

**As Introduced**

**127th General Assembly  
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**S. B. No. 118**

**Senator Gardner**

**Cosponsors: Senators Coughlin, Miller, D., Mumper, Bocchieri, Spada,  
Grendell**

**—**

**A B I L L**

To amend sections 3301.0718, 3313.60, 3313.603, 1  
3314.03, and 3314.21 and to enact sections 3314.40 2  
and 3319.076 of the Revised Code to require daily 3  
physical education instruction in grades 4  
kindergarten to six, to require completion of one 5  
unit of physical education in grades seven to 6  
twelve, to require physical education teachers to 7  
be licensed in their subject area, and to make 8  
other changes relative to physical education. 9

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

**Section 1.** That sections 3301.0718, 3313.60, 3313.603, 10  
3314.03, and 3314.21 be amended and sections 3314.40 and 3319.076 11  
of the Revised Code be enacted to read as follows: 12

**Sec. 3301.0718.** (A) After completing the required standards 13  
specified in section 3301.079 of the Revised Code, the state board 14  
of education shall adopt standards and model curricula for 15  
instruction in computer literacy for grades three through twelve 16  
and in fine arts and foreign language for grades kindergarten 17  
through twelve. ~~The~~ 18

(B) Not later than July 1, 2007, the state board shall adopt 19  
the most recent standards developed by the national association 20  
for sport and physical education for physical education in grades 21  
kindergarten through twelve or shall adopt its own standards for 22  
physical education in those grades. The department of education 23  
shall provide the standards, and any revisions of the standards, 24  
to all school districts and community schools established under 25  
Chapter 3314. of the Revised Code. Any school district or 26  
community school may utilize the standards. 27

The department shall employ a full-time physical education 28  
coordinator within the department's office of curriculum and 29  
instruction to provide guidance and technical assistance to 30  
districts and community schools in implementing the standards 31  
adopted under this division. The superintendent of public 32  
instruction shall determine that the person employed as 33  
coordinator is qualified for the position, as demonstrated by 34  
possessing an adequate combination of education, license, and 35  
experience. 36

(C) The state board shall not adopt or revise any standards 37  
or curriculum in the area of health ~~or physical education~~ unless, 38  
by concurrent resolution, the standards, curriculum, or revisions 39  
are approved by both houses of the general assembly. Before the 40  
house of representatives or senate votes on a concurrent 41  
resolution approving health ~~or physical education~~ standards, 42  
curriculum, or revisions, its standing committee having 43  
jurisdiction over education legislation shall conduct at least one 44  
public hearing on the standards, curriculum, or revisions. 45

~~(B)~~(D) The state board shall not adopt a diagnostic 46  
assessment or achievement test for any grade level or subject area 47  
other than those specified in section 3301.079 of the Revised 48  
Code. 49

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 50  
of the Revised Code, divisions (A) to (E) of this section do not 51  
apply to any cooperative education school district established 52  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 53  
Code. 54

(A) The board of education of each city and exempted village 55  
school district, the governing board of each educational service 56  
center, and the board of each cooperative education school 57  
district established pursuant to section 3311.521 of the Revised 58  
Code shall prescribe a curriculum for all schools under their 59  
control. Except as provided in division (E) of this section, in 60  
any such curriculum there shall be included the study of the 61  
following subjects: 62

(1) The language arts, including reading, writing, spelling, 63  
oral and written English, and literature; 64

(2) Geography, the history of the United States and of Ohio, 65  
and national, state, and local government in the United States, 66  
including a balanced presentation of the relevant contributions to 67  
society of men and women of African, Mexican, Puerto Rican, and 68  
American Indian descent as well as other ethnic and racial groups 69  
in Ohio and the United States; 70

(3) Mathematics; 71

(4) Natural science, including instruction in the 72  
conservation of natural resources; 73

(5) Health education, which shall include instruction in: 74

(a) The nutritive value of foods, including natural and 75  
organically produced foods, the relation of nutrition to health, 76  
the use and effects of food additives; 77

(b) The harmful effects of and legal restrictions against the 78  
use of drugs of abuse, alcoholic beverages, and tobacco; 79

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education, which shall include daily, high-quality instruction involving a combination of physical activity and content instruction in each of grades kindergarten to six. Physical education shall be provided in accordance with section 3313.603 of the Revised Code in grades seven to twelve.

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history.

(C) Except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio.

