

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 131

Senator Fedor

**Cosponsors: Senators Roberts, Miller, D., Miller, R., Cafaro, Kearney, Mason,
Morano, Sawyer, Wilson**

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A B I L L

To amend sections 3301.0718, 3313.60, 3313.603, 1
3314.03, and 3314.21 and to enact sections 2
3301.0719, 3314.40, and 3319.076 of the Revised 3
Code to require the State Board of Education to 4
adopt instructional standards in physical 5
education, nutrition, and dental care; to specify 6
physical education requirements for grades 7
kindergarten through eight; to require physical 8
education teachers to be licensed in their subject 9
area; and to make other changes relative to 10
physical education. 11

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

Section 1. That sections 3301.0718, 3313.60, 3313.603, 12
3314.03, and 3314.21 be amended and sections 3301.0719, 3314.40, 13
and 3319.076 of the Revised Code be enacted to read as follows: 14

Sec. 3301.0718. (A) After completing the required standards 15
specified in section 3301.079 of the Revised Code, the state board 16
of education shall adopt standards and model curricula for 17
instruction in computer literacy for grades three through twelve 18

and in fine arts and foreign language for grades kindergarten 19
through twelve. The 20

(B) Not later than December 31, 2008, the state board shall 21
adopt the most recent standards for physical education in grades 22
kindergarten through twelve developed by the national association 23
for sport and physical education. The superintendent of public 24
instruction shall appoint a physical education coordinator, who 25
shall provide guidance and oversight for school districts and 26
community schools established under Chapter 3314. of the Revised 27
Code in following the physical education standards, in addition to 28
performing other duties assigned by the superintendent. The 29
superintendent shall determine that the person appointed as 30
coordinator is qualified for the position, as demonstrated by 31
possessing an adequate combination of education, licensure, and 32
experience. The superintendent shall allocate money from the 33
department of education's existing appropriations to pay the cost 34
of the position of the physical education coordinator. 35

The department shall transmit the physical education 36
standards, and information regarding revisions to the standards, 37
to school districts and community schools in electronic form. If 38
the department is unable to transmit the information in electronic 39
form, the department shall use any other reasonable means of 40
transmitting the information that requires the least expense. 41

Not later than July 1, 2009, the board of education of each 42
school district and the governing authority of each community 43
school shall adopt the physical education standards. Each school 44
district and community school shall comply with the standards 45
beginning in the 2009-2010 school year. 46

(C) The state board shall not adopt or revise any standards 47
or curriculum in the area of health ~~or physical education~~ unless, 48
by concurrent resolution, the standards, curriculum, or revisions 49

are approved by both houses of the general assembly. Before the 50
house of representatives or senate votes on a concurrent 51
resolution approving health ~~or physical education~~ standards, 52
curriculum, or revisions, its standing committee having 53
jurisdiction over education legislation shall conduct at least one 54
public hearing on the standards, curriculum, or revisions. 55

~~(B)~~(D) The state board shall not adopt a diagnostic 56
assessment or achievement test for any grade level or subject area 57
other than those specified in section 3301.079 of the Revised 58
Code. 59

Sec. 3301.0719. Not later than December 31, 2008, the state 60
board of education shall adopt standards for instruction in 61
nutrition and dental care in grades kindergarten through twelve. 62
The department of education shall transmit the standards, and 63
information regarding revisions to the standards, to school 64
districts and community schools established under Chapter 3314. of 65
the Revised Code in electronic form. If the department is unable 66
to transmit the information in electronic form, the department 67
shall use any other reasonable means of transmitting the 68
information that requires the least expense. 69

Not later than July 1, 2009, the board of education of each 70
school district and the governing authority of each community 71
school shall adopt the nutrition and dental care standards. Each 72
school district and community school shall comply with the 73
standards beginning in the 2009-2010 school year. 74

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 75
of the Revised Code, divisions (A) to (E) of this section do not 76
apply to any cooperative education school district established 77
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 78
Code. 79

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

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

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

(3) Mathematics;

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

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

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

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

(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 110
excused from taking instruction in personal safety and assault 111
prevention. 112

