

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 500

Representative Yuko

Cosponsors: Representatives Pryor, DeGeeter, Letson, Chandler, Hagan

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A B I L L

To amend sections 3313.60, 3313.6011, 3314.03, and 1
3326.11 and to enact sections 5.2266, 3301.24, and 2
3313.6016 of the Revised Code to require public 3
schools to provide concentrated instruction in 4
substance abuse prevention during May, to require 5
the State Board of Education to adopt guidelines 6
for the development of a substance abuse 7
prevention curriculum, and to designate May as 8
"Substance Abuse Awareness and Education Month." 9

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

Section 1. That sections 3313.60, 3313.6011, 3314.03, and 10
3326.11 be amended and sections 5.2266, 3301.24, and 3313.6016 of 11
the Revised Code be enacted to read as follows: 12

Sec. 5.2266. The month of May is designated as "substance 13
abuse awareness and education month." 14

Sec. 3301.24. The state board of education shall adopt 15
guidelines to assist schools in developing the substance abuse 16
education instruction required by section 3313.6016 of the Revised 17
Code. The guidelines shall include principles for developing 18

age-appropriate examinations or final projects to be included in a 19
concentrated substance abuse education program. The board may 20
develop guidelines for the public display of a student's final 21
project completed during the program. The department of education 22
shall provide on its web site links to free curricula relating to 23
substance abuse education. 24

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 25
of the Revised Code, divisions (A) to (E) of this section do not 26
apply to any cooperative education school district established 27
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 28
Code. 29

(A) The board of education of each city and exempted village 30
school district, the governing board of each educational service 31
center, and the board of each cooperative education school 32
district established pursuant to section 3311.521 of the Revised 33
Code shall prescribe a curriculum for all schools under their 34
control. Except as provided in division (E) of this section, in 35
any such curriculum there shall be included the study of the 36
following subjects: 37

(1) The language arts, including reading, writing, spelling, 38
oral and written English, and literature; 39

(2) Geography, the history of the United States and of Ohio, 40
and national, state, and local government in the United States, 41
including a balanced presentation of the relevant contributions to 42
society of men and women of African, Mexican, Puerto Rican, and 43
American Indian descent as well as other ethnic and racial groups 44
in Ohio and the United States; 45

(3) Mathematics; 46

(4) Natural science, including instruction in the 47
conservation of natural resources; 48

(5) Health education, which shall include instruction in:	49
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	50 51 52
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	53 54
(e) <u>(b)</u> 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;	55 56 57
(d) <u>(c)</u> 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;	58 59 60 61 62
(e) <u>(d)</u> In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	63 64 65 66
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.	67 68 69 70
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.	71 72 73 74 75 76
(6) Physical education;	77
(7) The fine arts, including music;	78

(8) First aid, including a training program in 79
cardiopulmonary resuscitation, safety, and fire prevention, except 80
that upon written request of the student's parent or guardian, a 81
student shall be excused from taking instruction in 82
cardiopulmonary resuscitation; 83

(9) In grades kindergarten through twelve, age-appropriate 84
concentrated substance abuse education instruction in accordance 85
with section 3313.6016 of the Revised Code. 86

(B) Except as provided in division (E) of this section, every 87
school or school district shall include in the requirements for 88
promotion from the eighth grade to the ninth grade one year's 89
course of study of American history. A board may waive this 90
requirement for academically accelerated students who, in 91
accordance with procedures adopted by the board, are able to 92
demonstrate mastery of essential concepts and skills of the eighth 93
grade American history course of study. 94

(C) Except as provided in division (E) of this section, every 95
high school shall include in the requirements for graduation from 96
any curriculum one unit of American history and government, 97
including a study of the constitutions of the United States and of 98
Ohio. 99

