

**As Reported by the Senate Medicaid, Health and Human Services  
Committee**

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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**

**Senator Tavares**

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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:**

**Section 1.** 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

**Sec. 3313.713.** (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 Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 15  
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(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 17  
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(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, ~~and~~ 3313.712, and 3313.7110 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district. The policy shall provide either that: 19  
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(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  
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(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  
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(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  
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(1) The board, or a person designated by the board, receives 45

a written request, signed by the parent, guardian, or other person 46  
having care or charge of the student, that the drug be 47  
administered to the student. 48

(2) The board, or a person designated by the board, receives 49  
a statement, signed by the prescriber, that includes all of the 50  
following information: 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 55  
is to be administered; 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 59  
the prescriber and one or more phone numbers at which the 60  
prescriber can be reached in an emergency; 61

(h) Special instructions for administration of the drug, 62  
including sterile conditions and storage. 63

(3) The parent, guardian, or other person having care or 64  
charge of the student agrees to submit a revised statement signed 65  
by the prescriber to the board or a person designated by the board 66  
if any of the information provided by the prescriber pursuant to 67  
division (C)(2) of this section changes. 68

(4) The person authorized by the board to administer the drug 69  
receives a copy of the statement required by division (C)(2) or 70  
(3) of this section. 71

(5) The drug is received by the person authorized to 72  
administer the drug to the student for whom the drug is prescribed 73  
in the container in which it was dispensed by the prescriber or a 74

licensed pharmacist. 75

(6) Any other procedures required by the board are followed. 76

(D) If a drug is administered to a student, the board of 77  
education shall acquire and retain copies of the written requests 78  
required by division (C)(1) and the statements required by 79  
divisions (C)(2) and (3) of this section and shall ensure that by 80  
the next school day following the receipt of any such statement a 81  
copy is given to the person authorized to administer drugs to the 82  
student for whom the statement has been received. The board, or a 83  
person designated by the board, shall establish a location in each 84  
school building for the storage of drugs to be administered under 85  
this section and federal law. All such drugs shall be stored in 86  
that location in a locked storage place, except that drugs that 87  
require refrigeration may be kept in a refrigerator in a place not 88  
commonly used by students. 89

(E) No person who has been authorized by a board of education 90  
to administer a drug and has a copy of the most recent statement 91  
required by division (C)(2) or (3) of this section given to the 92  
person in accordance with division (D) of this section prior to 93  
administering the drug is liable in civil damages for 94  
administering or failing to administer the drug, unless such 95  
person acts in a manner that constitutes gross negligence or 96  
wanton or reckless misconduct. 97

(F) A board of education may designate a person or persons to 98  
perform any function or functions in connection with a drug policy 99  
adopted under this section either by name or by position, 100  
training, qualifications, or similar distinguishing factors. 101

(G) A policy adopted by a board of education pursuant to this 102  
section may be changed, modified, or revised by action of the 103  
board. 104

(H) Nothing in this section shall be construed to require a 105

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

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

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

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

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

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

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

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

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

(4) "Local health department" means a department operated by 136  
a board of health of a city or general health district or the 137  
authority having the duties of a board of health as described in 138  
section 3709.05 of the Revised Code. 139

(5) "School employee" or "employee" means either of the 140  
following: 141

(a) A person employed by the board of education of a city, 142  
local, exempted village, or joint vocational school district or 143  
the governing authority of a chartered nonpublic school; 144

(b) A licensed health care professional employed by or under 145  
contract with a local health department who is assigned to a 146  
school in a city, local, exempted village, or joint vocational 147  
school district or a chartered nonpublic school. 148

(6) "504 plan" means a plan based on an evaluation conducted 149  
in accordance with section 504 of the "Rehabilitation Act of 150  
1973," 29 U.S.C. 794, as amended. 151

(B)(1) The board or governing authority shall ensure that 152  
each student enrolled in the district or school who has diabetes 153  
receives appropriate and needed diabetes care in accordance with 154  
an order signed by the student's treating physician. The diabetes 155  
care to be provided includes any of the following: 156