(6) Physical education. Beginning in the 2009-2010 school 113
year, daily instruction in physical education, involving a 114
combination of physical activity and content instruction, shall be 115
provided in each of grades kindergarten through six and one-half 116
unit, as defined in section 3313.603 of the Revised Code, of 117
instruction in physical education shall be provided in grades 118
seven and eight. Physical education shall be provided in 119
accordance with section 3313.603 of the Revised Code in grades 120
nine through twelve. 121

(7) The fine arts, including music; 122

(8) First aid, including a training program in 123
cardiopulmonary resuscitation, safety, and fire prevention, except 124
that upon written request of the student's parent or guardian, a 125
student shall be excused from taking instruction in 126
cardiopulmonary resuscitation. 127

(B) Except as provided in division (E) of this section, every 128
school or school district shall include in the requirements for 129
promotion from the eighth grade to the ninth grade one year's 130
course of study of American history. 131

(C) Except as provided in division (E) of this section, every 132
high school shall include in the requirements for graduation from 133
any curriculum one unit of American history and government, 134
including a study of the constitutions of the United States and of 135
Ohio. 136

(D) Except as provided in division (E) of this section, basic 137
instruction in geography, United States history, the government of 138
the United States, the government of the state of Ohio, local 139
government in Ohio, the Declaration of Independence, the United 140

States Constitution, and the Constitution of the state of Ohio 141
shall be required before pupils may participate in courses 142
involving the study of social problems, economics, foreign 143
affairs, United Nations, world government, socialism and 144
communism. 145

(E) For each cooperative education school district 146
established pursuant to section 3311.521 of the Revised Code and 147
each city, exempted village, and local school district that has 148
territory within such a cooperative district, the curriculum 149
adopted pursuant to divisions (A) to (D) of this section shall 150
only include the study of the subjects that apply to the grades 151
operated by each such school district. The curriculums for such 152
schools, when combined, shall provide to each student of these 153
districts all of the subjects required under divisions (A) to (D) 154
of this section. 155

(F) The board of education of any cooperative education 156
school district established pursuant to divisions (A) to (C) of 157
section 3311.52 of the Revised Code shall prescribe a curriculum 158
for the subject areas and grade levels offered in any school under 159
its control. 160

(G) Upon the request of any parent or legal guardian of a 161
student, the board of education of any school district shall 162
permit the parent or guardian to promptly examine, with respect to 163
the parent's or guardian's own child: 164

(1) Any survey or questionnaire, prior to its administration 165
to the child; 166

(2) Any textbook, workbook, software, video, or other 167
instructional materials being used by the district in connection 168
with the instruction of the child; 169

(3) Any completed and graded test taken or survey or 170
questionnaire filled out by the child; 171

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

(H) Not later than July 1, 2009, the board of education of each school district and the governing board of each educational service center subject to division (A) of this section shall adopt a policy to comply with division (A)(6) of this section with regard to physical education instruction in grades kindergarten through six.

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

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

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

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

- (1) English language arts, four units;
- (2) Health, one-half unit;
- (3) Mathematics, three units;
- (4) Physical education, one-half unit;
- (5) Science, two units until September 15, 2003, and three

units thereafter, which at all times shall include both of the	201
following:	202
(a) Biological sciences, one unit;	203
(b) Physical sciences, one unit.	204
(6) Social studies, three units, which shall include both of	205
the following:	206
(a) American history, one-half unit;	207
(b) American government, one-half unit.	208
(7) Elective units, seven units until September 15, 2003, and	209
six units thereafter.	210
Each student's electives shall include at least one unit, or	211
two half units, chosen from among the areas of	212
business/technology, fine arts, and/or foreign language.	213
(C) Beginning with students who enter ninth grade for the	214
first time on or after July 1, 2010, except as provided in	215
divisions (D) to (F) of this section, the requirements for	216
graduation from every public and chartered nonpublic high school	217
shall include twenty units that are designed to prepare students	218
for the workforce and college. The units shall be distributed as	219
follows:	220
(1) English language arts, four units;	221
(2) Health, one-half unit;	222
(3) Mathematics, four units, which shall include one unit of	223
algebra II or the equivalent of algebra II;	224
(4) Physical education, one-half unit;	225
(5) Science, three units with inquiry-based laboratory	226
experience that engages students in asking valid scientific	227
questions and gathering and analyzing information, which shall	228
include the following, or their equivalent:	229