(D) Except as provided in division (E) of this section, basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local

government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curriculums for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or

questionnaire filled out by the child; 142

(4) Copies of the statewide academic standards and each model 143  
curriculum developed pursuant to section 3301.079 of the Revised 144  
Code, which copies shall be available at all times during school 145  
hours in each district school building. 146

(H) Not later than December 31, 2007, the board of education 147  
of each school district and the governing board of each 148  
educational service center subject to division (A) of this section 149  
shall adopt a policy to comply with division (A)(6) of this 150  
section with regard to physical education instruction in grades 151  
kindergarten to six. 152

**Sec. 3313.603.** (A) As used in this section: 153

(1) "One unit" means a minimum of one hundred twenty hours of 154  
course instruction, except that ~~for~~: 155

(a) For a laboratory course, "one unit" means a minimum of 156  
one hundred fifty hours of course instruction. 157

(b) For a physical education course, "one unit" means a 158  
minimum of two hundred forty hours of course instruction. 159

(2) "One-half unit" means a minimum of sixty hours of course 160  
instruction, except that for physical education courses, "one-half 161  
unit" means a minimum of one hundred twenty hours of course 162  
instruction. 163

(B) Beginning September 15, 2001, except as required in 164  
division (C) of this section and division (C) of section 3313.614 165  
of the Revised Code, the requirements for graduation from every 166  
high school shall include twenty units earned in grades nine 167  
through twelve and shall be distributed as follows: 168

(1) English language arts, four units; 169

(2) Health, one-half unit; 170

(3) Mathematics, three units;	171
(4) Physical education, one-half unit;	172
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	173 174 175
(a) Biological sciences, one unit;	176
(b) Physical sciences, one unit.	177
(6) Social studies, three units, which shall include both of the following:	178 179
(a) American history, one-half unit;	180
(b) American government, one-half unit.	181
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	182 183
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	184 185 186
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	187 188 189 190 191 192 193
(1) English language arts, four units;	194
(2) Health, one-half unit;	195
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	196 197
(4) Physical education, one-half unit;	198

(5) Science, three units with inquiry-based laboratory	199
experience that engages students in asking valid scientific	200
questions and gathering and analyzing information, which shall	201
include the following, or their equivalent:	202
(a) Physical sciences, one unit;	203
(b) Biology, one unit;	204
(c) Advanced study in one or more of the following sciences,	205
one unit:	206
(i) Chemistry, physics, or other physical science;	207
(ii) Advanced biology or other life science;	208
(iii) Astronomy, physical geology, or other earth or space	209
science.	210
(6) Social studies, three units, which shall include both of	211
the following:	212
(a) American history, one-half unit;	213
(b) American government, one-half unit.	214
Each school shall integrate the study of economics and	215
financial literacy, as expressed in the social studies academic	216
content standards adopted by the state board of education under	217
section 3301.079 of the Revised Code, into one or more existing	218
social studies credits required under division (C)(6) of this	219
section, or into the content of another class, so that every high	220
school student receives instruction in those concepts. In	221
developing the curriculum required by this paragraph, schools	222
shall use available public-private partnerships and resources and	223
materials that exist in business, industry, and through the	224
centers for economics education at institutions of higher	225
education in the state.	226
(7) Five units consisting of one or any combination of	227
foreign language, fine arts, business, career-technical education,	228



family and consumer sciences, technology, agricultural education, 229  
or English language arts, mathematics, science, or social studies 230  
courses not otherwise required under division (C) of this section. 231

Ohioans must be prepared to apply increased knowledge and 232  
skills in the workplace and to adapt their knowledge and skills 233  
quickly to meet the rapidly changing conditions of the 234  
twenty-first century. National studies indicate that all high 235  
school graduates need the same academic foundation, regardless of 236  
the opportunities they pursue after graduation. The goal of Ohio's 237  
system of elementary and secondary education is to prepare all 238  
students for and seamlessly connect all students to success in 239  
life beyond high school graduation, regardless of whether the next 240  
step is entering the workforce, beginning an apprenticeship, 241  
engaging in post-secondary training, serving in the military, or 242  
pursuing a college degree. 243

The Ohio core curriculum is the standard expectation for all 244  
students entering ninth grade for the first time at a public or 245  
chartered nonpublic high school on or after July 1, 2010. A 246  
student may satisfy this expectation through a variety of methods, 247  
including, but not limited to, integrated, applied, 248  
career-technical, and traditional coursework. 249

Whereas teacher quality is essential for student success in 250  
completing the Ohio core curriculum, the general assembly shall 251  
appropriate funds for strategic initiatives designed to strengthen 252  
schools' capacities to hire and retain highly qualified teachers 253  
in the subject areas required by the curriculum. Such initiatives 254  
are expected to require an investment of \$120,000,000 over five 255  
years. 256

