

As Introduced

**130th General Assembly
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H. B. No. 180

Representative Pillich

Cosponsors: Representatives Antonio, Hagan, R., Strahorn

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A B I L L

To amend sections 3314.03 and 3326.11 and to enact 1
sections 3313.5310, 3707.56, and 3707.57 of the 2
Revised Code with regard to sudden cardiac arrest 3
in youth athletic activities. 4

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

Section 1. That sections 3314.03 and 3326.11 be amended and 5
sections 3313.5310, 3707.56, and 3707.57 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3313.5310. (A)(1) This section applies to both of the 8
following: 9

(a) Any school operated by a school district board of 10
education; 11

(b) Any chartered or nonchartered nonpublic school that is 12
subject to the rules of an interscholastic conference or an 13
organization that regulates interscholastic conferences or events. 14

(2) As used in this section, "athletic activity" means all of 15
the following: 16

(a) Interscholastic athletics; 17

(b) An athletic contest or competition that is sponsored by 18

or associated with a school that is subject to this section, 19
including cheerleading, club-sponsored sports activities, and 20
sports activities sponsored by school-affiliated organizations; 21

(c) Noncompetitive cheerleading that is sponsored by 22
school-affiliated organizations; 23

(d) Practices, interschool practices, and scrimmages for all 24
of the activities described in divisions (A)(2)(a), (b), and (c) 25
of this section. 26

(B) Prior to the start of each athletic season, a school that 27
is subject to this section may hold an informational meeting for 28
students, parents, guardians, other persons having care or charge 29
of a student, physicians, pediatric cardiologists, athletic 30
trainers, and any other persons regarding the symptoms and warning 31
signs of sudden cardiac arrest for all ages of students. 32

(C) No student shall participate in an athletic event until 33
the student has submitted to a designated school official a form 34
signed by the student and the parent, guardian, or other person 35
having care or charge of the student stating that the student and 36
the parent, guardian, or other person having care or charge of the 37
student have received and reviewed a copy of the information 38
developed by the departments of health and education and posted on 39
their respective internet web sites as required by section 3707.57 40
of the Revised Code. A completed form shall be submitted each 41
school year, as defined in section 3313.62 of the Revised Code, 42
for each athletic activity in which the student participates. 43

(D) No individual shall coach an athletic activity unless the 44
individual has completed, within the previous year, the sudden 45
cardiac arrest training course approved by the department of 46
health under division (C) of section 3707.57 of the Revised Code. 47

(E)(1) A student shall not be allowed to participate in an 48
athletic activity if the student is known to have exhibited signs 49

or symptoms of sudden cardiac arrest at any time prior to or 50
following an athletic activity. 51

(2) A student shall be removed by the student's coach from 52
participation in an athletic activity if the student exhibits 53
signs or symptoms of sudden cardiac arrest as determined by any of 54
the following: 55

(a) A game official; 56

(b) A coach of the student's team; 57

(c) An athletic trainer licensed under Chapter 4755. of the 58
Revised Code; 59

(d) A physician authorized under Chapter 4731. of the Revised 60
Code to practice medicine and surgery or osteopathic medicine and 61
surgery; 62

(e) Any other official designated by a school that is subject 63
to this section. 64

(3) If a student is not allowed to participate in or is 65
removed from participation in an athletic activity under division 66
(E)(1) or (2) of this section, the student shall not return to 67
participation until the student is evaluated and cleared for 68
return in writing by any of the following: 69

(a) A physician authorized under Chapter 4731. of the Revised 70
Code to practice medicine and surgery or osteopathic medicine and 71
surgery; 72

(b) A certified nurse practitioner, clinical nurse 73
specialist, or certified nurse-midwife who holds a certificate of 74
authority issued under Chapter 4723. of the Revised Code; 75

(c) A physician authorized under Chapter 4731. of the Revised 76
Code to practice medicine and surgery or osteopathic medicine and 77
surgery who specializes in cardiology. 78

The licensed health care providers specified in divisions 79

(E)(3)(a) and (b) of this section may consult with any other 80
licensed or certified health care providers in order to determine 81
whether a student is ready to return to participation. 82