(a) Physical sciences, one unit;	230
(b) Biology, one unit;	231
(c) Advanced study in one or more of the following sciences, one unit:	232 233
(i) Chemistry, physics, or other physical science;	234
(ii) Advanced biology or other life science;	235
(iii) Astronomy, physical geology, or other earth or space science.	236 237
(6) Social studies, three units, which shall include both of the following:	238 239
(a) American history, one-half unit;	240
(b) American government, one-half unit.	241
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under section 3301.079 of the Revised Code, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	242 243 244 245 246 247 248 249 250 251 252 253
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	254 255 256 257 258
Ohioans must be prepared to apply increased knowledge and	259

skills in the workplace and to adapt their knowledge and skills 260
quickly to meet the rapidly changing conditions of the 261
twenty-first century. National studies indicate that all high 262
school graduates need the same academic foundation, regardless of 263
the opportunities they pursue after graduation. The goal of Ohio's 264
system of elementary and secondary education is to prepare all 265
students for and seamlessly connect all students to success in 266
life beyond high school graduation, regardless of whether the next 267
step is entering the workforce, beginning an apprenticeship, 268
engaging in post-secondary training, serving in the military, or 269
pursuing a college degree. 270

The Ohio core curriculum is the standard expectation for all 271
students entering ninth grade for the first time at a public or 272
chartered nonpublic high school on or after July 1, 2010. A 273
student may satisfy this expectation through a variety of methods, 274
including, but not limited to, integrated, applied, 275
career-technical, and traditional coursework. 276

Whereas teacher quality is essential for student success in 277
completing the Ohio core curriculum, the general assembly shall 278
appropriate funds for strategic initiatives designed to strengthen 279
schools' capacities to hire and retain highly qualified teachers 280
in the subject areas required by the curriculum. Such initiatives 281
are expected to require an investment of \$120,000,000 over five 282
years. 283

Stronger coordination between high schools and institutions 284
of higher education is necessary to prepare students for more 285
challenging academic endeavors and to lessen the need for academic 286
remediation in college, thereby reducing the costs of higher 287
education for Ohio's students, families, and the state. The state 288
board of education, the Ohio board of regents, and the partnership 289
for continued learning shall develop policies to ensure that only 290
in rare instances will students who complete the Ohio core 291

curriculum require academic remediation after high school. 292

School districts, community schools, and chartered nonpublic 293
schools shall integrate technology into learning experiences 294
whenever practicable across the curriculum in order to maximize 295
efficiency, enhance learning, and prepare students for success in 296
the technology-driven twenty-first century. Districts and schools 297
may use distance and web-based course delivery as a method of 298
providing or augmenting all instruction required under this 299
division, including laboratory experience in science. Districts 300
and schools shall whenever practicable utilize technology access 301
and electronic learning opportunities provided by the eTech Ohio 302
commission, the Ohio learning network, education technology 303
centers, public television stations, and other public and private 304
providers. 305

(D) Except as provided in division (E) of this section, a 306
student who enters ninth grade on or after July 1, 2010, and 307
before July 1, 2014, may qualify for graduation from a public or 308
chartered nonpublic high school even though the student has not 309
completed the Ohio core curriculum prescribed in division (C) of 310
this section if all of the following conditions are satisfied: 311

(1) After the student has attended high school for two years, 312
as determined by the school, the student and the student's parent, 313
guardian, or custodian sign and file with the school a written 314
statement asserting the parent's, guardian's, or custodian's 315
consent to the student's graduating without completing the Ohio 316
core curriculum and acknowledging that one consequence of not 317
completing the Ohio core curriculum is ineligibility to enroll in 318
most state universities in Ohio without further coursework. 319

(2) The student and parent, guardian, or custodian fulfill 320
any procedural requirements the school stipulates to ensure the 321
student's and parent's, guardian's, or custodian's informed 322
consent and to facilitate orderly filing of statements under 323

division (D)(1) of this section. 324

(3) The student and the student's parent, guardian, or 325
custodian and a representative of the student's high school 326
jointly develop an individual career plan for the student that 327
specifies the student matriculating to a two-year degree program, 328
acquiring a business and industry credential, or entering an 329
apprenticeship. 330