Stronger coordination between high schools and institutions 257  
of higher education is necessary to prepare students for more 258  
challenging academic endeavors and to lessen the need for academic 259  
remediation in college, thereby reducing the costs of higher 260

education for Ohio's students, families, and the state. The state 261  
board of education, the Ohio board of regents, and the partnership 262  
for continued learning shall develop policies to ensure that only 263  
in rare instances will students who complete the Ohio core 264  
curriculum require academic remediation after high school. 265

School districts, community schools, and chartered nonpublic 266  
schools shall integrate technology into learning experiences 267  
whenever practicable across the curriculum in order to maximize 268  
efficiency, enhance learning, and prepare students for success in 269  
the technology-driven twenty-first century. Districts and schools 270  
may use distance and web-based course delivery as a method of 271  
providing or augmenting all instruction required under this 272  
division, including laboratory experience in science. Districts 273  
and schools shall whenever practicable utilize technology access 274  
and electronic learning opportunities provided by the eTech Ohio 275  
commission, the Ohio learning network, education technology 276  
centers, public television stations, and other public and private 277  
providers. 278

(D) Except as provided in division (E) of this section, a 279  
student who enters ninth grade on or after July 1, 2010, and 280  
before July 1, 2014, may qualify for graduation from a public or 281  
chartered nonpublic high school even though the student has not 282  
completed the Ohio core curriculum prescribed in division (C) of 283  
this section if all of the following conditions are satisfied: 284

(1) After the student has attended high school for two years, 285  
as determined by the school, the student and the student's parent, 286  
guardian, or custodian sign and file with the school a written 287  
statement asserting the parent's, guardian's, or custodian's 288  
consent to the student's graduating without completing the Ohio 289  
core curriculum and acknowledging that one consequence of not 290  
completing the Ohio core curriculum is ineligibility to enroll in 291  
most state universities in Ohio without further coursework. 292

(2) The student and parent, guardian, or custodian fulfill 293  
any procedural requirements the school stipulates to ensure the 294  
student's and parent's, guardian's, or custodian's informed 295  
consent and to facilitate orderly filing of statements under 296  
division (D)(1) of this section. 297

(3) The student and the student's parent, guardian, or 298  
custodian and a representative of the student's high school 299  
jointly develop an individual career plan for the student that 300  
specifies the student matriculating to a two-year degree program, 301  
acquiring a business and industry credential, or entering an 302  
apprenticeship. 303

(4) The student's high school provides counseling and support 304  
for the student related to the plan developed under division 305  
(D)(3) of this section during the remainder of the student's high 306  
school experience. 307

(5) The student successfully completes, at a minimum, the 308  
curriculum prescribed in division (B) of this section. 309

The partnership for continued learning, in collaboration with 310  
the department of education and the Ohio board of regents, shall 311  
analyze student performance data to determine if there are 312  
mitigating factors that warrant extending the exception permitted 313  
by division (D) of this section to high school classes beyond 314  
those entering ninth grade before July 1, 2014. The partnership 315  
shall submit its findings and any recommendations not later than 316  
August 1, 2014, to the speaker and minority leader of the house of 317  
representatives, the president and minority leader of the senate, 318  
the chairpersons and ranking minority members of the standing 319  
committees of the house of representatives and the senate that 320  
consider education legislation, the state board of education, and 321  
the superintendent of public instruction. 322

(E) Each school district and chartered nonpublic school 323

retains the authority to require an even more rigorous minimum 324  
curriculum for high school graduation than specified in division 325  
(B) or (C) of this section. A school district board of education, 326  
through the adoption of a resolution, or the governing authority 327  
of a chartered nonpublic school may stipulate any of the 328  
following: 329

(1) A minimum high school curriculum that requires more than 330  
twenty units of academic credit to graduate; 331

(2) An exception to the district's or school's minimum high 332  
school curriculum that is comparable to the exception provided in 333  
division (D) of this section but with additional requirements, 334  
which may include a requirement that the student successfully 335  
complete more than the minimum curriculum prescribed in division 336  
(B) of this section; 337

(3) That no exception comparable to that provided in division 338  
(D) of this section is available. 339

(F) A student enrolled in a dropout prevention and recovery 340  
program, which program has received a waiver from the department 341  
of education, may qualify for graduation from high school by 342  
successfully completing a competency-based instructional program 343  
administered by the dropout prevention and recovery program in 344  
lieu of completing the Ohio core curriculum prescribed in division 345  
(C) of this section. The department shall grant a waiver to a 346  
dropout prevention and recovery program, within sixty days after 347  
the program applies for the waiver, if the program meets all of 348  
the following conditions: 349