(a) Checking and recording blood glucose levels and ketone 157  
levels or assisting the student with checking and recording these 158  
levels; 159

(b) Responding to blood glucose levels that are outside of 160  
the student's target range; 161

(c) In the case of severe hypoglycemia, administering 162  
glucagon and other emergency treatments as prescribed; 163

(d) Administering insulin or assisting the student in 164  
self-administering insulin through the insulin delivery system the 165

<u>student uses;</u>	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
<u>(g) Following the physician's instructions regarding meals, snacks, and physical activity;</u>	170 171 172
<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

(D)(1) Not later than one hundred eighty days after the 197  
effective date of this section, the department of education shall 198  
adopt nationally recognized guidelines, as determined by the 199  
department, for the training of school employees in diabetes care 200  
for students. In doing so, the department shall consult with the 201  
department of health, the American diabetes association, and the 202  
Ohio school nurses association. The department may consult with 203  
any other organizations as determined appropriate by the 204  
department. 205

(2) The guidelines shall address all of the following issues: 206

(a) Recognizing the symptoms of hypoglycemia and 207  
hyperglycemia; 208

(b) The appropriate treatment for a student who exhibits the 209  
symptoms of hypoglycemia or hyperglycemia; 210

(c) Recognizing situations that require the provision of 211  
emergency medical assistance to a student; 212

(d) Understanding the appropriate treatment for a student, 213  
based on a student's physician's order, if the student's blood 214  
glucose level is not within the target range indicated by the 215  
order; 216

(e) Understanding the instructions in a student's physician's 217  
order concerning necessary medications; 218

(f) Performing blood glucose and ketone tests in accordance 219  
with a student's physician's order and recording the results of 220  
those tests; 221

(g) Administering insulin, glucagon, or other medication in 222  
accordance with a student's physician's order and recording the 223  
results of the administration; 224

(h) Understanding the relationship between the diet 225  
recommended in a student's physician's order and actions that may 226



be taken if the recommended diet is not followed. 227

(E)(1) To ensure that a student with diabetes receives the 228  
diabetes care specified in division (B) of this section, a board 229  
or governing authority may provide training that complies with the 230  
guidelines developed under division (D) of this section to a 231  
school employee at each school attended by a student with 232  
diabetes. With respect to any training provided, all of the 233  
following apply: 234

(a) The training shall be coordinated by a school nurse or, 235  
if the school does not employ a school nurse, a licensed health 236  
care professional with expertise in diabetes who is approved by 237  
the school to provide the training. 238

(b) The training shall take place prior to the beginning of 239  
each school year or, as needed, not later than fourteen days after 240  
receipt by the board or governing authority of an order signed by 241  
the treating physician of a student with diabetes. 242

(c) On completion of the training, the board or governing 243  
authority, in a manner it determines, shall determine whether each 244  
employee trained is competent to provide diabetes care. 245

(d) The school nurse or approved licensed health care 246  
professional with expertise in diabetes care shall promptly 247  
provide all necessary follow-up training and supervision to an 248  
employee who receives training. 249

(2) The principal of a school attended by a student with 250  
diabetes or another school official authorized to act on behalf of 251  
the principal may distribute a written notice to each employee 252  
containing all of the following: 253

(a) A statement that the school is required to provide 254  
diabetes care to a student with diabetes and is seeking employees 255  
who are willing to be trained to provide that care; 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</u>	285 286

have diabetes and the diabetes care specified in division (B) of 287  
this section shall be provided at the school. A board or governing 288  
authority shall not restrict a student who has diabetes from 289  
attending the school on the basis that the student has diabetes, 290  
that the school does not have a full-time school nurse, or that 291  
the school does not have an employee trained in diabetes care. The 292  
school shall not require or pressure a parent, guardian, or other 293  
person having care or charge of a student to provide diabetes care 294  
for the student with diabetes at school or school-related 295  
activities. 296