(4) The student's high school provides counseling and support 331
for the student related to the plan developed under division 332
(D)(3) of this section during the remainder of the student's high 333
school experience. 334

(5) The student successfully completes, at a minimum, the 335
curriculum prescribed in division (B) of this section. 336

The partnership for continued learning, in collaboration with 337
the department of education and the Ohio board of regents, shall 338
analyze student performance data to determine if there are 339
mitigating factors that warrant extending the exception permitted 340
by division (D) of this section to high school classes beyond 341
those entering ninth grade before July 1, 2014. The partnership 342
shall submit its findings and any recommendations not later than 343
August 1, 2014, to the speaker and minority leader of the house of 344
representatives, the president and minority leader of the senate, 345
the chairpersons and ranking minority members of the standing 346
committees of the house of representatives and the senate that 347
consider education legislation, the state board of education, and 348
the superintendent of public instruction. 349

(E) Each school district and chartered nonpublic school 350
retains the authority to require an even more rigorous minimum 351
curriculum for high school graduation than specified in division 352
(B) or (C) of this section. A school district board of education, 353
through the adoption of a resolution, or the governing authority 354

of a chartered nonpublic school may stipulate any of the 355
following: 356

(1) A minimum high school curriculum that requires more than 357
twenty units of academic credit to graduate; 358

(2) An exception to the district's or school's minimum high 359
school curriculum that is comparable to the exception provided in 360
division (D) of this section but with additional requirements, 361
which may include a requirement that the student successfully 362
complete more than the minimum curriculum prescribed in division 363
(B) of this section; 364

(3) That no exception comparable to that provided in division 365
(D) of this section is available. 366

(F) A student enrolled in a dropout prevention and recovery 367
program, which program has received a waiver from the department 368
of education, may qualify for graduation from high school by 369
successfully completing a competency-based instructional program 370
administered by the dropout prevention and recovery program in 371
lieu of completing the Ohio core curriculum prescribed in division 372
(C) of this section. The department shall grant a waiver to a 373
dropout prevention and recovery program, within sixty days after 374
the program applies for the waiver, if the program meets all of 375
the following conditions: 376

(1) The program serves only students not younger than sixteen 377
years of age and not older than twenty-one years of age. 378

(2) The program enrolls students who, at the time of their 379
initial enrollment, either, or both, are at least one grade level 380
behind their cohort age groups or experience crises that 381
significantly interfere with their academic progress such that 382
they are prevented from continuing their traditional programs. 383

(3) The program requires students to attain at least the 384
applicable score designated for each of the tests prescribed under 385

division (B) of section 3301.0710 of the Revised Code. 386

(4) The program develops an individual career plan for the 387
student that specifies the student's matriculating to a two-year 388
degree program, acquiring a business and industry credential, or 389
entering an apprenticeship. 390

(5) The program provides counseling and support for the 391
student related to the plan developed under division (F)(4) of 392
this section during the remainder of the student's high school 393
experience. 394

(6) The program requires the student and the student's 395
parent, guardian, or custodian to sign and file, in accordance 396
with procedural requirements stipulated by the program, a written 397
statement asserting the parent's, guardian's, or custodian's 398
consent to the student's graduating without completing the Ohio 399
core curriculum and acknowledging that one consequence of not 400
completing the Ohio core curriculum is ineligibility to enroll in 401
most state universities in Ohio without further coursework. 402

(7) Prior to receiving the waiver, the program has submitted 403
to the department an instructional plan that demonstrates how the 404
academic content standards adopted by the state board of education 405
under section 3301.079 of the Revised Code will be taught and 406
assessed. 407

If the department does not act either to grant the waiver or 408
to reject the program application for the waiver within sixty days 409
as required under this section, the waiver shall be considered to 410
be granted. 411

(G) Every high school may permit students below the ninth 412
grade to take advanced work for high school credit. A high school 413
shall count such advanced work toward the graduation requirements 414
of division (B) or (C) of this section if the advanced work was 415
both: 416

(1) Taught by a person who possesses a license or certificate 417
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 418
Code that is valid for teaching high school; 419

(2) Designated by the board of education of the city, local, 420
or exempted village school district, the board of the cooperative 421
education school district, or the governing authority of the 422
chartered nonpublic school as meeting the high school curriculum 423
requirements. 424

