

As Introduced

127th General Assembly
Regular Session
2007-2008

H. B. No. 439

Representative Hagan, R.

—

A BILL

To amend section 3314.03 and to enact section 1
3313.719 of the Revised Code to require each 2
school district and each community school to 3
provide suicide prevention services for students 4
in grades five to twelve. 5

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

Section 1. That section 3314.03 be amended and section 6
3313.719 of the Revised Code be enacted to read as follows: 7

Sec. 3313.719. The board of educaton of each city, local, 8
exempted village, and joint vocational school district shall 9
provide suicide prevention services for all students enrolled in 10
the schools of the district in grades five through twelve. These 11
services may include, but need not be limited to, any of the 12
following: 13

(A) Mental health services in school-based health centers; 14

(B) Evidence-based suicide prevention programs; 15

(C) Awareness training for all district employees; 16

(D) Suicide prevention education to students; 17

(E) A written policy and procedures for responding to 18
suicidal warning signs, threats, attempts, and completions; 19

<u>(F) Mental health risk assessments and referral to mental health providers;</u>	20
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<u>(G) Referral systems.</u>	22
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.	23 24 25
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	26 27 28
(1) That the school shall be established as either of the following:	29 30
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	31 32
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	33 34
(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;	35 36 37 38
(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;	39 40 41
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	42 43
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	44 45
(6)(a) Dismissal procedures;	46
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically	47 48

withdrawing a student from the school if the student without a 49
legitimate excuse fails to participate in one hundred five 50
consecutive hours of the learning opportunities offered to the 51
student. 52

(7) The ways by which the school will achieve racial and 53
ethnic balance reflective of the community it serves; 54

(8) Requirements for financial audits by the auditor of 55
state. The contract shall require financial records of the school 56
to be maintained in the same manner as are financial records of 57
school districts, pursuant to rules of the auditor of state, and 58
the audits shall be conducted in accordance with section 117.10 of 59
the Revised Code. 60

(9) The facilities to be used and their locations; 61

(10) Qualifications of teachers, including a requirement that 62
the school's classroom teachers be licensed in accordance with 63
sections 3319.22 to 3319.31 of the Revised Code, except that a 64
community school may engage noncertificated persons to teach up to 65
twelve hours per week pursuant to section 3319.301 of the Revised 66
Code; 67

(11) That the school will comply with the following 68
requirements: 69

(a) The school will provide learning opportunities to a 70
minimum of twenty-five students for a minimum of nine hundred 71
twenty hours per school year; 72

(b) The governing authority will purchase liability 73
insurance, or otherwise provide for the potential liability of the 74
school; 75

(c) The school will be nonsectarian in its programs, 76
admission policies, employment practices, and all other 77
operations, and will not be operated by a sectarian school or 78

religious institution; 79

(d) The school will comply with sections 9.90, 9.91, 109.65, 80
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 81
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 82
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 83
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 84
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 85
3313.719, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 86
3319.315, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 87
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 88
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 89
4123., 4141., and 4167. of the Revised Code as if it were a school 90
district and will comply with section 3301.0714 of the Revised 91
Code in the manner specified in section 3314.17 of the Revised 92
Code; 93

(e) The school shall comply with Chapter 102. and section 94
2921.42 of the Revised Code; 95

(f) The school will comply with sections 3313.61, 3313.611, 96
and 3313.614 of the Revised Code, except that for students who 97
enter ninth grade for the first time before July 1, 2010, the 98
requirement in sections 3313.61 and 3313.611 of the Revised Code 99
that a person must successfully complete the curriculum in any 100
high school prior to receiving a high school diploma may be met by 101
completing the curriculum adopted by the governing authority of 102
the community school rather than the curriculum specified in Title 103
XXXIII of the Revised Code or any rules of the state board of 104
education. Beginning with students who enter ninth grade for the 105
first time on or after July 1, 2010, the requirement in sections 106
3313.61 and 3313.611 of the Revised Code that a person must 107
successfully complete the curriculum of a high school prior to 108
receiving a high school diploma shall be met by completing the 109
Ohio core curriculum prescribed in division (C) of section 110

3313.603 of the Revised Code, unless the person qualifies under 111
division (D) or (F) of that section. Each school shall comply with 112
the plan for awarding high school credit based on demonstration of 113
subject area competency, adopted by the state board of education 114
under division (J) of section 3313.603 of the Revised Code. 115

(g) The school governing authority will submit within four 116
months after the end of each school year a report of its 117
activities and progress in meeting the goals and standards of 118
divisions (A)(3) and (4) of this section and its financial status 119
to the sponsor and the parents of all students enrolled in the 120
school. 121

(h) The school, unless it is an internet- or computer-based 122
community school, will comply with section 3313.801 of the Revised 123
Code as if it were a school district. 124

(12) Arrangements for providing health and other benefits to 125
employees; 126

(13) The length of the contract, which shall begin at the 127
beginning of an academic year. No contract shall exceed five years 128
unless such contract has been renewed pursuant to division (E) of 129
this section. 130

(14) The governing authority of the school, which shall be 131
responsible for carrying out the provisions of the contract; 132

(15) A financial plan detailing an estimated school budget 133
for each year of the period of the contract and specifying the 134
total estimated per pupil expenditure amount for each such year. 135
The plan shall specify for each year the base formula amount that 136
will be used for purposes of funding calculations under section 137
3314.08 of the Revised Code. This base formula amount for any year 138
shall not exceed the formula amount defined under section 3317.02 139
of the Revised Code. The plan may also specify for any year a 140
percentage figure to be used for reducing the per pupil amount of 141

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.

