

## **As Passed by the House**

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**Sub. H. B. No. 264**

**Representatives Wachtmann, Barnes**

**Cosponsors: Representatives Antonio, Beck, Grossman, Milkovich, Brown,  
Bishoff, Johnson, Sears, Smith, Sprague, Amstutz, Anielski, Baker, Blair,  
Buchy, Carney, Fedor, Foley, Green, Hackett, Hagan, C., Hill, Huffman,  
Mallory, Rogers, Sheehy, Young Speaker Batchelder**

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## **A B I L L**

To amend sections 3313.713, 3314.03, 3326.11, and	1
3328.24 and to enact section 3313.7110 of the	2
Revised Code and to amend the version of section	3
3326.11 of the Revised Code that is scheduled to	4
take effect on July 1, 2014, regarding care for	5
students with diabetes in schools.	6

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

<b>Section 1.</b> That sections 3313.713, 3314.03, 3326.11, and	7
3328.24 be amended and section 3313.7110 be enacted to read as	8
follows:	9

<b>Sec. 3313.713.</b> (A) As used in this section:	10
(1) "Drug" means a drug, as defined in section 4729.01 of the	11
Revised Code, that is to be administered pursuant to the	12
instructions of the prescriber, whether or not required by law to	13
be sold only upon a prescription.	14
(2) "Federal law" means the "Individuals with Disabilities	15

Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.	16
(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	17 18
(B) The board of education of each city, local, exempted village, and joint vocational school district shall, not later than one hundred twenty days after September 20, 1984, adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, <u>and 3313.712, and 3313.7110</u> of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that:	19 20 21 22 23 24 25 26
(1) Except as otherwise required by federal law, no person employed by the board shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district.	27 28 29 30
(2) Designated persons employed by the board are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board, may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's policy may provide that certain drugs or types of drugs shall not be administered or that no employee shall use certain procedures, such as injection, to administer a drug to a student.	31 32 33 34 35 36 37 38 39 40 41
(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur:	42 43 44
(1) The board, or a person designated by the board, receives a written request, signed by the parent, guardian, or other person	45 46

having care or charge of the student, that the drug be administered to the student.	47 48
(2) The board, or a person designated by the board, receives a statement, signed by the prescriber, that includes all of the following information:	49 50 51
(a) The name and address of the student;	52
(b) The school and class in which the student is enrolled;	53
(c) The name of the drug and the dosage to be administered;	54
(d) The times or intervals at which each dosage of the drug is to be administered;	55 56
(e) The date the administration of the drug is to begin;	57
(f) The date the administration of the drug is to cease;	58
(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;	59 60 61
(h) Special instructions for administration of the drug, including sterile conditions and storage.	62 63
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or a person designated by the board if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.	64 65 66 67 68
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section.	69 70 71
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.	72 73 74 75

(6) Any other procedures required by the board are followed.	76
(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board, or a person designated by the board, shall establish a location in each school building for the storage of drugs to be administered under this section and federal law. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.	77 78 79 80 81 82 83 84 85 86 87 88 89
(E) No person who has been authorized by a board of education to administer a drug and has a copy of the most recent statement required by division (C)(2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the drug is liable in civil damages for administering or failing to administer the drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.	90 91 92 93 94 95 96 97
(F) A board of education may designate a person or persons to perform any function or functions in connection with a drug policy adopted under this section either by name or by position, training, qualifications, or similar distinguishing factors.	98 99 100 101
(G) A policy adopted by a board of education pursuant to this section may be changed, modified, or revised by action of the board.	102 103 104
(H) Nothing in this section shall be construed to require a person employed by a board of education to administer a drug to a	105 106

student unless the board's policy adopted in compliance with this 107  
section establishes such a requirement. A board shall not require 108  
an employee to administer a drug to a student if the employee 109  
objects, on the basis of religious convictions, to administering 110  
the drug. 111

Nothing in this section affects the application of section 112  
2305.23, 2305.231, ~~or 3313.712, or 3313.7110~~ of the Revised Code 113  
to the administration of emergency care or treatment to a student. 114

Nothing in this section affects the ability of a public or 115  
nonpublic school to participate in a school-based fluoride mouth 116  
rinse program established by the director of health pursuant to 117  
section 3701.136 of the Revised Code. Nothing in this section 118  
affects the ability of a person who is employed by, or who 119  
volunteers for, a school that participates in such a program to 120  
administer fluoride mouth rinse to a student in accordance with 121  
section 3701.136 of the Revised Code and any rules adopted by the 122  
director under that section. 123

**Sec. 3313.7110. (A) As used in this section:** 124

(1) "Board" means a board of education of a city, local, 125  
exempted village, or joint vocational school district. 126