Each high school shall record on the student's high school 425
transcript all high school credit awarded under division (G) of 426
this section. In addition, if the student completed a seventh- or 427
eighth-grade fine arts course described in division (K) of this 428
section and the course qualified for high school credit under that 429
division, the high school shall record that course on the 430
student's high school transcript. 431

(H) The department shall make its individual academic career 432
plan available through its Ohio career information system web site 433
for districts and schools to use as a tool for communicating with 434
and providing guidance to students and families in selecting high 435
school courses. 436

(I) Units earned in English language arts, mathematics, 437
science, and social studies that are delivered through integrated 438
academic and career-technical instruction are eligible to meet the 439
graduation requirements of division (B) or (C) of this section. 440

(J) The state board of education, in consultation with the 441
Ohio board of regents and the partnership for continued learning, 442
shall adopt a statewide plan implementing methods for students to 443
earn units of high school credit based on a demonstration of 444
subject area competency, instead of or in combination with 445
completing hours of classroom instruction. The state board shall 446
adopt the plan not later than March 31, 2009, and commence phasing 447

in the plan during the 2009-2010 school year. The plan shall 448
include a standard method for recording demonstrated proficiency 449
on high school transcripts. Each school district, community 450
school, and chartered nonpublic school shall comply with the state 451
board's plan adopted under this division and award units of high 452
school credit in accordance with the plan. The state board may 453
adopt existing methods for earning high school credit based on a 454
demonstration of subject area competency as necessary prior to the 455
2009-2010 school year. 456

(K) This division does not apply to students who qualify for 457
graduation from high school under division (D) or (F) of this 458
section, or to students pursuing a career-technical instructional 459
track as determined by the school district board of education or 460
the chartered nonpublic school's governing authority. 461
Nevertheless, the general assembly encourages such students to 462
consider enrolling in a fine arts course as an elective. 463

Beginning with students who enter ninth grade for the first 464
time on or after July 1, 2010, each student enrolled in a public 465
or chartered nonpublic high school shall complete two semesters or 466
the equivalent of fine arts to graduate from high school. The 467
coursework may be completed in any of grades seven to twelve. Each 468
student who completes a fine arts course in grade seven or eight 469
may elect to count that course toward the five units of electives 470
required for graduation under division (C)(7) of this section, if 471
the course satisfied the requirements of division (G) of this 472
section. In that case, the high school shall award the student 473
high school credit for the course and count the course toward the 474
five units required under division (C)(7) of this section. If the 475
course in grade seven or eight did not satisfy the requirements of 476
division (G) of this section, the high school shall not award the 477
student high school credit for the course but shall count the 478
course toward the two semesters or the equivalent of fine arts 479

required by this division. 480

~~(L) Notwithstanding anything to the contrary in this section, 481
the board of education of each school district and the governing 482
authority of each chartered nonpublic school may adopt a policy to 483
excuse from the high school physical education requirement each 484
student who, during high school, has participated in 485
interscholastic athletics, marching band, or cheerleading for at 486
least two full seasons. If the board or authority adopts such a 487
policy, the board or authority shall not require the student to 488
complete any physical education course as a condition to graduate. 489
However, the student shall be required to complete one half unit, 490
consisting of at least sixty hours of instruction, in another 491
course of study. 492~~

Sec. 3314.03. A copy of every contract entered into under 493
this section shall be filed with the superintendent of public 494
instruction. 495

(A) Each contract entered into between a sponsor and the 496
governing authority of a community school shall specify the 497
following: 498

(1) That the school shall be established as either of the 499
following: 500

(a) A nonprofit corporation established under Chapter 1702. 501
of the Revised Code, if established prior to April 8, 2003; 502

(b) A public benefit corporation established under Chapter 503
1702. of the Revised Code, if established after April 8, 2003; 504

(2) The education program of the school, including the 505
school's mission, the characteristics of the students the school 506
is expected to attract, the ages and grades of students, and the 507
focus of the curriculum; 508

