

As Introduced

**130th General Assembly
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H. B. No. 304

Representative Hayes

**Cosponsors: Representatives Hood, Becker, Derickson, Hall, Wachtmann,
Buchy, Maag, Lynch, McClain, Conditt, Henne, Patmon**

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A B I L L

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3320.01 of the Revised Code 2
regarding student access to public school 3
facilities. 4

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 5
amended and section 3320.01 of the Revised Code be enacted to read 6
as follows: 7

Sec. 3314.03. A copy of every contract entered into under 8
this section shall be filed with the superintendent of public 9
instruction. The department of education shall make available on 10
its web site a copy of every approved, executed contract filed 11
with the superintendent under this section. 12

(A) Each contract entered into between a sponsor and the 13
governing authority of a community school shall specify the 14
following: 15

(1) That the school shall be established as either of the 16
following: 17

(a) A nonprofit corporation established under Chapter 1702.	18
of the Revised Code, if established prior to April 8, 2003;	19
(b) A public benefit corporation established under Chapter	20
1702. of the Revised Code, if established after April 8, 2003.	21
(2) The education program of the school, including the	22
school's mission, the characteristics of the students the school	23
is expected to attract, the ages and grades of students, and the	24
focus of the curriculum;	25
(3) The academic goals to be achieved and the method of	26
measurement that will be used to determine progress toward those	27
goals, which shall include the statewide achievement assessments;	28
(4) Performance standards by which the success of the school	29
will be evaluated by the sponsor;	30
(5) The admission standards of section 3314.06 of the Revised	31
Code and, if applicable, section 3314.061 of the Revised Code;	32
(6)(a) Dismissal procedures;	33
(b) A requirement that the governing authority adopt an	34
attendance policy that includes a procedure for automatically	35
withdrawing a student from the school if the student without a	36
legitimate excuse fails to participate in one hundred five	37
consecutive hours of the learning opportunities offered to the	38
student.	39
(7) The ways by which the school will achieve racial and	40
ethnic balance reflective of the community it serves;	41
(8) Requirements for financial audits by the auditor of	42
state. The contract shall require financial records of the school	43
to be maintained in the same manner as are financial records of	44
school districts, pursuant to rules of the auditor of state.	45
Audits shall be conducted in accordance with section 117.10 of the	46
Revised Code.	47

(9) The facilities to be used and their locations;	48
(10) Qualifications of teachers, including the following:	49
(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;	50 51 52 53 54
(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.	55 56 57 58 59
(11) That the school will comply with the following requirements:	60 61
(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.	62 63 64
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	65 66 67
(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.	68 69 70 71
(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,	72 73 74 75 76 77

3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 78
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 79
3319.391, 3319.41, 3320.01, 3321.01, 3321.041, 3321.13, 3321.14, 80
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 81
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 82
4123., 4141., and 4167. of the Revised Code as if it were a school 83
district and will comply with section 3301.0714 of the Revised 84
Code in the manner specified in section 3314.17 of the Revised 85
Code. 86

(e) The school shall comply with Chapter 102. and section 87
2921.42 of the Revised Code. 88

(f) The school will comply with sections 3313.61, 3313.611, 89
and 3313.614 of the Revised Code, except that for students who 90
enter ninth grade for the first time before July 1, 2010, the 91
requirement in sections 3313.61 and 3313.611 of the Revised Code 92
that a person must successfully complete the curriculum in any 93
high school prior to receiving a high school diploma may be met by 94
completing the curriculum adopted by the governing authority of 95
the community school rather than the curriculum specified in Title 96
XXXIII of the Revised Code or any rules of the state board of 97
education. Beginning with students who enter ninth grade for the 98
first time on or after July 1, 2010, the requirement in sections 99
3313.61 and 3313.611 of the Revised Code that a person must 100
successfully complete the curriculum of a high school prior to 101
receiving a high school diploma shall be met by completing the 102
Ohio core curriculum prescribed in division (C) of section 103
3313.603 of the Revised Code, unless the person qualifies under 104
division (D) or (F) of that section. Each school shall comply with 105
the plan for awarding high school credit based on demonstration of 106
subject area competency, adopted by the state board of education 107
under division (J) of section 3313.603 of the Revised Code. 108