(2) "Governing authority" means a governing authority of a 127  
chartered nonpublic school. 128

(3) "Licensed health care professional" means either of the 129  
following: 130

(a) A physician authorized under Chapter 4731. of the Revised 131  
Code to practice medicine and surgery or osteopathic medicine and 132  
surgery; 133

(b) A registered nurse or licensed practical nurse licensed 134  
under Chapter 4723. of the Revised Code. 135

(4) "Local health department" means a department operated by 136

<u>a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code.</u>	137 138 139
<u>(5) "School employee" or "employee" means either of the following:</u>	140 141
<u>(a) A person employed by the board of education of a city, local, exempted village, or joint vocational school district or the governing authority of a chartered nonpublic school;</u>	142 143 144
<u>(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school.</u>	145 146 147 148
<u>(6) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.</u>	149 150 151
<u>(B)(1) The board or governing authority shall ensure that each student enrolled in the district or school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating physician. The diabetes care to be provided includes any of the following:</u>	152 153 154 155 156
<u>(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;</u>	157 158 159
<u>(b) Responding to blood glucose levels that are outside of the student's target range;</u>	160 161
<u>(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;</u>	162 163
<u>(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;</u>	164 165 166

<u>(e) Providing oral diabetes medications;</u>	167
<u>(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's physician's order;</u>	168 169 170
<u>(g) Following the physician's instructions regarding meals, snacks, and physical activity;</u>	171 172
<u>(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.</u>	173 174 175
<u>(2) Not later than fourteen days after receipt of an order signed by the treating physician of a student with diabetes, the board or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education shall develop a 504 plan information sheet for use by a board or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.</u>	176 177 178 179 180 181 182 183 184 185
<u>(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section. Medication administration may be provided under this section only when the conditions prescribed in division (C) of section 3313.713 of the Revised Code are satisfied.</u>	186 187 188 189 190 191 192 193
<u>Notwithstanding division (D) of section 3313.713 of the Revised Code, medication that is to be administered under this section may be kept in an easily accessible location.</u>	194 195 196
<u>(D)(1) Not later than one hundred eighty days after the</u>	197

<u>effective date of this section, the department of education shall</u>	198
<u>adopt nationally recognized guidelines, as determined by the</u>	199
<u>department, for the training of school employees in diabetes care</u>	200
<u>for students. In doing so, the department shall consult with the</u>	201
<u>department of health, the American diabetes association, and the</u>	202
<u>Ohio school nurses association. The department may consult with</u>	203
<u>any other organizations as determined appropriate by the</u>	204
<u>department.</u>	205
<u>(2) The guidelines shall address all of the following issues:</u>	206
<u>(a) Recognizing the symptoms of hypoglycemia and</u>	207
<u>hyperglycemia;</u>	208
<u>(b) The appropriate treatment for a student who exhibits the</u>	209
<u>symptoms of hypoglycemia or hyperglycemia;</u>	210
<u>(c) Recognizing situations that require the provision of</u>	211
<u>emergency medical assistance to a student;</u>	212
<u>(d) Understanding the appropriate treatment for a student,</u>	213
<u>based on a student's physician's order, if the student's blood</u>	214
<u>glucose level is not within the target range indicated by the</u>	215
<u>order;</u>	216
<u>(e) Understanding the instructions in a student's physician's</u>	217
<u>order concerning necessary medications;</u>	218
<u>(f) Performing blood glucose and ketone tests in accordance</u>	219
<u>with a student's physician's order and recording the results of</u>	220
<u>those tests;</u>	221
<u>(g) Administering insulin, glucagon, or other medication in</u>	222
<u>accordance with a student's physician's order and recording the</u>	223
<u>results of the administration;</u>	224
<u>(h) Understanding the relationship between the diet</u>	225
<u>recommended in a student's physician's order and actions that may</u>	226
<u>be taken if the recommended diet is not followed.</u>	227

<u>(E)(1) To ensure that a student with diabetes receives the diabetes care specified in division (B) of this section, a board or governing authority may provide training that complies with the guidelines developed under division (D) of this section to a school employee at each school attended by a student with diabetes. With respect to any training provided, all of the following apply:</u>	228 229 230 231 232 233 234
<u>(a) The training shall be coordinated by a school nurse or, if the school does not employ a school nurse, a licensed health care professional with expertise in diabetes who is approved by the school to provide the training.</u>	235 236 237 238
<u>(b) The training shall take place prior to the beginning of each school year or, as needed, not later than fourteen days after receipt by the board or governing authority of an order signed by the treating physician of a student with diabetes.</u>	239 240 241 242
<u>(c) On completion of the training, the board or governing authority, in a manner it determines, shall determine whether each employee trained is competent to provide diabetes care.</u>	243 244 245
<u>(d) The school nurse or approved licensed health care professional with expertise in diabetes care shall promptly provide all necessary follow-up training and supervision to an employee who receives training.</u>	246 247 248 249
<u>(2) The principal of a school attended by a student with diabetes or another school official authorized to act on behalf of the principal may distribute a written notice to each employee containing all of the following:</u>	250 251 252 253
<u>(a) A statement that the school is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care;</u>	254 255 256
<u>(b) A description of the tasks to be performed;</u>	257

