

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. H. B. No. 184**

**Representatives Faber, Taylor, Willamowski, Wagner, Seaver, Fessler,  
Hoops, Webster, Flowers, Reinhard, Collier, Gibbs, Martin, Hagan, Seitz,  
Peterson, Reidelbach, Schlichter, Aslanides, Blasdel, Bulp, Buehrer, Calvert,  
Combs, Daniels, DeWine, D. Evans, Garrison, Gilb, Hood, Hughes, Latta,  
Law, Oelslager, T. Patton, Raga, Schaffer, Schneider, Setzer, G. Smith,  
Uecker, Walcher  
Senators Carey, Amstutz, Austria, Clancy, Grendell, Hottinger, Padgett,  
Jordan**

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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.** (A) Except as provided in division (B) of this 9  
section, if a copy of the official motto of the United States of 10  
America "In God We Trust" or the official motto of Ohio "With God,  
All Things Are Possible" is donated to any school district, or if 11  
money is donated to the district specifically for the purpose of 12  
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purchasing such material, the board of education of the school district shall accept the donation and display the motto in an appropriate manner in a classroom, auditorium, or cafeteria of a school building in the district, provided all of the following conditions are satisfied:

(1) The motto is printed on durable, poster-quality paper or displayed in a frame.

(2) The dimensions of the paper or frame are at least eight and one-half inches by eleven inches.

(3) The copy contains no words other than the motto and language identifying the motto as the motto of the United States of America or Ohio.

(4) The copy contains no images other than appropriate representations of the flag of the United States of America or Ohio.

(B) In lieu of complying with division (A) of this section, the board of education of any school district may adopt, by a majority vote of its membership, a resolution describing appropriate design requirements for copies of the official mottoes of the United States of America and Ohio that are different from the design requirements described in divisions (A)(1) to (4) of this section. If a copy of the official motto of the United States of America or Ohio that meets the design requirements described in the board's resolution is donated to the district, or if money is donated to the district specifically for the purpose of purchasing such material, the board shall accept the donation and display the motto in an appropriate manner in a classroom, auditorium, or cafeteria of a school building in the district.

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

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| instruction.  | 44                         |
| (A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:   | 45<br>46<br>47             |
| (1) That the school shall be established as either of the following:  | 48<br>49                   |
| (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;   | 50<br>51                   |
| (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;   | 52<br>53                   |
| (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;   | 54<br>55<br>56<br>57       |
| (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;  | 58<br>59<br>60             |
| (4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division. | 61<br>62<br>63<br>64<br>65 |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;  | 66<br>67                   |
| (6)(a) Dismissal procedures;  | 68                         |
| (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 legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the              | 69<br>70<br>71<br>72<br>73 |

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| student.  | 74                               |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;  | 75<br>76                         |
| (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. | 77<br>78<br>79<br>80<br>81<br>82 |
| (9) The facilities to be used and their locations;  | 83                               |
| (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;          | 84<br>85<br>86<br>87<br>88<br>89 |
| (11) That the school will comply with the following requirements:   | 90<br>91                         |
| (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;   | 92<br>93<br>94                   |
| (b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;  | 95<br>96<br>97                   |
| (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;   | 98<br>99<br>100<br>101           |
| (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,   | 102<br>103                       |

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, 3313.96,  
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. and section  
2921.42 of the Revised Code;

(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  
months after the end of each school year a report of its  
activities and progress in meeting the goals and standards of  
divisions (A)(3) and (4) of this section and its financial status  
to the sponsor, and the parents of all students enrolled in the  
school, ~~and the legislative office of education oversight. The  
school will collect and provide any data that the legislative  
office of education oversight requests in furtherance of any study  
or research that the general assembly requires the office to  
conduct, including the studies required under Section 50.39 of Am.  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.~~

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 136  
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(12) Arrangements for providing health and other benefits to employees; 139  
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 141  
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 145  
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(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code. 147  
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(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; 159  
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(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 162  
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to the governing board of the community school with respect to all 167  
or any specified group of employees provided the delegation is not 168  
prohibited by a collective bargaining agreement applicable to such 169  
employees; 170

(18) Provisions establishing procedures for resolving 171  
disputes or differences of opinion between the sponsor and the 172  
governing authority of the community school; 173

(19) A provision requiring the governing authority to adopt a 174  
policy regarding the admission of students who reside outside the 175  
district in which the school is located. That policy shall comply 176  
with the admissions procedures specified in sections 3314.06 and 177  
3314.061 of the Revised Code and, at the sole discretion of the 178  
authority, shall do one of the following: 179

(a) Prohibit the enrollment of students who reside outside 180  
the district in which the school is located; 181

(b) Permit the enrollment of students who reside in districts 182  
adjacent to the district in which the school is located; 183

(c) Permit the enrollment of students who reside in any other 184  
district in the state. 185

(20) A provision recognizing the authority of the department 186  
of education to take over the sponsorship of the school in 187  
accordance with the provisions of division (C) of section 3314.015 188  
of the Revised Code; 189

