

As Introduced

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H. B. No. 322

Representative Jones

Cosponsors: Representatives Schmidt, John, McClain, Holmes, Plummer, Zeltwanger, Riedel, Cutrona, Hall, Merrin, Gross, Edwards, Stoltzfus, Stewart, Carruthers, Stein, Dean, Jordan, Hoops, Cross, Baldrige, Ferguson, Kick, Wiggam, Abrams, Richardson, Fowler Arthur

A BILL

To amend sections 3301.079, 3314.03, and 3326.11 1
and to enact sections 3313.6027, 3313.6028, and 2
3313.6029 of the Revised Code regarding the 3
teaching of certain current events and certain 4
concepts regarding race and sex in public 5
schools. 6

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

Section 1. That sections 3301.079, 3314.03, and 3326.11 be 7
amended and sections 3313.6027, 3313.6028, and 3313.6029 of the 8
Revised Code be enacted to read as follows: 9

Sec. 3301.079. (A) (1) The state board of education 10
periodically shall adopt statewide academic standards with 11
emphasis on coherence, focus, and essential knowledge and that 12
are more challenging and demanding when compared to 13
international standards for each of grades kindergarten through 14
twelve in English language arts, mathematics, science, and 15
social studies. 16

(a) The state board shall ensure that the standards do all 17
of the following: 18

(i) Include the essential academic content and skills that 19
students are expected to know and be able to do at each grade 20
level that will allow each student to be prepared for 21
postsecondary instruction and the workplace for success in the 22
twenty-first century; 23

(ii) Include the development of skill sets that promote 24
information, media, and technological literacy; 25

(iii) Include interdisciplinary, project-based, real-world 26
learning opportunities; 27

(iv) Instill life-long learning by providing essential 28
knowledge and skills based in the liberal arts tradition, as 29
well as science, technology, engineering, mathematics, and 30
career-technical education; 31

(v) Be clearly written, transparent, and understandable by 32
parents, educators, and the general public. 33

(b) Not later than July 1, 2012, the state board shall 34
incorporate into the social studies standards for grades four to 35
twelve academic content regarding the original texts of the 36
Declaration of Independence, the Northwest Ordinance, the 37
Constitution of the United States and its amendments, with 38
emphasis on the Bill of Rights, and the Ohio Constitution, and 39
their original context. The state board shall revise the model 40
curricula and achievement assessments adopted under divisions 41
(B) and (C) of this section as necessary to reflect the 42
additional American history and American government content. The 43
state board shall make available a list of suggested grade- 44
appropriate supplemental readings that place the documents 45

prescribed by this division in their historical context, which 46
teachers may use as a resource to assist students in reading the 47
documents within that context. 48

(c) When the state board adopts or revises academic 49
content standards in social studies, American history, American 50
government, or science under division (A) (1) of this section, 51
the state board shall develop such standards independently and 52
not as part of a multistate consortium. 53

(2) After completing the standards required by division 54
(A) (1) of this section, the state board shall adopt standards 55
and model curricula for instruction in technology, financial 56
literacy and entrepreneurship, fine arts, and foreign language 57
for grades kindergarten through twelve. The standards shall meet 58
the same requirements prescribed in division (A) (1) (a) of this 59
section. 60

(3) The state board shall adopt the most recent standards 61
developed by the national association for sport and physical 62
education for physical education in grades kindergarten through 63
twelve or shall adopt its own standards for physical education 64
in those grades and revise and update them periodically. 65

The department of education shall employ a full-time 66
physical education coordinator to provide guidance and technical 67
assistance to districts, community schools, and STEM schools in 68
implementing the physical education standards adopted under this 69
division. The superintendent of public instruction shall 70
determine that the person employed as coordinator is qualified 71
for the position, as demonstrated by possessing an adequate 72
combination of education, license, and experience. 73

(4) Not later than December 31, 2018, the state board 74

shall adopt standards and a model curriculum for instruction in 75
computer science in grades kindergarten through twelve, which 76
shall include standards for introductory and advanced computer 77
science courses in grades nine through twelve. When developing 78
the standards and curriculum, the state board shall consider 79
recommendations from computer science education stakeholder 80
groups, including teachers and representatives from higher 81
education, industry, computer science organizations in Ohio, and 82
national computer science organizations. 83

Any district or school may utilize the computer science 84
standards or model curriculum or any part thereof adopted 85
pursuant to division (A) (4) of this section. However, no 86
district or school shall be required to utilize all or any part 87
of the standards or curriculum. 88

(5) When academic standards have been completed for any 89
subject area required by this section, the state board shall 90
inform all school districts, all community schools established 91
under Chapter 3314. of the Revised Code, all STEM schools 92
established under Chapter 3326. of the Revised Code, and all 93
nonpublic schools required to administer the assessments 94
prescribed by sections 3301.0710 and 3301.0712 of the Revised 95
Code of the content of those standards. Additionally, upon 96
completion of any academic standards under this section, the 97
department shall post those standards on the department's web 98
site. 99