(F) A school that is subject to this section shall establish 83
the following minimum penalties for a coach who violates the 84
provisions of division (E) of this section: 85

(1) For a first violation, suspension from coaching any 86
athletic activity for the remainder of the season; 87

(2) For a second violation, suspension from coaching any 88
athletic activity for the remainder of the season and for the next 89
season; 90

(3) For a third violation, permanent suspension from coaching 91
any athletic activity. 92

(G) Nothing in this section shall be construed to do either 93
of the following: 94

(1) Abridge or limit any rights provided under a collective 95
bargaining agreement entered into under Chapter 4117. of the 96
Revised Code prior to the effective date of this section; 97

(2) Create, establish, expand, reduce, contract, or eliminate 98
any civil liability on the part of any school that is subject to 99
this section or any employee of a school that is subject to this 100
section. 101

Sec. 3314.03. A copy of every contract entered into under 102
this section shall be filed with the superintendent of public 103
instruction. The department of education shall make available on 104
its web site a copy of every approved, executed contract filed 105
with the superintendent under this section. 106

(A) Each contract entered into between a sponsor and the 107
governing authority of a community school shall specify the 108
following: 109

(1) That the school shall be established as either of the	110
following:	111
(a) A nonprofit corporation established under Chapter 1702.	112
of the Revised Code, if established prior to April 8, 2003;	113
(b) A public benefit corporation established under Chapter	114
1702. of the Revised Code, if established after April 8, 2003.	115
(2) The education program of the school, including the	116
school's mission, the characteristics of the students the school	117
is expected to attract, the ages and grades of students, and the	118
focus of the curriculum;	119
(3) The academic goals to be achieved and the method of	120
measurement that will be used to determine progress toward those	121
goals, which shall include the statewide achievement assessments;	122
(4) Performance standards by which the success of the school	123
will be evaluated by the sponsor;	124
(5) The admission standards of section 3314.06 of the Revised	125
Code and, if applicable, section 3314.061 of the Revised Code;	126
(6)(a) Dismissal procedures;	127
(b) A requirement that the governing authority adopt an	128
attendance policy that includes a procedure for automatically	129
withdrawing a student from the school if the student without a	130
legitimate excuse fails to participate in one hundred five	131
consecutive hours of the learning opportunities offered to the	132
student.	133
(7) The ways by which the school will achieve racial and	134
ethnic balance reflective of the community it serves;	135
(8) Requirements for financial audits by the auditor of	136
state. The contract shall require financial records of the school	137
to be maintained in the same manner as are financial records of	138
school districts, pursuant to rules of the auditor of state.	139

Audits shall be conducted in accordance with section 117.10 of the Revised Code.	140 141
(9) The facilities to be used and their locations;	142
(10) Qualifications of teachers, including the following:	143
(a) 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;	144 145 146 147 148
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	149 150 151 152 153
(11) That the school will comply with the following requirements:	154 155
(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.	156 157 158
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	159 160 161
(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.	162 163 164 165
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, <u>3313.5310</u> , 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014,	166 167 168 169

3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 170
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 171
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 172
3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 173
3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 174
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 175
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 176
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 177
were a school district and will comply with section 3301.0714 of 178
the Revised Code in the manner specified in section 3314.17 of the 179
Revised Code. 180

(e) The school shall comply with Chapter 102. and section 181
2921.42 of the Revised Code. 182

(f) The school will comply with sections 3313.61, 3313.611, 183
and 3313.614 of the Revised Code, except that for students who 184
enter ninth grade for the first time before July 1, 2010, the 185
requirement in sections 3313.61 and 3313.611 of the Revised Code 186
that a person must successfully complete the curriculum in any 187
high school prior to receiving a high school diploma may be met by 188
completing the curriculum adopted by the governing authority of 189
the community school rather than the curriculum specified in Title 190
XXXIII of the Revised Code or any rules of the state board of 191
education. Beginning with students who enter ninth grade for the 192
first time on or after July 1, 2010, the requirement in sections 193
3313.61 and 3313.611 of the Revised Code that a person must 194
successfully complete the curriculum of a high school prior to 195
receiving a high school diploma shall be met by completing the 196
Ohio core curriculum prescribed in division (C) of section 197
3313.603 of the Revised Code, unless the person qualifies under 198
division (D) or (F) of that section. Each school shall comply with 199
the plan for awarding high school credit based on demonstration of 200
subject area competency, adopted by the state board of education 201