<u>(c) A statement that participation is voluntary and that the school district will not take action against an employee who does not agree to provide diabetes care;</u>	258 259 260
<u>(d) A statement that training will be provided by a licensed health care professional to an employee who agrees to provide care;</u>	261 262 263
<u>(e) A statement that a trained employee is immune from liability under division (J) of this section;</u>	264 265
<u>(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care.</u>	266 267
<u>(3) No employee of a board or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care.</u>	268 269 270 271
<u>(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section.</u>	272 273 274
<u>(F) A board or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following:</u>	275 276 277 278
<u>(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day;</u>	279 280 281
<u>(2) A bus driver employed by a school district or chartered nonpublic school responsible for the transportation of a student with diabetes.</u>	282 283 284
<u>(G) A student with diabetes shall be permitted to attend the school the student would otherwise attend if the student did not have diabetes and the diabetes care specified in division (B) of</u>	285 286 287

this section shall be provided at the school. A board or governing authority shall not restrict a student who has diabetes from attending the school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have an employee trained in diabetes care. The school shall not require or pressure a parent, guardian, or other person having care or charge of a student to provide diabetes care for the student with diabetes at school or school-related activities. 288  
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(H)(1) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section and except as provided in division (H)(2) of this section, on written request of the parent, guardian, or other person having care or charge of a student and authorization by the student's treating physician, a student with diabetes shall be permitted to attend to the care and management of the student's diabetes in accordance with the student's physician's order during regular school hours and school-sponsored activities if the student's treating physician determines that the student is capable of performing diabetes care tasks. The student shall be permitted to perform diabetes care tasks in a classroom, in any area of the school or school grounds, and at any school-related activity, and to possess on the student's self at all times all necessary supplies and equipment to perform these tasks. If the student or the parent, guardian, or other person having care or charge of the student so requests, the student shall have access to a private area for performing diabetes care tasks. 297  
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(2) If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the board or governing authority may revoke the student's permission to attend to the care and management of the student's diabetes. 315  
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<u>(I)(1) Notwithstanding any other provision of the Revised Code to the contrary, a licensed health care professional shall be permitted to provide training to a school employee under division (E) of this section or to supervise the employee in performing diabetes care tasks.</u>	320 321 322 323 324
<u>(2) Nothing in this section diminishes the rights of eligible students or the obligations of school districts under the "Individuals with Disabilities Education Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 U.S.C. 12101 et seq.</u>	325 326 327 328 329
<u>(J)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.</u>	330 331 332 333 334 335
<u>This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a board or governing authority, or district or school employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.</u>	336 337 338 339 340
<u>(2) A school employee shall not be subject to disciplinary action under school or district policies for providing care or performing duties under this section.</u>	341 342 343
<u>(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards.</u>	344 345 346 347 348
<u>(K)(1) Not later than the last day of December of each year, a board or governing authority shall report to the department of</u>	349 350

<u>education both of the following:</u>	351
(a) <u>The number of students with diabetes enrolled in the district or chartered nonpublic school during the previous school year;</u>	352
(b) <u>The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.</u>	355
(2) <u>Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K)(1) of this section for the previous school year. The department shall make the report available on its internet web site.</u>	358
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 <b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	363
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	368
(1) That the school shall be established as either of the following:	369
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	373
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	375
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	377
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	381 382 383
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	384 385
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	386 387
(6)(a) Dismissal procedures;	388
(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.	389 390 391 392 393 394
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	395 396
(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.	397 398 399 400 401 402
(9) The facilities to be used and their locations;	403
(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.	404 405 406 407 408 409
(11) That the school will comply with the following	410

requirements:	411
(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.	412 413 414
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	415 416 417
(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.	418 419 420 421
(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, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.6411, 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, <u>3313.7110</u> , 3313.80, 3313.814, 3313.816, 3313.817, 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.	422 423 424 425 426 427 428 429 430 431 432 433 434 435 436
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	437 438
(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	439 440 441

requirement in sections 3313.61 and 3313.611 of the Revised Code 442  
that a person must successfully complete the curriculum in any 443  
high school prior to receiving a high school diploma may be met by 444  
completing the curriculum adopted by the governing authority of 445  
the community school rather than the curriculum specified in Title 446  
XXXIII of the Revised Code or any rules of the state board of 447  
education. Beginning with students who enter ninth grade for the 448  
first time on or after July 1, 2010, the requirement in sections 449  
3313.61 and 3313.611 of the Revised Code that a person must 450  
successfully complete the curriculum of a high school prior to 451  
receiving a high school diploma shall be met by completing the 452  
Ohio core curriculum prescribed in division (C) of section 453  
3313.603 of the Revised Code, unless the person qualifies under 454  
division (D) or (F) of that section. Each school shall comply with 455  
the plan for awarding high school credit based on demonstration of 456  
subject area competency, adopted by the state board of education 457  
under division (J) of section 3313.603 of the Revised Code. 458