(H)(1) Notwithstanding section 3313.713 of the Revised Code 297  
or any policy adopted under that section and except as provided in 298  
division (H)(2) of this section, on written request of the parent, 299  
guardian, or other person having care or charge of a student and 300  
authorization by the student's treating physician, a student with 301  
diabetes shall be permitted to attend to the care and management 302  
of the student's diabetes in accordance with the student's 303  
physician's order during regular school hours and school-sponsored 304  
activities if the student's treating physician determines that the 305  
student is capable of performing diabetes care tasks. The student 306  
shall be permitted to perform diabetes care tasks in a classroom, 307  
in any area of the school or school grounds, and at any 308  
school-related activity, and to possess on the student's self at 309  
all times all necessary supplies and equipment to perform these 310  
tasks. If the student or the parent, guardian, or other person 311  
having care or charge of the student so requests, the student 312  
shall have access to a private area for performing diabetes care 313  
tasks. 314

(2) If the student performs any diabetes care tasks or uses 315  
medical equipment for purposes other than the student's own care, 316  
the board or governing authority may revoke the student's 317  
permission to attend to the care and management of the student's 318

diabetes. 319

(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. 320  
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(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. 325  
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(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. 330  
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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. 336  
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(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. 341  
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(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. 344  
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(K)(1) Not later than the last day of December of each year, 349

a board or governing authority shall report to the department of 350  
education both of the following: 351

(a) The number of students with diabetes enrolled in the 352  
district or chartered nonpublic school during the previous school 353  
year; 354

(b) The number of errors associated with the administration 355  
of diabetes medication to students with diabetes during the 356  
previous school year. 357

(2) Not later than the last day of March of each year, the 358  
department shall issue a report summarizing the information 359  
received by the department under division (K)(1) of this section 360  
for the previous school year. The department shall make the report 361  
available on its internet web site. 362

**Sec. 3314.03.** A copy of every contract entered into under 363  
this section shall be filed with the superintendent of public 364  
instruction. The department of education shall make available on 365  
its web site a copy of every approved, executed contract filed 366  
with the superintendent under this section. 367

(A) Each contract entered into between a sponsor and the 368  
governing authority of a community school shall specify the 369  
following: 370

(1) That the school shall be established as either of the 371  
following: 372

(a) A nonprofit corporation established under Chapter 1702. 373  
of the Revised Code, if established prior to April 8, 2003; 374

(b) A public benefit corporation established under Chapter 375  
1702. of the Revised Code, if established after April 8, 2003. 376

(2) The education program of the school, including the 377  
school's mission, the characteristics of the students the school 378  
is expected to attract, the ages and grades of students, and the 379

focus of the curriculum;	380
(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 requirements: 410  
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(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  
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 415  
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(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  
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(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, 3313.7110, 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  
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 437  
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who 439  
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enter ninth grade for the first time before July 1, 2010, the 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 Revised Code as if it were a school district.

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

(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.

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

(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.

(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;

(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;

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

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

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

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

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

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

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

(22) A provision recognizing both of the following:

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

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

take such action. 533

(23) A description of the learning opportunities that will be 534  
offered to students including both classroom-based and 535  
non-classroom-based learning opportunities that is in compliance 536  
with criteria for student participation established by the 537  
department under division (H)(2) of section 3314.08 of the Revised 538  
Code; 539

(24) The school will comply with sections 3302.04 and 540  
3302.041 of the Revised Code, except that any action required to 541  
be taken by a school district pursuant to those sections shall be 542  
taken by the sponsor of the school. However, the sponsor shall not 543  
be required to take any action described in division (F) of 544  
section 3302.04 of the Revised Code. 545

(25) Beginning in the 2006-2007 school year, the school will 546  
open for operation not later than the thirtieth day of September 547  
each school year, unless the mission of the school as specified 548  
under division (A)(2) of this section is solely to serve dropouts. 549  
In its initial year of operation, if the school fails to open by 550  
the thirtieth day of September, or within one year after the 551  
adoption of the contract pursuant to division (D) of section 552  
3314.02 of the Revised Code if the mission of the school is solely 553  
to serve dropouts, the contract shall be void. 554