under division (J) of section 3313.603 of the Revised Code.	202
(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.	203 204 205 206 207 208
(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.	209 210 211
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	212 213 214 215 216 217 218
(12) Arrangements for providing health and other benefits to employees;	219 220
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	221 222 223 224
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	225 226
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year	227 228 229 230 231 232

shall not exceed the formula amount defined under section 3317.02 233
of the Revised Code. The plan may also specify for any year a 234
percentage figure to be used for reducing the per pupil amount of 235
the subsidy calculated pursuant to section 3317.029 of the Revised 236
Code the school is to receive that year under section 3314.08 of 237
the Revised Code. 238

(16) Requirements and procedures regarding the disposition of 239
employees of the school in the event the contract is terminated or 240
not renewed pursuant to section 3314.07 of the Revised Code; 241

(17) Whether the school is to be created by converting all or 242
part of an existing public school or educational service center 243
building or is to be a new start-up school, and if it is a 244
converted public school or service center building, specification 245
of any duties or responsibilities of an employer that the board of 246
education or service center governing board that operated the 247
school or building before conversion is delegating to the 248
governing authority of the community school with respect to all or 249
any specified group of employees provided the delegation is not 250
prohibited by a collective bargaining agreement applicable to such 251
employees; 252

(18) Provisions establishing procedures for resolving 253
disputes or differences of opinion between the sponsor and the 254
governing authority of the community school; 255

(19) A provision requiring the governing authority to adopt a 256
policy regarding the admission of students who reside outside the 257
district in which the school is located. That policy shall comply 258
with the admissions procedures specified in sections 3314.06 and 259
3314.061 of the Revised Code and, at the sole discretion of the 260
authority, shall do one of the following: 261

(a) Prohibit the enrollment of students who reside outside 262
the district in which the school is located; 263

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	264 265
(c) Permit the enrollment of students who reside in any other district in the state.	266 267
(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;	268 269 270 271
(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;	272 273 274
(22) A provision recognizing both of the following:	275
(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;	276 277 278 279
(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.	280 281 282 283 284 285 286
(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 Code;	287 288 289 290 291 292
(24) The school will comply with sections 3302.04 and	293

3302.041 of the Revised Code, except that any action required to 294
be taken by a school district pursuant to those sections shall be 295
taken by the sponsor of the school. However, the sponsor shall not 296
be required to take any action described in division (F) of 297
section 3302.04 of the Revised Code. 298

(25) Beginning in the 2006-2007 school year, the school will 299
open for operation not later than the thirtieth day of September 300
each school year, unless the mission of the school as specified 301
under division (A)(2) of this section is solely to serve dropouts. 302
In its initial year of operation, if the school fails to open by 303
the thirtieth day of September, or within one year after the 304
adoption of the contract pursuant to division (D) of section 305
3314.02 of the Revised Code if the mission of the school is solely 306
to serve dropouts, the contract shall be void. 307

(B) The community school shall also submit to the sponsor a 308
comprehensive plan for the school. The plan shall specify the 309
following: 310

(1) The process by which the governing authority of the 311
school will be selected in the future; 312

(2) The management and administration of the school; 313

(3) If the community school is a currently existing public 314
school or educational service center building, alternative 315
arrangements for current public school students who choose not to 316
attend the converted school and for teachers who choose not to 317
teach in the school or building after conversion; 318

(4) The instructional program and educational philosophy of 319
the school; 320

(5) Internal financial controls. 321

(C) A contract entered into under section 3314.02 of the 322
Revised Code between a sponsor and the governing authority of a 323

community school may provide for the community school governing 324
authority to make payments to the sponsor, which is hereby 325
authorized to receive such payments as set forth in the contract 326
between the governing authority and the sponsor. The total amount 327
of such payments for oversight and monitoring of the school shall 328
not exceed three per cent of the total amount of payments for 329
operating expenses that the school receives from the state. 330