(D) Except as provided in division (E) of this section, basic 100
instruction in geography, United States history, the government of 101
the United States, the government of the state of Ohio, local 102
government in Ohio, the Declaration of Independence, the United 103
States Constitution, and the Constitution of the state of Ohio 104
shall be required before pupils may participate in courses 105
involving the study of social problems, economics, foreign 106
affairs, United Nations, world government, socialism and 107
communism. 108

(E) For each cooperative education school district 109

established pursuant to section 3311.521 of the Revised Code and 110
each city, exempted village, and local school district that has 111
territory within such a cooperative district, the curriculum 112
adopted pursuant to divisions (A) to (D) of this section shall 113
only include the study of the subjects that apply to the grades 114
operated by each such school district. The curriculums for such 115
schools, when combined, shall provide to each student of these 116
districts all of the subjects required under divisions (A) to (D) 117
of this section. 118

(F) The board of education of any cooperative education 119
school district established pursuant to divisions (A) to (C) of 120
section 3311.52 of the Revised Code shall prescribe a curriculum 121
for the subject areas and grade levels offered in any school under 122
its control. 123

(G) Upon the request of any parent or legal guardian of a 124
student, the board of education of any school district shall 125
permit the parent or guardian to promptly examine, with respect to 126
the parent's or guardian's own child: 127

(1) Any survey or questionnaire, prior to its administration 128
to the child; 129

(2) Any textbook, workbook, software, video, or other 130
instructional materials being used by the district in connection 131
with the instruction of the child; 132

(3) Any completed and graded test taken or survey or 133
questionnaire filled out by the child; 134

(4) Copies of the statewide academic standards and each model 135
curriculum developed pursuant to section 3301.079 of the Revised 136
Code, which copies shall be available at all times during school 137
hours in each district school building. 138

Sec. 3313.6011. (A) As used in this section, "sexual 139

activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)~~(e)~~(b) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)~~(e)~~(b) of section 3313.60 of the Revised Code to do all of the following:

(1) Stress that students should abstain from sexual activity until after marriage;

(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;

(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;

(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;

(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

(6) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;

(7) Emphasize adoption as an option for unintended

pregnancies. 170

(D) Any model education program for health education the 171
state board of education adopts shall conform to the requirements 172
of this section. 173

(E) On and after March 18, 1999, and notwithstanding section 174
3302.07 of the Revised Code, the superintendent of public 175
instruction shall not approve, pursuant to section 3302.07 of the 176
Revised Code, any waiver of any requirement of this section or of 177
any rule adopted by the state board of education pursuant to this 178
section. 179

Sec. 3313.6016. The board of education of each school 180
district shall provide substance abuse education instruction to 181
every student in grades kindergarten through twelve. The 182
instruction shall include a concentrated substance abuse 183
prevention program during the second and third full weeks in May 184
of each year. During this two-week period, every student in grades 185
kindergarten through nine shall receive a minimum of sixteen hours 186
of instruction in substance abuse prevention, and every student in 187
grades ten through twelve shall receive a minimum of eight hours 188
of such instruction. The instruction may be integrated into the 189
health curriculum and any other area of study determined 190
appropriate by the board. The instruction shall include the 191
following elements, to the extent determined by the board to be 192
appropriate for the age and grade level of the district's 193
students: 194

(A) Instruction discouraging the use of alcohol, tobacco, and 195
controlled substances; 196

(B) Information on the physiological, psychological, and 197
sociological effects of substance abuse; 198