(1) The program serves only students not younger than sixteen 350  
years of age and not older than twenty-one years of age. 351

(2) The program enrolls students who, at the time of their 352  
initial enrollment, either, or both, are at least one grade level 353  
behind their cohort age groups or experience crises that 354

significantly interfere with their academic progress such that 355  
they are prevented from continuing their traditional programs. 356

(3) The program requires students to attain at least the 357  
applicable score designated for each of the tests prescribed under 358  
division (B) of section 3301.0710 of the Revised Code. 359

(4) The program develops an individual career plan for the 360  
student that specifies the student's matriculating to a two-year 361  
degree program, acquiring a business and industry credential, or 362  
entering an apprenticeship. 363

(5) The program provides counseling and support for the 364  
student related to the plan developed under division (F)(4) of 365  
this section during the remainder of the student's high school 366  
experience. 367

(6) The program requires the student and the student's 368  
parent, guardian, or custodian to sign and file, in accordance 369  
with procedural requirements stipulated by the program, a written 370  
statement asserting the parent's, guardian's, or custodian's 371  
consent to the student's graduating without completing the Ohio 372  
core curriculum and acknowledging that one consequence of not 373  
completing the Ohio core curriculum is ineligibility to enroll in 374  
most state universities in Ohio without further coursework. 375

(7) Prior to receiving the waiver, the program has submitted 376  
to the department an instructional plan that demonstrates how the 377  
academic content standards adopted by the state board of education 378  
under section 3301.079 of the Revised Code will be taught and 379  
assessed. 380

If the department does not act either to grant the waiver or 381  
to reject the program application for the waiver within sixty days 382  
as required under this section, the waiver shall be considered to 383  
be granted. 384

(G) Every high school may permit students below the ninth 385

grade to take advanced work for high school credit. A high school 386  
shall count such advanced work toward the graduation requirements 387  
of division (B) or (C) of this section if the advanced work was 388  
both: 389

(1) Taught by a person who possesses a license or certificate 390  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 391  
Code that is valid for teaching high school; 392

(2) Designated by the board of education of the city, local, 393  
or exempted village school district, the board of the cooperative 394  
education school district, or the governing authority of the 395  
chartered nonpublic school as meeting the high school curriculum 396  
requirements. 397

Each high school shall record on the student's high school 398  
transcript all high school credit awarded under division (G) of 399  
this section. In addition, if the student completed a seventh- or 400  
eighth-grade fine arts or physical education course described in 401  
division (K) or (L) of this section and the course qualified for 402  
high school credit under that division, the high school shall 403  
record that course on the student's high school transcript. 404

(H) The department shall make its individual academic career 405  
plan available through its Ohio career information system web site 406  
for districts and schools to use as a tool for communicating with 407  
and providing guidance to students and families in selecting high 408  
school courses. 409

(I) Units earned in English language arts, mathematics, 410  
science, and social studies that are delivered through integrated 411  
academic and career-technical instruction are eligible to meet the 412  
graduation requirements of division (B) or (C) of this section. 413

(J) The state board of education, in consultation with the 414  
Ohio board of regents and the partnership for continued learning, 415  
shall adopt a statewide plan implementing methods for students to 416

earn units of high school credit based on a demonstration of 417  
subject area competency, instead of or in combination with 418  
completing hours of classroom instruction. The state board shall 419  
adopt the plan not later than March 31, 2009, and commence phasing 420  
in the plan during the 2009-2010 school year. The plan shall 421  
include a standard method for recording demonstrated proficiency 422  
on high school transcripts. Each school district, community 423  
school, and chartered nonpublic school shall comply with the state 424  
board's plan adopted under this division and award units of high 425  
school credit in accordance with the plan. The state board may 426  
adopt existing methods for earning high school credit based on a 427  
demonstration of subject area competency as necessary prior to the 428  
2009-2010 school year. 429

(K) This division does not apply to students who qualify for 430  
graduation from high school under division (D) or (F) of this 431  
section, or to students pursuing a career-technical instructional 432  
track as determined by the school district board of education or 433  
the chartered nonpublic school's governing authority. 434  
Nevertheless, the general assembly encourages such students to 435  
consider enrolling in a fine arts course as an elective. 436

