the school. However, the sponsor shall not be required to take any 194
action described in division (F) of that section. 195

(B) The community school shall also submit to the sponsor a 196

comprehensive plan for the school. The plan shall specify the	197
following:	198
(1) The process by which the governing authority of the	199
school will be selected in the future;	200
(2) The management and administration of the school;	201
(3) If the community school is a currently existing public	202
school, alternative arrangements for current public school	203
students who choose not to attend the school and teachers who	204
choose not to teach in the school after conversion;	205
(4) The instructional program and educational philosophy of	206
the school;	207
(5) Internal financial controls.	208
(C) A contract entered into under section 3314.02 of the	209
Revised Code between a sponsor and the governing authority of a	210
community school may provide for the community school governing	211
authority to make payments to the sponsor, which is hereby	212
authorized to receive such payments as set forth in the contract	213
between the governing authority and the sponsor. The total amount	214
of such payments for oversight and monitoring of the school shall	215
not exceed three per cent of the total amount of payments for	216
operating expenses that the school receives from the state.	217
(D) The contract shall specify the duties of the sponsor	218
which shall be in accordance with the written agreement entered	219
into with the department of education under division (B) of	220
section 3314.015 of the Revised Code and shall include the	221
following:	222
(1) Monitor the community school's compliance with all laws	223
applicable to the school and with the terms of the contract;	224
(2) Monitor and evaluate the academic and fiscal performance	225
and the organization and operation of the community school on at	226

least an annual basis;	227
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	228 229 230 231
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	232 233 234
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	235 236 237 238 239 240 241
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	242 243 244
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	245 246 247 248 249 250 251 252 253 254
Section 2. That existing section 3314.03 of the Revised Code is hereby repealed.	255 256

Section 3. Section 3314.03 of the Revised Code is presented 257
in this act as a composite of the section as amended by both Am. 258
Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. 259
The General Assembly, applying the principle stated in division 260
(B) of section 1.52 of the Revised Code that amendments are to be 261
harmonized if reasonably capable of simultaneous operation, finds 262
that the composite is the resulting version of the section in 263
effect prior to the effective date of the section as presented in 264
this act. 265