(C) Information on the resources available for individuals 199

<u>with chemical dependency problems;</u>	200
<u>(D) Instruction on the skills necessary to evaluate</u>	201
<u>advertisements for, and media portrayals of, alcohol, tobacco, and</u>	202
<u>controlled substances;</u>	203
<u>(E) Information on the legal implications of substance abuse;</u>	204
<u>(F) An examination or final project requirement at the</u>	205
<u>conclusion of the program based on the guidelines provided by the</u>	206
<u>state board of education under section 3301.24 of the Revised</u>	207
<u>Code.</u>	208
Sec. 3314.03. A copy of every contract entered into under	209
this section shall be filed with the superintendent of public	210
instruction.	211
(A) Each contract entered into between a sponsor and the	212
governing authority of a community school shall specify the	213
following:	214
(1) That the school shall be established as either of the	215
following:	216
(a) A nonprofit corporation established under Chapter 1702.	217
of the Revised Code, if established prior to April 8, 2003;	218
(b) A public benefit corporation established under Chapter	219
1702. of the Revised Code, if established after April 8, 2003+.	220
(2) The education program of the school, including the	221
school's mission, the characteristics of the students the school	222
is expected to attract, the ages and grades of students, and the	223
focus of the curriculum;	224
(3) The academic goals to be achieved and the method of	225
measurement that will be used to determine progress toward those	226
goals, which shall include the statewide achievement assessments;	227
(4) Performance standards by which the success of the school	228

will be evaluated by the sponsor;	229
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	230 231
(6)(a) Dismissal procedures;	232
(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.	233 234 235 236 237 238
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	239 240
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	241 242 243 244 245 246
(9) The facilities to be used and their locations;	247
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	248 249 250 251 252 253
(11) That the school will comply with the following requirements:	254 255
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	256 257 258

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6016, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of

education. Beginning with students who enter ninth grade for the 291
first time on or after July 1, 2010, the requirement in sections 292
3313.61 and 3313.611 of the Revised Code that a person must 293
successfully complete the curriculum of a high school prior to 294
receiving a high school diploma shall be met by completing the 295
Ohio core curriculum prescribed in division (C) of section 296
3313.603 of the Revised Code, unless the person qualifies under 297
division (D) or (F) of that section. Each school shall comply with 298
the plan for awarding high school credit based on demonstration of 299
subject area competency, adopted by the state board of education 300
under division (J) of section 3313.603 of the Revised Code. 301

(g) The school governing authority will submit within four 302
months after the end of each school year a report of its 303
activities and progress in meeting the goals and standards of 304
divisions (A)(3) and (4) of this section and its financial status 305
to the sponsor and the parents of all students enrolled in the 306
school. 307

(h) The school, unless it is an internet- or computer-based 308
community school, will comply with section 3313.801 of the Revised 309
Code as if it were a school district. 310

(12) Arrangements for providing health and other benefits to 311
employees; 312

(13) The length of the contract, which shall begin at the 313
beginning of an academic year. No contract shall exceed five years 314
unless such contract has been renewed pursuant to division (E) of 315
this section. 316

(14) The governing authority of the school, which shall be 317
responsible for carrying out the provisions of the contract; 318

(15) A financial plan detailing an estimated school budget 319
for each year of the period of the contract and specifying the 320
total estimated per pupil expenditure amount for each such year. 321

The plan shall specify for each year the base formula amount that 322
will be used for purposes of funding calculations under section 323
3314.08 of the Revised Code. This base formula amount for any year 324
shall not exceed the formula amount defined under section 3317.02 325
of the Revised Code. The plan may also specify for any year a 326
percentage figure to be used for reducing the per pupil amount of 327
the subsidy calculated pursuant to section 3317.029 of the Revised 328
Code the school is to receive that year under section 3314.08 of 329
the Revised Code. 330

(16) Requirements and procedures regarding the disposition of 331
employees of the school in the event the contract is terminated or 332
not renewed pursuant to section 3314.07 of the Revised Code; 333

(17) Whether the school is to be created by converting all or 334
part of an existing public school or educational service center 335
building or is to be a new start-up school, and if it is a 336
converted public school or service center building, specification 337
of any duties or responsibilities of an employer that the board of 338
education or service center governing board that operated the 339
school or building before conversion is delegating to the 340
governing authority of the community school with respect to all or 341
any specified group of employees provided the delegation is not 342
prohibited by a collective bargaining agreement applicable to such 343
employees; 344

