

As Reported by the Senate Education Committee

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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,
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Law, Oelslager, T. Patton, Raga, Schaffer, Schneider, Setzer, G. Smith,
Uecker, Walcher
Senator Carey**

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, 11
All Things Are Possible" is donated to any school district, or if 12
money is donated to the district specifically for the purpose of 13
purchasing such material, the board of education of the school 14

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 instruction.

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

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

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

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

(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;

(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;

(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.

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(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 student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	75 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 78 79 80 81 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 85 86 87 88 89
(11) That the school will comply with the following requirements:	90 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 93 94
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	95 96 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 99 100 101
(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, 3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643,	102 103 104

3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 105
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 106
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 107
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 108
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 109
4123., 4141., and 4167. of the Revised Code as if it were a school 110
district and will comply with section 3301.0714 of the Revised 111
Code in the manner specified in section 3314.17 of the Revised 112
Code; 113

(e) The school shall comply with Chapter 102. and section 114
2921.42 of the Revised Code; 115

(f) The school will comply with sections 3313.61, 3313.611, 116
and 3313.614 of the Revised Code, except that the requirement in 117
sections 3313.61 and 3313.611 of the Revised Code that a person 118
must successfully complete the curriculum in any high school prior 119
to receiving a high school diploma may be met by completing the 120
curriculum adopted by the governing authority of the community 121
school rather than the curriculum specified in Title XXXVIII of the 122
Revised Code or any rules of the state board of education; 123

(g) The school governing authority will submit within four 124
months after the end of each school year a report of its 125
activities and progress in meeting the goals and standards of 126
divisions (A)(3) and (4) of this section and its financial status 127
to the sponsor, and the parents of all students enrolled in the 128
school, ~~and the legislative office of education oversight. The~~ 129
~~school will collect and provide any data that the legislative~~ 130
~~office of education oversight requests in furtherance of any study~~ 131
~~or research that the general assembly requires the office to~~ 132
~~conduct, including the studies required under Section 50.39 of Am.~~ 133
~~Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of~~ 134
~~Am. Sub. H.B. 215 of the 122nd general assembly, as amended.~~ 135

(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

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

following:	228
(1) The process by which the governing authority of the school will be selected in the future;	229 230
(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;	232 233 234 235
(4) The instructional program and educational philosophy of the school;	236 237
(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.	239 240 241 242 243 244 245 246 247
(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:	248 249 250 251 252
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	253 254
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	255 256 257

(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