(B) The community school shall also submit to the sponsor a 555  
comprehensive plan for the school. The plan shall specify the 556  
following: 557

(1) The process by which the governing authority of the 558  
school will be selected in the future; 559

(2) The management and administration of the school; 560

(3) If the community school is a currently existing public 561  
school or educational service center building, alternative 562  
arrangements for current public school students who choose not to 563

attend the converted school and for teachers who choose not to 564  
teach in the school or building after conversion; 565

(4) The instructional program and educational philosophy of 566  
the school; 567

(5) Internal financial controls. 568

(C) A contract entered into under section 3314.02 of the 569  
Revised Code between a sponsor and the governing authority of a 570  
community school may provide for the community school governing 571  
authority to make payments to the sponsor, which is hereby 572  
authorized to receive such payments as set forth in the contract 573  
between the governing authority and the sponsor. The total amount 574  
of such payments for oversight and monitoring of the school shall 575  
not exceed three per cent of the total amount of payments for 576  
operating expenses that the school receives from the state. 577

(D) The contract shall specify the duties of the sponsor 578  
which shall be in accordance with the written agreement entered 579  
into with the department of education under division (B) of 580  
section 3314.015 of the Revised Code and shall include the 581  
following: 582

(1) Monitor the community school's compliance with all laws 583  
applicable to the school and with the terms of the contract; 584

(2) Monitor and evaluate the academic and fiscal performance 585  
and the organization and operation of the community school on at 586  
least an annual basis; 587

(3) Report on an annual basis the results of the evaluation 588  
conducted under division (D)(2) of this section to the department 589  
of education and to the parents of students enrolled in the 590  
community school; 591

(4) Provide technical assistance to the community school in 592  
complying with laws applicable to the school and terms of the 593

contract; 594

(5) Take steps to intervene in the school's operation to 595  
correct problems in the school's overall performance, declare the 596  
school to be on probationary status pursuant to section 3314.073 597  
of the Revised Code, suspend the operation of the school pursuant 598  
to section 3314.072 of the Revised Code, or terminate the contract 599  
of the school pursuant to section 3314.07 of the Revised Code as 600  
determined necessary by the sponsor; 601

(6) Have in place a plan of action to be undertaken in the 602  
event the community school experiences financial difficulties or 603  
closes prior to the end of a school year. 604

(E) Upon the expiration of a contract entered into under this 605  
section, the sponsor of a community school may, with the approval 606  
of the governing authority of the school, renew that contract for 607  
a period of time determined by the sponsor, but not ending earlier 608  
than the end of any school year, if the sponsor finds that the 609  
school's compliance with applicable laws and terms of the contract 610  
and the school's progress in meeting the academic goals prescribed 611  
in the contract have been satisfactory. Any contract that is 612  
renewed under this division remains subject to the provisions of 613  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 614

(F) If a community school fails to open for operation within 615  
one year after the contract entered into under this section is 616  
adopted pursuant to division (D) of section 3314.02 of the Revised 617  
Code or permanently closes prior to the expiration of the 618  
contract, the contract shall be void and the school shall not 619  
enter into a contract with any other sponsor. A school shall not 620  
be considered permanently closed because the operations of the 621  
school have been suspended pursuant to section 3314.072 of the 622  
Revised Code. 623

**Sec. 3326.11.** Each science, technology, engineering, and 624

mathematics school established under this chapter and its 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, 3313.7110, 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

**Sec. 3328.24.** 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, 3313.7110, 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

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

**Section 3.** 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

**Sec. 3326.11.** 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, 3313.7110, 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 671  
the Revised Code that is scheduled to take effect on July 1, 2014, 672  
is hereby repealed. 673

**Section 5.** Sections 3 and 4 of this act take effect on July 674  
1, 2014. 675