Beginning with students who enter ninth grade for the first 437  
time on or after July 1, 2010, each student enrolled in a public 438  
or chartered nonpublic high school shall complete two semesters or 439  
the equivalent of fine arts to graduate from high school. The 440  
coursework may be completed in any of grades seven to twelve. Each 441  
student who completes a fine arts course in grade seven or eight 442  
may elect to count that course toward the five units of electives 443  
required for graduation under division (C)(7) of this section, if 444  
the course satisfied the requirements of division (G) of this 445  
section. In that case, the high school shall award the student 446  
high school credit for the course and count the course toward the 447  
five units required under division (C)(7) of this section. If the 448

course in grade seven or eight did not satisfy the requirements of 449  
division (G) of this section, the high school shall not award the 450  
student high school credit for the course but shall count the 451  
course toward the two semesters or the equivalent of fine arts 452  
required by this division. 453

~~(L) Notwithstanding anything to the contrary in this section, 454  
the board of education of each school district and the governing 455  
authority of each chartered nonpublic school may adopt a policy to 456  
excuse from the high school physical education requirement each 457  
student who, during high school, has participated in 458  
interscholastic athletics, marching band, or cheerleading for at 459  
least two full seasons. If the board or authority adopts such a 460  
policy, the board or authority shall not require the student to 461  
complete any physical education course as a condition to graduate. 462  
However, the student shall be required to complete one half unit, 463  
consisting of at least sixty hours of instruction, in another 464  
course of study This division does not apply to students who 465  
qualify for graduation from high school under division (F) of this 466  
section. 467~~

Beginning with students who enter ninth grade for the first 468  
time on or after July 1, 2010, each student enrolled in a public 469  
or chartered nonpublic high school shall complete one unit of 470  
physical education to graduate from high school. The coursework 471  
may be completed in any of grades seven to twelve, as follows: 472

(1) If a student completes no units of physical education in 473  
grades seven and eight, the high school shall require the student 474  
to complete one unit of physical education in grades nine to 475  
twelve to satisfy the requirement of division (L) of this section. 476  
The high school shall count one-half unit of that coursework 477  
toward the requirement of division (B)(4) or (C)(4) of this 478  
section and shall count the other one-half unit toward the six 479  
units required under division (B)(7) of this section or the five 480



units required under division (C)(7) of this section, 481  
notwithstanding anything in the latter division to the contrary. 482

(2) If a student completes one-half unit of physical 483  
education in grades seven and eight, the high school shall require 484  
the student to complete one-half unit of physical education in 485  
grades nine to twelve to satisfy the requirement of division (L) 486  
of this section. The high school shall count the one-half unit of 487  
physical education completed in grades nine to twelve toward the 488  
requirement of division (B)(4) or (C)(4) of this section. 489

(3) If a student completes one unit of physical education in 490  
grades seven and eight and at least one-half unit of that 491  
coursework satisfies the requirements of division (G) of this 492  
section, the student satisfies the requirement of division (L) of 493  
this section. The high school shall award high school credit for 494  
the one-half unit of physical education that satisfies the 495  
requirements of division (G) of this section and count that 496  
coursework toward the requirement of division (B)(4) or (C)(4) of 497  
this section. The high school shall not require the student to 498  
complete any physical education in grades nine to twelve. 499

(4) If a student completes one unit of physical education in 500  
grades seven and eight but none of that coursework satisfies the 501  
requirements of division (G) of this section, the high school 502  
shall count one-half unit of that coursework toward the 503  
requirement of division (L) of this section and shall require the 504  
student to complete one-half unit of physical education in grades 505  
nine to twelve. The high school shall count the one-half unit of 506  
physical education completed in grades nine to twelve toward the 507  
requirement of division (B)(4) or (C)(4) of this section. 508

**Sec. 3314.03.** A copy of every contract entered into under 509  
this section shall be filed with the superintendent of public 510  
instruction. 511

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	512 513 514
(1) That the school shall be established as either of the following:	515 516
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	517 518
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	519 520
(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;	521 522 523 524
(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;	525 526 527
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	528 529
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	530 531
(6)(a) Dismissal procedures;	532
(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.	533 534 535 536 537 538
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	539 540
(8) Requirements for financial audits by the auditor of	541

state. The contract shall require financial records of the school 542  
to be maintained in the same manner as are financial records of 543  
school districts, pursuant to rules of the auditor of state, and 544  
the audits shall be conducted in accordance with section 117.10 of 545  
the Revised Code. 546

(9) The facilities to be used and their locations; 547

(10) Qualifications of teachers, including a the following: 548

(a) A requirement that the school's classroom teachers be 549  
licensed in accordance with sections 3319.22 to 3319.31 of the 550  
Revised Code, except that a community school may engage 551  
noncertificated persons to teach up to twelve hours per week 552  
pursuant to section 3319.301 of the Revised Code; 553

(b) A requirement that each classroom teacher employed by the 554  
school to provide instruction in physical education hold a valid 555  
license issued pursuant to section 3319.22 of the Revised Code for 556  
teaching physical education. 557