(3) The academic goals to be achieved and the method of 509

measurement that will be used to determine progress toward those	510
goals, which shall include the statewide achievement tests;	511
(4) Performance standards by which the success of the school	512
will be evaluated by the sponsor;	513
(5) The admission standards of section 3314.06 of the Revised	514
Code and, if applicable, section 3314.061 of the Revised Code;	515
(6)(a) Dismissal procedures;	516
(b) A requirement that the governing authority adopt an	517
attendance policy that includes a procedure for automatically	518
withdrawing a student from the school if the student without a	519
legitimate excuse fails to participate in one hundred five	520
consecutive hours of the learning opportunities offered to the	521
student.	522
(7) The ways by which the school will achieve racial and	523
ethnic balance reflective of the community it serves;	524
(8) Requirements for financial audits by the auditor of	525
state. The contract shall require financial records of the school	526
to be maintained in the same manner as are financial records of	527
school districts, pursuant to rules of the auditor of state, and	528
the audits shall be conducted in accordance with section 117.10 of	529
the Revised Code.	530
(9) The facilities to be used and their locations;	531
(10) Qualifications of teachers, including <u>a the following:</u>	532
<u>(a) A requirement that the school's classroom teachers be</u>	533
licensed in accordance with sections 3319.22 to 3319.31 of the	534
Revised Code, except that a community school may engage	535
noncertificated persons to teach up to twelve hours per week	536
pursuant to section 3319.301 of the Revised Code;	537
<u>(b) A requirement that each classroom teacher employed by the</u>	538
<u>school to provide instruction in physical education hold a valid</u>	539

license issued pursuant to section 3319.22 of the Revised Code for 540
teaching physical education. 541

(11) That the school will comply with the following 542
requirements: 543

(a) The school will provide learning opportunities to a 544
minimum of twenty-five students for a minimum of nine hundred 545
twenty hours per school year; 546

(b) The governing authority will purchase liability 547
insurance, or otherwise provide for the potential liability of the 548
school; 549

(c) The school will be nonsectarian in its programs, 550
admission policies, employment practices, and all other 551
operations, and will not be operated by a sectarian school or 552
religious institution; 553

(d) The school will comply with division (B) of section 554
3301.0718 and sections 9.90, 9.91, 109.65, 121.22, 149.43, 555
2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 556
3301.0715, 3301.0719, 3313.472, 3313.50, 3313.536, 3313.608, 557
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 558
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 559
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 560
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 561
3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 562
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 563
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 564
of the Revised Code as if it were a school district and will 565
comply with section 3301.0714 of the Revised Code in the manner 566
specified in section 3314.17 of the Revised Code; 567

(e) The school shall comply with Chapter 102. and section 568
2921.42 of the Revised Code; 569

(f) The school will comply with sections 3313.61, 3313.611, 570

and 3313.614 of the Revised Code, except that for students who 571
enter ninth grade for the first time before July 1, 2010, the 572
requirement in sections 3313.61 and 3313.611 of the Revised Code 573
that a person must successfully complete the curriculum in any 574
high school prior to receiving a high school diploma may be met by 575
completing the curriculum adopted by the governing authority of 576
the community school rather than the curriculum specified in Title 577
XXXIII of the Revised Code or any rules of the state board of 578
education. Beginning with students who enter ninth grade for the 579
first time on or after July 1, 2010, the requirement in sections 580
3313.61 and 3313.611 of the Revised Code that a person must 581
successfully complete the curriculum of a high school prior to 582
receiving a high school diploma shall be met by completing the 583
Ohio core curriculum prescribed in division (C) of section 584
3313.603 of the Revised Code, unless the person qualifies under 585
division (D) or (F) of that section. Each school shall comply with 586
the plan for awarding high school credit based on demonstration of 587
subject area competency, adopted by the state board of education 588
under division (J) of section 3313.603 of the Revised Code. 589

(g) The school governing authority will submit within four 590
months after the end of each school year a report of its 591
activities and progress in meeting the goals and standards of 592
divisions (A)(3) and (4) of this section and its financial status 593
to the sponsor and the parents of all students enrolled in the 594
school. 595

(h) The school, unless it is an internet- or computer-based 596
community school, will comply with section 3313.801 of the Revised 597
Code as if it were a school district. 598

(12) Arrangements for providing health and other benefits to 599
employees; 600

(13) The length of the contract, which shall begin at the 601
beginning of an academic year. No contract shall exceed five years 602

unless such contract has been renewed pursuant to division (E) of 603
this section. 604