(g) The school governing authority will submit within four 109

months after the end of each school year a report of its 110
activities and progress in meeting the goals and standards of 111
divisions (A)(3) and (4) of this section and its financial status 112
to the sponsor and the parents of all students enrolled in the 113
school. 114

(h) The school, unless it is an internet- or computer-based 115
community school, will comply with section 3313.801 of the Revised 116
Code as if it were a school district. 117

(i) If the school is the recipient of moneys from a grant 118
awarded under the federal race to the top program, Division (A), 119
Title XIV, Sections 14005 and 14006 of the "American Recovery and 120
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 121
school will pay teachers based upon performance in accordance with 122
section 3317.141 and will comply with section 3319.111 of the 123
Revised Code as if it were a school district. 124

(12) Arrangements for providing health and other benefits to 125
employees; 126

(13) The length of the contract, which shall begin at the 127
beginning of an academic year. No contract shall exceed five years 128
unless such contract has been renewed pursuant to division (E) of 129
this section. 130

(14) The governing authority of the school, which shall be 131
responsible for carrying out the provisions of the contract; 132

(15) A financial plan detailing an estimated school budget 133
for each year of the period of the contract and specifying the 134
total estimated per pupil expenditure amount for each such year. 135
The plan shall specify for each year the base formula amount that 136
will be used for purposes of funding calculations under section 137
3314.08 of the Revised Code. This base formula amount for any year 138
shall not exceed the formula amount defined under section 3317.02 139
of the Revised Code. The plan may also specify for any year a 140

percentage figure to be used for reducing the per pupil amount of 141
the subsidy calculated pursuant to section 3317.029 of the Revised 142
Code the school is to receive that year under section 3314.08 of 143
the Revised Code. 144

(16) Requirements and procedures regarding the disposition of 145
employees of the school in the event the contract is terminated or 146
not renewed pursuant to section 3314.07 of the Revised Code; 147

(17) Whether the school is to be created by converting all or 148
part of an existing public school or educational service center 149
building or is to be a new start-up school, and if it is a 150
converted public school or service center building, specification 151
of any duties or responsibilities of an employer that the board of 152
education or service center governing board that operated the 153
school or building before conversion is delegating to the 154
governing authority of the community school with respect to all or 155
any specified group of employees provided the delegation is not 156
prohibited by a collective bargaining agreement applicable to such 157
employees; 158

(18) Provisions establishing procedures for resolving 159
disputes or differences of opinion between the sponsor and the 160
governing authority of the community school; 161

(19) A provision requiring the governing authority to adopt a 162
policy regarding the admission of students who reside outside the 163
district in which the school is located. That policy shall comply 164
with the admissions procedures specified in sections 3314.06 and 165
3314.061 of the Revised Code and, at the sole discretion of the 166
authority, shall do one of the following: 167

(a) Prohibit the enrollment of students who reside outside 168
the district in which the school is located; 169

(b) Permit the enrollment of students who reside in districts 170
adjacent to the district in which the school is located; 171

(c) Permit the enrollment of students who reside in any other district in the state. 172
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(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; 174
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(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; 178
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(22) A provision recognizing both of the following: 181

(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; 182
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(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. 186
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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 (L)(2) of section 3314.08 of the Revised Code; 193
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(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 199
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be required to take any action described in division (F) of 203
section 3302.04 of the Revised Code. 204

(25) Beginning in the 2006-2007 school year, the school will 205
open for operation not later than the thirtieth day of September 206
each school year, unless the mission of the school as specified 207
under division (A)(2) of this section is solely to serve dropouts. 208
In its initial year of operation, if the school fails to open by 209
the thirtieth day of September, or within one year after the 210
adoption of the contract pursuant to division (D) of section 211
3314.02 of the Revised Code if the mission of the school is solely 212
to serve dropouts, the contract shall be void. 213