(11) That the school will comply with the following 558  
requirements: 559

(a) The school will provide learning opportunities to a 560  
minimum of twenty-five students for a minimum of nine hundred 561  
twenty hours per school year; 562

(b) The governing authority will purchase liability 563  
insurance, or otherwise provide for the potential liability of the 564  
school; 565

(c) The school will be nonsectarian in its programs, 566  
admission policies, employment practices, and all other 567  
operations, and will not be operated by a sectarian school or 568  
religious institution; 569

(d) The school will comply with sections 9.90, 9.91, 109.65, 570  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 571

3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 572  
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 573  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 574  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 575  
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 576  
3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 577  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 578  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 579  
of the Revised Code as if it were a school district and will 580  
comply with section 3301.0714 of the Revised Code in the manner 581  
specified in section 3314.17 of the Revised Code; 582

(e) The school shall comply with Chapter 102. and section 583  
2921.42 of the Revised Code; 584

(f) The school will comply with sections 3313.61, 3313.611, 585  
and 3313.614 of the Revised Code, except that for students who 586  
enter ninth grade for the first time before July 1, 2010, the 587  
requirement in sections 3313.61 and 3313.611 of the Revised Code 588  
that a person must successfully complete the curriculum in any 589  
high school prior to receiving a high school diploma may be met by 590  
completing the curriculum adopted by the governing authority of 591  
the community school rather than the curriculum specified in Title 592  
XXXIII of the Revised Code or any rules of the state board of 593  
education. Beginning with students who enter ninth grade for the 594  
first time on or after July 1, 2010, the requirement in sections 595  
3313.61 and 3313.611 of the Revised Code that a person must 596  
successfully complete the curriculum of a high school prior to 597  
receiving a high school diploma shall be met by completing the 598  
Ohio core curriculum prescribed in division (C) of section 599  
3313.603 of the Revised Code, unless the person qualifies under 600  
division (D) or (F) of that section, and the one unit of physical 601  
education required by division (L) of that section unless the 602  
person qualifies under division (F) of that section. Each school 603

shall comply with the plan for awarding high school credit based 604  
on demonstration of subject area competency, adopted by the state 605  
board of education under division (J) of section 3313.603 of the 606  
Revised Code. 607

(g) The school governing authority will submit within four 608  
months after the end of each school year a report of its 609  
activities and progress in meeting the goals and standards of 610  
divisions (A)(3) and (4) of this section and its financial status 611  
to the sponsor and the parents of all students enrolled in the 612  
school. 613

(h) The school, unless it is an internet- or computer-based 614  
community school, will comply with section 3313.801 of the Revised 615  
Code as if it were a school district. 616

(12) Arrangements for providing health and other benefits to 617  
employees; 618

(13) The length of the contract, which shall begin at the 619  
beginning of an academic year. No contract shall exceed five years 620  
unless such contract has been renewed pursuant to division (E) of 621  
this section. 622

(14) The governing authority of the school, which shall be 623  
responsible for carrying out the provisions of the contract; 624

(15) A financial plan detailing an estimated school budget 625  
for each year of the period of the contract and specifying the 626  
total estimated per pupil expenditure amount for each such year. 627  
The plan shall specify for each year the base formula amount that 628  
will be used for purposes of funding calculations under section 629  
3314.08 of the Revised Code. This base formula amount for any year 630  
shall not exceed the formula amount defined under section 3317.02 631  
of the Revised Code. The plan may also specify for any year a 632  
percentage figure to be used for reducing the per pupil amount of 633  
the subsidy calculated pursuant to section 3317.029 of the Revised 634

Code the school is to receive that year under section 3314.08 of 635  
the Revised Code. 636

(16) Requirements and procedures regarding the disposition of 637  
employees of the school in the event the contract is terminated or 638  
not renewed pursuant to section 3314.07 of the Revised Code; 639

(17) Whether the school is to be created by converting all or 640  
part of an existing public school or is to be a new start-up 641  
school, and if it is a converted public school, specification of 642  
any duties or responsibilities of an employer that the board of 643  
education that operated the school before conversion is delegating 644  
to the governing board of the community school with respect to all 645  
or any specified group of employees provided the delegation is not 646  
prohibited by a collective bargaining agreement applicable to such 647  
employees; 648

(18) Provisions establishing procedures for resolving 649  
disputes or differences of opinion between the sponsor and the 650  
governing authority of the community school; 651