(21) A provision recognizing the sponsor's authority to 190  
assume the operation of a school under the conditions specified in 191  
division (B) of section 3314.073 of the Revised Code; 192

(22) A provision recognizing both of the following: 193

(a) The authority of public health and safety officials to 194  
inspect the facilities of the school and to order the facilities 195  
closed if those officials find that the facilities are not in 196

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| compliance with health and safety laws and regulations;            | 197 |
| (b) The authority of the department of education as the            | 198 |
| community school oversight body to suspend the operation of the    | 199 |
| school under section 3314.072 of the Revised Code if the           | 200 |
| department has evidence of conditions or violations of law at the  | 201 |
| school that pose an imminent danger to the health and safety of    | 202 |
| the school's students and employees and the sponsor refuses to     | 203 |
| take such action;  | 204 |
| (23) A description of the learning opportunities that will be      | 205 |
| offered to students including both classroom-based and             | 206 |
| non-classroom-based learning opportunities that is in compliance   | 207 |
| with criteria for student participation established by the         | 208 |
| department under division (L)(2) of section 3314.08 of the Revised | 209 |
| Code;  | 210 |
| (24) The school will comply with section 3302.04 of the            | 211 |
| Revised Code, including division (E) of that section to the extent | 212 |
| possible, except that any action required to be taken by a school  | 213 |
| district pursuant to that section shall be taken by the sponsor of | 214 |
| the school. However, the sponsor shall not be required to take any | 215 |
| action described in division (F) of that section.                  | 216 |
| (25) Beginning in the 2006-2007 school year, the school will       | 217 |
| open for operation not later than the thirtieth day of September   | 218 |
| each school year, unless the mission of the school as specified    | 219 |
| under division (A)(2) of this section is solely to serve dropouts. | 220 |
| In its initial year of operation, if the school fails to open by   | 221 |
| the thirtieth day of September, or within one year after the       | 222 |
| adoption of the contract pursuant to division (D) of section       | 223 |
| 3314.02 of the Revised Code if the mission of the school is solely | 224 |
| to serve dropouts, the contract shall be void.                     | 225 |
| (B) The community school shall also submit to the sponsor a        | 226 |
| comprehensive plan for the school. The plan shall specify the      | 227 |



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| following:   | 228   |
| (1) The process by which the governing authority of the school will be selected in the future;   | 229<br>230  |
| (2) The management and administration of the school;   | 231   |
| (3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;  | 232<br>233<br>234<br>235                                    |
| (4) The instructional program and educational philosophy of the school;  | 236<br>237  |
| (5) Internal financial controls.   | 238   |
| (C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. | 239<br>240<br>241<br>242<br>243<br>244<br>245<br>246<br>247 |
| (D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:   | 248<br>249<br>250<br>251<br>252                             |
| (1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;   | 253<br>254  |
| (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;   | 255<br>256<br>257   |

(3) Report on an annual basis the results of the evaluation 258  
conducted under division (D)(2) of this section to the department 259  
of education and to the parents of students enrolled in the 260  
community school; 261

(4) Provide technical assistance to the community school in 262  
complying with laws applicable to the school and terms of the 263  
contract; 264

(5) Take steps to intervene in the school's operation to 265  
correct problems in the school's overall performance, declare the 266  
school to be on probationary status pursuant to section 3314.073 267  
of the Revised Code, suspend the operation of the school pursuant 268  
to section 3314.072 of the Revised Code, or terminate the contract 269  
of the school pursuant to section 3314.07 of the Revised Code as 270  
determined necessary by the sponsor; 271

(6) Have in place a plan of action to be undertaken in the 272  
event the community school experiences financial difficulties or 273  
closes prior to the end of a school year. 274

(E) Upon the expiration of a contract entered into under this 275  
section, the sponsor of a community school may, with the approval 276  
of the governing authority of the school, renew that contract for 277  
a period of time determined by the sponsor, but not ending earlier 278  
than the end of any school year, if the sponsor finds that the 279  
school's compliance with applicable laws and terms of the contract 280  
and the school's progress in meeting the academic goals prescribed 281  
in the contract have been satisfactory. Any contract that is 282  
renewed under this division remains subject to the provisions of 283  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 284

(F) If a community school fails to open for operation within 285  
one year after the contract entered into under this section is 286  
adopted pursuant to division (D) of section 3314.02 of the Revised 287  
Code or permanently closes prior to the expiration of the 288

contract, the contract shall be void and the school shall not 289  
enter into a contract with any other sponsor. A school shall not 290  
be considered permanently closed because the operations of the 291  
school have been suspended pursuant to section 3314.072 of the 292  
Revised Code. Any contract that becomes void under this division 293  
shall not count toward any statewide limit on the number of such 294  
contracts prescribed by section 3314.013 of the Revised Code. 295

**Section 2.** That existing section 3314.03 of the Revised Code 296  
is hereby repealed. 297