(g) The school governing authority will submit within four 459  
months after the end of each school year a report of its 460  
activities and progress in meeting the goals and standards of 461  
divisions (A)(3) and (4) of this section and its financial status 462  
to the sponsor and the parents of all students enrolled in the 463  
school. 464

(h) The school, unless it is an internet- or computer-based 465  
community school, will comply with section 3313.801 of the Revised 466  
Code as if it were a school district. 467

(i) If the school is the recipient of moneys from a grant 468  
awarded under the federal race to the top program, Division (A), 469  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 470  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 471  
school will pay teachers based upon performance in accordance with 472  
section 3317.141 and will comply with section 3319.111 of the 473

Revised Code as if it were a school district.	474
(12) Arrangements for providing health and other benefits to employees;	475 476
(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.	477 478 479 480
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	481 482
(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.	483 484 485
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	486 487 488
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	489 490 491 492 493 494 495 496 497 498 499
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	500 501 502
(19) A provision requiring the governing authority to adopt a	503

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:	504
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	509
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	511
(c) Permit the enrollment of students who reside in any other district in the state.	513
(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;	515
(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;	519
(22) A provision recognizing both of the following:	522
(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;	523
(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.	527
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(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 (H)(2) of section 3314.08 of the Revised Code;	534 535 536 537 538 539
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.	540 541 542 543 544 545
(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.	546 547 548 549 550 551 552 553 554
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	555 556 557
(1) The process by which the governing authority of the school will be selected in the future;	558 559
(2) The management and administration of the school;	560
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to	561 562 563 564

teach in the school or building after conversion;	565
(4) The instructional program and educational philosophy of the school;	566 567
(5) Internal financial controls.	568
(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.	569 570 571 572 573 574 575 576 577
(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:	578 579 580 581 582
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	583 584
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	585 586 587
(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;	588 589 590 591
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	592 593 594

(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 determined necessary by the sponsor;	595 596 597 598 599 600 601
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	602 603 604
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	605 606 607 608 609 610 611 612 613 614
(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.	615 616 617 618 619 620 621 622 623
<b>Sec. 3326.11.</b> Each science, technology, engineering, and mathematics school established under this chapter and its	624 625

governing body shall comply with sections 9.90, 9.91, 109.65,	626
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,	627
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18,	628
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50,	629
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014,	630
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643,	631
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	632
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71,	633
3313.716, 3313.718, 3313.719, <u>3313.7110</u> , 3313.80, 3313.801,	634
3313.814, 3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073,	635
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41,	636
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18,	637
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and	638
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742.,	639
4112., 4123., 4141., and 4167. of the Revised Code as if it were a	640
school district.	641

<b>Sec. 3328.24.</b> A college-preparatory boarding school	642
established under this chapter and its board of trustees shall	643
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712,	644
3301.0714, 3313.6411, <u>3313.7110</u> , 3319.39, and 3319.391 of the	645
Revised Code as if the school were a school district and the	646
school's board of trustees were a district board of education.	647

<b>Section 2.</b> That existing sections 3313.713, 3314.03, 3326.11,	648
and 3328.24 of the Revised Code are hereby repealed.	649

<b>Section 3.</b> That the version of section 3326.11 of the Revised	650
Code that is scheduled to take effect on July 1, 2014, be amended	651
to read as follows:	652

<b>Sec. 3326.11.</b> Each science, technology, engineering, and	653
mathematics school established under this chapter and its	654

governing body shall comply with sections 9.90, 9.91, 109.65,	655
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,	656
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18,	657
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50,	658
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014,	659
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643,	660
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,	661
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71,	662
3313.716, 3313.718, 3313.719, <u>3313.7110</u> , 3313.80, 3313.801,	663
3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21,	664
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45,	665
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19,	666
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters	667
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112.,	668
4123., 4141., and 4167. of the Revised Code as if it were a school	669
district.	670

**Section 4.** That the existing version of section 3326.11 of  
the Revised Code that is scheduled to take effect on July 1, 2014,  
is hereby repealed.

**Section 5.** Sections 3 and 4 of this act take effect on July  
1, 2014.