(19) A provision requiring the governing authority to adopt a 652  
policy regarding the admission of students who reside outside the 653  
district in which the school is located. That policy shall comply 654  
with the admissions procedures specified in sections 3314.06 and 655  
3314.061 of the Revised Code and, at the sole discretion of the 656  
authority, shall do one of the following: 657

(a) Prohibit the enrollment of students who reside outside 658  
the district in which the school is located; 659

(b) Permit the enrollment of students who reside in districts 660  
adjacent to the district in which the school is located; 661

(c) Permit the enrollment of students who reside in any other 662  
district in the state. 663

(20) A provision recognizing the authority of the department 664

of education to take over the sponsorship of the school in 665  
accordance with the provisions of division (C) of section 3314.015 666  
of the Revised Code; 667

(21) A provision recognizing the sponsor's authority to 668  
assume the operation of a school under the conditions specified in 669  
division (B) of section 3314.073 of the Revised Code; 670

(22) A provision recognizing both of the following: 671

(a) The authority of public health and safety officials to 672  
inspect the facilities of the school and to order the facilities 673  
closed if those officials find that the facilities are not in 674  
compliance with health and safety laws and regulations; 675

(b) The authority of the department of education as the 676  
community school oversight body to suspend the operation of the 677  
school under section 3314.072 of the Revised Code if the 678  
department has evidence of conditions or violations of law at the 679  
school that pose an imminent danger to the health and safety of 680  
the school's students and employees and the sponsor refuses to 681  
take such action; 682

(23) A description of the learning opportunities that will be 683  
offered to students including both classroom-based and 684  
non-classroom-based learning opportunities that is in compliance 685  
with criteria for student participation established by the 686  
department under division (L)(2) of section 3314.08 of the Revised 687  
Code; 688

(24) The school will comply with section 3302.04 of the 689  
Revised Code, including division (E) of that section to the extent 690  
possible, except that any action required to be taken by a school 691  
district pursuant to that section shall be taken by the sponsor of 692  
the school. However, the sponsor shall not be required to take any 693  
action described in division (F) of that section. 694

(25) Beginning in the 2006-2007 school year, the school will 695

open for operation not later than the thirtieth day of September 696  
each school year, unless the mission of the school as specified 697  
under division (A)(2) of this section is solely to serve dropouts. 698  
In its initial year of operation, if the school fails to open by 699  
the thirtieth day of September, or within one year after the 700  
adoption of the contract pursuant to division (D) of section 701  
3314.02 of the Revised Code if the mission of the school is solely 702  
to serve dropouts, the contract shall be void. 703

(B) The community school shall also submit to the sponsor a 704  
comprehensive plan for the school. The plan shall specify the 705  
following: 706

(1) The process by which the governing authority of the 707  
school will be selected in the future; 708

(2) The management and administration of the school; 709

(3) If the community school is a currently existing public 710  
school, alternative arrangements for current public school 711  
students who choose not to attend the school and teachers who 712  
choose not to teach in the school after conversion; 713

(4) The instructional program and educational philosophy of 714  
the school; 715

(5) Internal financial controls. 716

(C) A contract entered into under section 3314.02 of the 717  
Revised Code between a sponsor and the governing authority of a 718  
community school may provide for the community school governing 719  
authority to make payments to the sponsor, which is hereby 720  
authorized to receive such payments as set forth in the contract 721  
between the governing authority and the sponsor. The total amount 722  
of such payments for oversight and monitoring of the school shall 723  
not exceed three per cent of the total amount of payments for 724  
operating expenses that the school receives from the state. 725



(D) The contract shall specify the duties of the sponsor 726  
which shall be in accordance with the written agreement entered 727  
into with the department of education under division (B) of 728  
section 3314.015 of the Revised Code and shall include the 729  
following: 730

(1) Monitor the community school's compliance with all laws 731  
applicable to the school and with the terms of the contract; 732

(2) Monitor and evaluate the academic and fiscal performance 733  
and the organization and operation of the community school on at 734  
least an annual basis; 735

(3) Report on an annual basis the results of the evaluation 736  
conducted under division (D)(2) of this section to the department 737  
of education and to the parents of students enrolled in the 738  
community school; 739

(4) Provide technical assistance to the community school in 740  
complying with laws applicable to the school and terms of the 741  
contract; 742

(5) Take steps to intervene in the school's operation to 743  
correct problems in the school's overall performance, declare the 744  
school to be on probationary status pursuant to section 3314.073 745  
of the Revised Code, suspend the operation of the school pursuant 746  
to section 3314.072 of the Revised Code, or terminate the contract 747  
of the school pursuant to section 3314.07 of the Revised Code as 748  
determined necessary by the sponsor; 749