(D) The contract shall specify the duties of the sponsor 331
which shall be in accordance with the written agreement entered 332
into with the department of education under division (B) of 333
section 3314.015 of the Revised Code and shall include the 334
following: 335

(1) Monitor the community school's compliance with all laws 336
applicable to the school and with the terms of the contract; 337

(2) Monitor and evaluate the academic and fiscal performance 338
and the organization and operation of the community school on at 339
least an annual basis; 340

(3) Report on an annual basis the results of the evaluation 341
conducted under division (D)(2) of this section to the department 342
of education and to the parents of students enrolled in the 343
community school; 344

(4) Provide technical assistance to the community school in 345
complying with laws applicable to the school and terms of the 346
contract; 347

(5) Take steps to intervene in the school's operation to 348
correct problems in the school's overall performance, declare the 349
school to be on probationary status pursuant to section 3314.073 350
of the Revised Code, suspend the operation of the school pursuant 351
to section 3314.072 of the Revised Code, or terminate the contract 352
of the school pursuant to section 3314.07 of the Revised Code as 353
determined necessary by the sponsor; 354

(6) Have in place a plan of action to be undertaken in the 355
event the community school experiences financial difficulties or 356
closes prior to the end of a school year. 357

(E) Upon the expiration of a contract entered into under this 358
section, the sponsor of a community school may, with the approval 359
of the governing authority of the school, renew that contract for 360
a period of time determined by the sponsor, but not ending earlier 361
than the end of any school year, if the sponsor finds that the 362
school's compliance with applicable laws and terms of the contract 363
and the school's progress in meeting the academic goals prescribed 364
in the contract have been satisfactory. Any contract that is 365
renewed under this division remains subject to the provisions of 366
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 367

(F) If a community school fails to open for operation within 368
one year after the contract entered into under this section is 369
adopted pursuant to division (D) of section 3314.02 of the Revised 370
Code or permanently closes prior to the expiration of the 371
contract, the contract shall be void and the school shall not 372
enter into a contract with any other sponsor. A school shall not 373
be considered permanently closed because the operations of the 374
school have been suspended pursuant to section 3314.072 of the 375
Revised Code. 376

Sec. 3326.11. Each science, technology, engineering, and 377
mathematics school established under this chapter and its 378
governing body shall comply with sections 9.90, 9.91, 109.65, 379
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 380
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 381
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 382
3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 383
3313.6014, 3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 384
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 385

3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 386
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 387
3313.814, 3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 388
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 389
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 390
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 391
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 392
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 393
school district. 394

Sec. 3707.56. A sponsor of an athletic activity that is not 395
associated with a school that is subject to section 3313.5310 of 396
the Revised Code is encouraged to follow the provisions of that 397
section. 398

Sec. 3707.57. (A) The department of health and the department 399
of education jointly shall develop and shall post on their 400
respective internet web sites guidelines and other relevant 401
materials to inform and educate students participating in or 402
desiring to participate in an athletic activity, their parents, 403
and their coaches about the nature and warning signs of sudden 404
cardiac arrest. These guidelines and materials shall address the 405
risks associated with continuing to participate in an athletic 406
event after experiencing one or more symptoms of sudden cardiac 407
arrest, such as fainting, difficulty breathing, chest pains, 408
dizziness, and an abnormal racing heart rate. 409

(B) In developing guidelines and materials under division (A) 410
of this section, the departments may utilize existing materials 411
developed by the parent heart watch organization, the sudden 412
arrhythmia death syndromes foundation, and any other organizations 413
deemed appropriate by the departments. 414

(C) For purposes of the training required for a coach of an 415

athletic activity under division (D) of section 3313.5310 of the 416
Revised Code, the department of health shall approve a sudden 417
cardiac training course offered by an outside entity. 418

Section 2. That existing sections 3314.03 and 3326.11 of the 419
Revised Code are hereby repealed. 420