(14) The governing authority of the school, which shall be 605
responsible for carrying out the provisions of the contract; 606

(15) A financial plan detailing an estimated school budget 607
for each year of the period of the contract and specifying the 608
total estimated per pupil expenditure amount for each such year. 609
The plan shall specify for each year the base formula amount that 610
will be used for purposes of funding calculations under section 611
3314.08 of the Revised Code. This base formula amount for any year 612
shall not exceed the formula amount defined under section 3317.02 613
of the Revised Code. The plan may also specify for any year a 614
percentage figure to be used for reducing the per pupil amount of 615
the subsidy calculated pursuant to section 3317.029 of the Revised 616
Code the school is to receive that year under section 3314.08 of 617
the Revised Code. 618

(16) Requirements and procedures regarding the disposition of 619
employees of the school in the event the contract is terminated or 620
not renewed pursuant to section 3314.07 of the Revised Code; 621

(17) Whether the school is to be created by converting all or 622
part of an existing public school or is to be a new start-up 623
school, and if it is a converted public school, specification of 624
any duties or responsibilities of an employer that the board of 625
education that operated the school before conversion is delegating 626
to the governing board of the community school with respect to all 627
or any specified group of employees provided the delegation is not 628
prohibited by a collective bargaining agreement applicable to such 629
employees; 630

(18) Provisions establishing procedures for resolving 631
disputes or differences of opinion between the sponsor and the 632
governing authority of the community school; 633

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

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

(22) A provision recognizing both of the following:

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

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

take such action; 664

(23) A description of the learning opportunities that will be 665
offered to students including both classroom-based and 666
non-classroom-based learning opportunities that is in compliance 667
with criteria for student participation established by the 668
department under division (L)(2) of section 3314.08 of the Revised 669
Code; 670

(24) The school will comply with section 3302.04 of the 671
Revised Code, including division (E) of that section to the extent 672
possible, except that any action required to be taken by a school 673
district pursuant to that section shall be taken by the sponsor of 674
the school. However, the sponsor shall not be required to take any 675
action described in division (F) of that section. 676

(25) Beginning in the 2006-2007 school year, the school will 677
open for operation not later than the thirtieth day of September 678
each school year, unless the mission of the school as specified 679
under division (A)(2) of this section is solely to serve dropouts. 680
In its initial year of operation, if the school fails to open by 681
the thirtieth day of September, or within one year after the 682
adoption of the contract pursuant to division (D) of section 683
3314.02 of the Revised Code if the mission of the school is solely 684
to serve dropouts, the contract shall be void. 685

(B) The community school shall also submit to the sponsor a 686
comprehensive plan for the school. The plan shall specify the 687
following: 688

(1) The process by which the governing authority of the 689
school will be selected in the future; 690

(2) The management and administration of the school; 691

(3) If the community school is a currently existing public 692
school, alternative arrangements for current public school 693
students who choose not to attend the school and teachers who 694

choose not to teach in the school after conversion; 695

(4) The instructional program and educational philosophy of 696
the school; 697

(5) Internal financial controls. 698

(C) A contract entered into under section 3314.02 of the 699
Revised Code between a sponsor and the governing authority of a 700
community school may provide for the community school governing 701
authority to make payments to the sponsor, which is hereby 702
authorized to receive such payments as set forth in the contract 703
between the governing authority and the sponsor. The total amount 704
of such payments for oversight and monitoring of the school shall 705
not exceed three per cent of the total amount of payments for 706
operating expenses that the school receives from the state. 707

(D) The contract shall specify the duties of the sponsor 708
which shall be in accordance with the written agreement entered 709
into with the department of education under division (B) of 710
section 3314.015 of the Revised Code and shall include the 711
following: 712

(1) Monitor the community school's compliance with all laws 713
applicable to the school and with the terms of the contract; 714

(2) Monitor and evaluate the academic and fiscal performance 715
and the organization and operation of the community school on at 716
least an annual basis; 717

(3) Report on an annual basis the results of the evaluation 718
conducted under division (D)(2) of this section to the department 719
of education and to the parents of students enrolled in the 720
community school; 721

(4) Provide technical assistance to the community school in 722
complying with laws applicable to the school and terms of the 723
contract; 724