(6) Have in place a plan of action to be undertaken in the 750  
event the community school experiences financial difficulties or 751  
closes prior to the end of a school year. 752

(E) Upon the expiration of a contract entered into under this 753  
section, the sponsor of a community school may, with the approval 754  
of the governing authority of the school, renew that contract for 755  
a period of time determined by the sponsor, but not ending earlier 756

than the end of any school year, if the sponsor finds that the 757  
school's compliance with applicable laws and terms of the contract 758  
and the school's progress in meeting the academic goals prescribed 759  
in the contract have been satisfactory. Any contract that is 760  
renewed under this division remains subject to the provisions of 761  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 762

(F) If a community school fails to open for operation within 763  
one year after the contract entered into under this section is 764  
adopted pursuant to division (D) of section 3314.02 of the Revised 765  
Code or permanently closes prior to the expiration of the 766  
contract, the contract shall be void and the school shall not 767  
enter into a contract with any other sponsor. A school shall not 768  
be considered permanently closed because the operations of the 769  
school have been suspended pursuant to section 3314.072 of the 770  
Revised Code. Any contract that becomes void under this division 771  
shall not count toward any statewide limit on the number of such 772  
contracts prescribed by section 3314.013 of the Revised Code. 773

**Sec. 3314.21.** (A) As used in this section: 774

(1) "Harmful to juveniles" has the same meaning as in section 775  
2907.01 of the Revised Code. 776

(2) "Obscene" has the same meaning as in division (F) of 777  
section 2907.01 of the Revised Code as that division has been 778  
construed by the supreme court of this state. 779

(3) "Teacher of record" means a teacher who is responsible 780  
for the overall academic development and achievement of a student 781  
and not merely the student's instruction in any single subject. 782

(B)~~(1)~~ It(1) It is the intent of the general assembly that 783  
teachers employed by internet- or computer-based community schools 784  
conduct visits with their students in person throughout the school 785  
year. 786

(2) Each internet- or computer-based community school shall 787  
retain an affiliation with at least one full-time teacher of 788  
record licensed in accordance with division (A)(10)(a) of section 789  
3314.03 of the Revised Code. 790

(3) Each student enrolled in an internet- or computer-based 791  
community school shall be assigned to at least one teacher of 792  
record. No teacher of record shall be primarily responsible for 793  
the academic development and achievement of more than one hundred 794  
twenty-five students enrolled in the internet- or computer-based 795  
community school that has retained that teacher. 796

(C) For any internet- or computer-based community school, the 797  
contract between the sponsor and the governing authority of the 798  
school described in section 3314.03 of the Revised Code shall 799  
specify each of the following: 800

(1) A requirement that the school use a filtering device or 801  
install filtering software that protects against internet access 802  
to materials that are obscene or harmful to juveniles on each 803  
computer provided to students for instructional use. The school 804  
shall provide such device or software at no cost to any student 805  
who works primarily from the student's residence on a computer 806  
obtained from a source other than the school. 807

(2) A plan for fulfilling the intent of the general assembly 808  
specified in division (B)(1) of this section. The plan shall 809  
indicate the number of times teachers will visit each student 810  
throughout the school year and the manner in which those visits 811  
will be conducted. 812

(3) That the school will set up a central base of operation 813  
and the sponsor will maintain a representative within fifty miles 814  
of that base of operation to provide monitoring and assistance. 815

**Sec. 3314.40.** The governing authority of each community 816

school shall include in the school's curriculum daily, 817  
high-quality instruction in physical education, involving a 818  
combination of physical activity and content instruction, in each 819  
of grades kindergarten to six offered by the school. Not later 820  
than December 31, 2007, the governing authority shall adopt a 821  
policy to comply with this section. 822

Sec. 3319.076. No school district shall employ any classroom 823  
teacher to provide instruction in physical education in any of 824  
grades kindergarten to twelve unless the teacher holds a valid 825  
license issued pursuant to section 3319.22 of the Revised Code for 826  
teaching physical education. 827

**Section 2.** That existing sections 3301.0718, 3313.60, 828  
3313.603, 3314.03, and 3314.21 of the Revised Code are hereby 829  
repealed. 830

**Section 3.** Section 3314.03 of the Revised Code is presented 831  
in this act as a composite of the section as amended by Am. Sub. 832  
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 833  
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 834  
of the 126th General Assembly. The General Assembly, applying the 835  
principle stated in division (B) of section 1.52 of the Revised 836  
Code that amendments are to be harmonized if reasonably capable of 837  
simultaneous operation, finds that the composite is the resulting 838  
version of the section in effect prior to the effective date of 839  
the section as presented in this act. 840