(B) The community school shall also submit to the sponsor a 214
comprehensive plan for the school. The plan shall specify the 215
following: 216

(1) The process by which the governing authority of the 217
school will be selected in the future; 218

(2) The management and administration of the school; 219

(3) If the community school is a currently existing public 220
school or educational service center building, alternative 221
arrangements for current public school students who choose not to 222
attend the converted school and for teachers who choose not to 223
teach in the school or building after conversion; 224

(4) The instructional program and educational philosophy of 225
the school; 226

(5) Internal financial controls. 227

(C) A contract entered into under section 3314.02 of the 228
Revised Code between a sponsor and the governing authority of a 229
community school may provide for the community school governing 230
authority to make payments to the sponsor, which is hereby 231
authorized to receive such payments as set forth in the contract 232

between the governing authority and the sponsor. The total amount 233
of such payments for oversight and monitoring of the school shall 234
not exceed three per cent of the total amount of payments for 235
operating expenses that the school receives from the state. 236

(D) The contract shall specify the duties of the sponsor 237
which shall be in accordance with the written agreement entered 238
into with the department of education under division (B) of 239
section 3314.015 of the Revised Code and shall include the 240
following: 241

(1) Monitor the community school's compliance with all laws 242
applicable to the school and with the terms of the contract; 243

(2) Monitor and evaluate the academic and fiscal performance 244
and the organization and operation of the community school on at 245
least an annual basis; 246

(3) Report on an annual basis the results of the evaluation 247
conducted under division (D)(2) of this section to the department 248
of education and to the parents of students enrolled in the 249
community school; 250

(4) Provide technical assistance to the community school in 251
complying with laws applicable to the school and terms of the 252
contract; 253

(5) Take steps to intervene in the school's operation to 254
correct problems in the school's overall performance, declare the 255
school to be on probationary status pursuant to section 3314.073 256
of the Revised Code, suspend the operation of the school pursuant 257
to section 3314.072 of the Revised Code, or terminate the contract 258
of the school pursuant to section 3314.07 of the Revised Code as 259
determined necessary by the sponsor; 260

(6) Have in place a plan of action to be undertaken in the 261
event the community school experiences financial difficulties or 262
closes prior to the end of a school year. 263

(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.

(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.

Sec. 3320.01. (A) As used in this section, "religious expression" includes any of the following:

(1) Prayer;

(2) Religious gatherings, including but not limited to prayer groups, religious clubs, "see you at the pole" gatherings, or other religious gatherings;

(3) Distribution of written materials or literature of a religious nature;

(4) Any other activity of a religious nature, including wearing symbolic clothing or expression of a religious viewpoint, provided that the activity is not obscene, vulgar, offensively

lewd, or indecent. 294

(B) A school district, community school established under 295
Chapter 3314., STEM school established under Chapter 3326., or a 296
college-preparatory boarding school established under Chapter 297
3328. of the Revised Code shall give the same access to school 298
facilities to students who wish to conduct a meeting for the 299
purpose of engaging in religious expression as is given to secular 300
student groups, without regard to the content of a student's or 301
group's expression. 302

Sec. 3326.11. Each science, technology, engineering, and 303
mathematics school established under this chapter and its 304
governing body shall comply with sections 9.90, 9.91, 109.65, 305
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 306
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 307
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 308
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 309
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 310
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 311
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 312
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 313
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 314
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 315
3320.01, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 316
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 317
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 318
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 319
school district. 320

Sec. 3328.24. A college-preparatory boarding school 321
established under this chapter and its board of trustees shall 322
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 323

3301.0714, 3313.6411, 3319.39, ~~and 3319.391~~, and 3320.01 of the 324
Revised Code as if the school were a school district and the 325
school's board of trustees were a district board of education. 326

Section 2. That existing sections 3314.03, 3326.11, and 327
3328.24 of the Revised Code are hereby repealed. 328