(18) Provisions establishing procedures for resolving 345
disputes or differences of opinion between the sponsor and the 346
governing authority of the community school; 347

(19) A provision requiring the governing authority to adopt a 348
policy regarding the admission of students who reside outside the 349
district in which the school is located. That policy shall comply 350
with the admissions procedures specified in sections 3314.06 and 351
3314.061 of the Revised Code and, at the sole discretion of the 352
authority, shall do one of the following: 353

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	354 355
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	356 357
(c) Permit the enrollment of students who reside in any other district in the state.	358 359
(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;	360 361 362 363
(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;	364 365 366
(22) A provision recognizing both of the following:	367
(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;	368 369 370 371
(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;	372 373 374 375 376 377 378
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised	379 380 381 382 383

Code; 384

(24) The school will comply with sections 3302.04 and 385
3302.041 of the Revised Code, except that any action required to 386
be taken by a school district pursuant to those sections shall be 387
taken by the sponsor of the school. However, the sponsor shall not 388
be required to take any action described in division (F) of 389
section 3302.04 of the Revised Code. 390

(25) Beginning in the 2006-2007 school year, the school will 391
open for operation not later than the thirtieth day of September 392
each school year, unless the mission of the school as specified 393
under division (A)(2) of this section is solely to serve dropouts. 394
In its initial year of operation, if the school fails to open by 395
the thirtieth day of September, or within one year after the 396
adoption of the contract pursuant to division (D) of section 397
3314.02 of the Revised Code if the mission of the school is solely 398
to serve dropouts, the contract shall be void. 399

(B) The community school shall also submit to the sponsor a 400
comprehensive plan for the school. The plan shall specify the 401
following: 402

(1) The process by which the governing authority of the 403
school will be selected in the future; 404

(2) The management and administration of the school; 405

(3) If the community school is a currently existing public 406
school or educational service center building, alternative 407
arrangements for current public school students who choose not to 408
attend the converted school and for teachers who choose not to 409
teach in the school or building after conversion; 410

(4) The instructional program and educational philosophy of 411
the school; 412

(5) Internal financial controls. 413

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

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

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

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

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

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

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract

of the school pursuant to section 3314.07 of the Revised Code as 445
determined necessary by the sponsor; 446

(6) Have in place a plan of action to be undertaken in the 447
event the community school experiences financial difficulties or 448
closes prior to the end of a school year. 449

(E) Upon the expiration of a contract entered into under this 450
section, the sponsor of a community school may, with the approval 451
of the governing authority of the school, renew that contract for 452
a period of time determined by the sponsor, but not ending earlier 453
than the end of any school year, if the sponsor finds that the 454
school's compliance with applicable laws and terms of the contract 455
and the school's progress in meeting the academic goals prescribed 456
in the contract have been satisfactory. Any contract that is 457
renewed under this division remains subject to the provisions of 458
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 459

(F) If a community school fails to open for operation within 460
one year after the contract entered into under this section is 461
adopted pursuant to division (D) of section 3314.02 of the Revised 462
Code or permanently closes prior to the expiration of the 463
contract, the contract shall be void and the school shall not 464
enter into a contract with any other sponsor. A school shall not 465
be considered permanently closed because the operations of the 466
school have been suspended pursuant to section 3314.072 of the 467
Revised Code. Any contract that becomes void under this division 468
shall not count toward any statewide limit on the number of such 469
contracts prescribed by section 3314.013 of the Revised Code. 470

Sec. 3326.11. Each science, technology, engineering, and 471
mathematics school established under this chapter and its 472
governing body shall comply with sections 9.90, 9.91, 109.65, 473
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 474
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 475

3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 476
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 477
3313.6016, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 478
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 479
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 480
3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 481
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 482
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 483
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 484
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 485
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 486
school district. 487

Section 2. That existing sections 3313.60, 3313.6011, 488
3314.03, and 3326.11 of the Revised Code are hereby repealed. 489