(5) Take steps to intervene in the school's operation to 725
correct problems in the school's overall performance, declare the 726
school to be on probationary status pursuant to section 3314.073 727
of the Revised Code, suspend the operation of the school pursuant 728
to section 3314.072 of the Revised Code, or terminate the contract 729
of the school pursuant to section 3314.07 of the Revised Code as 730
determined necessary by the sponsor; 731

(6) Have in place a plan of action to be undertaken in the 732
event the community school experiences financial difficulties or 733
closes prior to the end of a school year. 734

(E) Upon the expiration of a contract entered into under this 735
section, the sponsor of a community school may, with the approval 736
of the governing authority of the school, renew that contract for 737
a period of time determined by the sponsor, but not ending earlier 738
than the end of any school year, if the sponsor finds that the 739
school's compliance with applicable laws and terms of the contract 740
and the school's progress in meeting the academic goals prescribed 741
in the contract have been satisfactory. Any contract that is 742
renewed under this division remains subject to the provisions of 743
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 744

(F) If a community school fails to open for operation within 745
one year after the contract entered into under this section is 746
adopted pursuant to division (D) of section 3314.02 of the Revised 747
Code or permanently closes prior to the expiration of the 748
contract, the contract shall be void and the school shall not 749
enter into a contract with any other sponsor. A school shall not 750
be considered permanently closed because the operations of the 751
school have been suspended pursuant to section 3314.072 of the 752
Revised Code. Any contract that becomes void under this division 753
shall not count toward any statewide limit on the number of such 754
contracts prescribed by section 3314.013 of the Revised Code. 755

Sec. 3314.21. (A) As used in this section:	756
(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.	757 758
(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.	759 760 761
(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.	762 763 764
(B) (1) <u>It</u> (1) <u>It</u> is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.	765 766 767 768
(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) <u>(a)</u> of section 3314.03 of the Revised Code.	769 770 771 772
(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher.	773 774 775 776 777 778
(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:	779 780 781 782
(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each	783 784 785

computer provided to students for instructional use. The school 786
shall provide such device or software at no cost to any student 787
who works primarily from the student's residence on a computer 788
obtained from a source other than the school. 789

(2) A plan for fulfilling the intent of the general assembly 790
specified in division (B)(1) of this section. The plan shall 791
indicate the number of times teachers will visit each student 792
throughout the school year and the manner in which those visits 793
will be conducted. 794

(3) That the school will set up a central base of operation 795
and the sponsor will maintain a representative within fifty miles 796
of that base of operation to provide monitoring and assistance. 797

Sec. 3314.40. (A) Beginning in the 2009-2010 school year, the 798
governing authority of each community school shall include 799
physical education in the school's curriculum, as follows: 800

(1) Daily instruction in physical education, involving a 801
combination of physical activity and content instruction, shall be 802
provided in each of grades kindergarten through six. 803

(2) One-half unit, as defined in section 3313.603 of the 804
Revised Code, of instruction in physical education shall be 805
provided in grades seven and eight. 806

(3) Physical education shall be provided in accordance with 807
division (A)(11)(f) of section 3314.03 of the Revised Code in 808
grades nine through twelve. 809

(B) Not later than July 1, 2009, the governing authority 810
shall adopt a policy to comply with division (A)(1) of this 811
section. 812

Sec. 3319.076. No school district shall employ any classroom 813
teacher to provide instruction in physical education in any of 814

grades kindergarten to twelve unless the teacher holds a valid 815
license issued pursuant to section 3319.22 of the Revised Code for 816
teaching physical education. 817

Section 2. That existing sections 3301.0718, 3313.60, 818
3313.603, 3314.03, and 3314.21 of the Revised Code are hereby 819
repealed. 820

Section 3. Section 3314.03 of the Revised Code is presented 821
in this act as a composite of the section as amended by Am. Sub. 822
H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. 823
H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 824
of the 126th General Assembly. The General Assembly, applying the 825
principle stated in division (B) of section 1.52 of the Revised 826
Code that amendments are to be harmonized if reasonably capable of 827
simultaneous operation, finds that the composite is the resulting 828
version of the section in effect prior to the effective date of 829
the section as presented in this act. 830