(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;

(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;

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

(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 sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

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

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

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

(20) A provision recognizing the authority of the department 172
of education to take over the sponsorship of the school in 173
accordance with the provisions of division (C) of section 3314.015 174
of the Revised Code; 175

(21) A provision recognizing the sponsor's authority to 176
assume the operation of a school under the conditions specified in 177
division (B) of section 3314.073 of the Revised Code; 178

(22) A provision recognizing both of the following: 179

(a) The authority of public health and safety officials to 180
inspect the facilities of the school and to order the facilities 181
closed if those officials find that the facilities are not in 182
compliance with health and safety laws and regulations; 183

(b) The authority of the department of education as the 184
community school oversight body to suspend the operation of the 185
school under section 3314.072 of the Revised Code if the 186
department has evidence of conditions or violations of law at the 187
school that pose an imminent danger to the health and safety of 188
the school's students and employees and the sponsor refuses to 189
take such action; 190

(23) A description of the learning opportunities that will be 191
offered to students including both classroom-based and 192
non-classroom-based learning opportunities that is in compliance 193
with criteria for student participation established by the 194
department under division (L)(2) of section 3314.08 of the Revised 195
Code; 196

(24) The school will comply with section 3302.04 of the 197
Revised Code, including division (E) of that section to the extent 198
possible, except that any action required to be taken by a school 199
district pursuant to that section shall be taken by the sponsor of 200
the school. However, the sponsor shall not be required to take any 201
action described in division (F) of that section. 202

(25) Beginning in the 2006-2007 school year, the school will	203
open for operation not later than the thirtieth day of September	204
each school year, unless the mission of the school as specified	205
under division (A)(2) of this section is solely to serve dropouts.	206
In its initial year of operation, if the school fails to open by	207
the thirtieth day of September, or within one year after the	208
adoption of the contract pursuant to division (D) of section	209
3314.02 of the Revised Code if the mission of the school is solely	210
to serve dropouts, the contract shall be void.	211
(B) The community school shall also submit to the sponsor a	212
comprehensive plan for the school. The plan shall specify the	213
following:	214
(1) The process by which the governing authority of the	215
school will be selected in the future;	216
(2) The management and administration of the school;	217
(3) If the community school is a currently existing public	218
school, alternative arrangements for current public school	219
students who choose not to attend the school and teachers who	220
choose not to teach in the school after conversion;	221
(4) The instructional program and educational philosophy of	222
the school;	223
(5) Internal financial controls.	224
(C) A contract entered into under section 3314.02 of the	225
Revised Code between a sponsor and the governing authority of a	226
community school may provide for the community school governing	227
authority to make payments to the sponsor, which is hereby	228
authorized to receive such payments as set forth in the contract	229
between the governing authority and the sponsor. The total amount	230
of such payments for oversight and monitoring of the school shall	231
not exceed three per cent of the total amount of payments for	232
operating expenses that the school receives from the state.	233

(D) The contract shall specify the duties of the sponsor	234
which shall be in accordance with the written agreement entered	235
into with the department of education under division (B) of	236
section 3314.015 of the Revised Code and shall include the	237
following:	238
(1) Monitor the community school's compliance with all laws	239
applicable to the school and with the terms of the contract;	240
(2) Monitor and evaluate the academic and fiscal performance	241
and the organization and operation of the community school on at	242
least an annual basis;	243
(3) Report on an annual basis the results of the evaluation	244
conducted under division (D)(2) of this section to the department	245
of education and to the parents of students enrolled in the	246
community school;	247
(4) Provide technical assistance to the community school in	248
complying with laws applicable to the school and terms of the	249
contract;	250
(5) Take steps to intervene in the school's operation to	251
correct problems in the school's overall performance, declare the	252
school to be on probationary status pursuant to section 3314.073	253
of the Revised Code, suspend the operation of the school pursuant	254
to section 3314.072 of the Revised Code, or terminate the contract	255
of the school pursuant to section 3314.07 of the Revised Code as	256
determined necessary by the sponsor;	257
(6) Have in place a plan of action to be undertaken in the	258
event the community school experiences financial difficulties or	259
closes prior to the end of a school year.	260
(E) Upon the expiration of a contract entered into under this	261
section, the sponsor of a community school may, with the approval	262
of the governing authority of the school, renew that contract for	263
a period of time determined by the sponsor, but not ending earlier	264

than the end of any school year, if the sponsor finds that the 265
school's compliance with applicable laws and terms of the contract 266
and the school's progress in meeting the academic goals prescribed 267
in the contract have been satisfactory. Any contract that is 268
renewed under this division remains subject to the provisions of 269
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 270

(F) If a community school fails to open for operation within 271
one year after the contract entered into under this section is 272
adopted pursuant to division (D) of section 3314.02 of the Revised 273
Code or permanently closes prior to the expiration of the 274
contract, the contract shall be void and the school shall not 275
enter into a contract with any other sponsor. A school shall not 276
be considered permanently closed because the operations of the 277
school have been suspended pursuant to section 3314.072 of the 278
Revised Code. Any contract that becomes void under this division 279
shall not count toward any statewide limit on the number of such 280
contracts prescribed by section 3314.013 of the Revised Code. 281

Section 2. That existing section 3314.03 of the Revised Code 282
is hereby repealed. 283

Section 3. Section 3314.03 of the Revised Code is presented 284
in this act as a composite of the section as amended by Am. Sub. 285
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 286
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 287
of the 126th General Assembly. The General Assembly, applying the 288
principle stated in division (B) of section 1.52 of the Revised 289
Code that amendments are to be harmonized if reasonably capable of 290
simultaneous operation, finds that the composite is the resulting 291
version of the section in effect prior to the effective date of 292
the section as presented in this act. 293