(B) (1) The state board shall adopt a model curriculum for 100
instruction in each subject area for which updated academic 101
standards are required by division (A) (1) of this section and 102
for each of grades kindergarten through twelve that is 103
sufficient to meet the needs of students in every community. The 104

model curriculum shall be aligned with the standards, to ensure 105
that the academic content and skills specified for each grade 106
level are taught to students, and shall demonstrate vertical 107
articulation and emphasize coherence, focus, and rigor. When any 108
model curriculum has been completed, the state board shall 109
inform all school districts, community schools, and STEM schools 110
of the content of that model curriculum. 111

At no time shall the state board adopt any model 112
curriculum under this section regarding the concepts described 113
in divisions (A) (1) to (11) of section 3313.6028 of the Revised 114
Code. 115

(2) Not later than June 30, 2013, the state board, in 116
consultation with any office housed in the governor's office 117
that deals with workforce development, shall adopt model 118
curricula for grades kindergarten through twelve that embed 119
career connection learning strategies into regular classroom 120
instruction. 121

(3) All school districts, community schools, and STEM 122
schools may utilize the state standards and the model curriculum 123
established by the state board, together with other relevant 124
resources, examples, or models to ensure that students have the 125
opportunity to attain the academic standards. Upon request, the 126
department shall provide technical assistance to any district, 127
community school, or STEM school in implementing the model 128
curriculum. 129

Nothing in this section requires any school district to 130
utilize all or any part of a model curriculum developed under 131
this section. 132

(C) The state board shall develop achievement assessments 133

aligned with the academic standards and model curriculum for 134
each of the subject areas and grade levels required by divisions 135
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 136

When any achievement assessment has been completed, the 137
state board shall inform all school districts, community 138
schools, STEM schools, and nonpublic schools required to 139
administer the assessment of its completion, and the department 140
shall make the achievement assessment available to the districts 141
and schools. 142

(D) (1) The state board shall adopt a diagnostic assessment 143
aligned with the academic standards and model curriculum for 144
each of grades kindergarten through two in reading, writing, and 145
mathematics and for grade three in reading and writing. The 146
diagnostic assessment shall be designed to measure student 147
comprehension of academic content and mastery of related skills 148
for the relevant subject area and grade level. Any diagnostic 149
assessment shall not include components to identify gifted 150
students. Blank copies of diagnostic assessments shall be public 151
records. 152

(2) When each diagnostic assessment has been completed, 153
the state board shall inform all school districts of its 154
completion and the department shall make the diagnostic 155
assessment available to the districts at no cost to the 156
district. 157

(3) School districts shall administer the diagnostic 158
assessment pursuant to section 3301.0715 of the Revised Code 159
beginning the first school year following the development of the 160
assessment. 161

However, beginning with the 2017-2018 school year, both of 162

the following shall apply:	163
(a) In the case of the diagnostic assessments for grades	164
one or two in writing or mathematics or for grade three in	165
writing, a school district shall not be required to administer	166
any such assessment, but may do so at the discretion of the	167
district board;	168
(b) In the case of any diagnostic assessment that is not	169
for the grade levels and subject areas specified in division (D)	170
(3)(a) of this section, each school district shall administer	171
the assessment in the manner prescribed by section 3301.0715 of	172
the Revised Code.	173
(E) The state board shall not adopt a diagnostic or	174
achievement assessment for any grade level or subject area other	175
than those specified in this section.	176
(F) Whenever the state board or the department consults	177
with persons for the purpose of drafting or reviewing any	178
standards, diagnostic assessments, achievement assessments, or	179
model curriculum required under this section, the state board or	180
the department shall first consult with parents of students in	181
kindergarten through twelfth grade and with active Ohio	182
classroom teachers, other school personnel, and administrators	183
with expertise in the appropriate subject area. Whenever	184
practicable, the state board and department shall consult with	185
teachers recognized as outstanding in their fields.	186
If the department contracts with more than one outside	187
entity for the development of the achievement assessments	188
required by this section, the department shall ensure the	189
interchangeability of those assessments.	190
(G) Whenever the state board adopts standards or model	191

curricula under this section, the department also shall provide 192
information on the use of blended or digital learning in the 193
delivery of the standards or curricula to students in accordance 194
with division (A) (5) of this section. 195

(H) The fairness sensitivity review committee, established 196
by rule of the state board of education, shall not allow any 197
question on any achievement or diagnostic assessment developed 198
under this section or any proficiency test prescribed by former 199
section 3301.0710 of the Revised Code, as it existed prior to 200
September 11, 2001, to include, be written to promote, or 201
inquire as to individual moral or social values or beliefs. The 202
decision of the committee shall be final. This section does not 203
create a private cause of action. 204

(I) Not later than sixty days prior to the adoption by the 205
state board of updated academic standards under division (A) (1) 206
of this section or updated model curricula under division (B) (1) 207
of this section, the superintendent of public instruction shall 208
present the academic standards or model curricula, as 209
applicable, in person at a public hearing of the respective 210
committees of the house of representatives and senate that 211
consider education legislation. 212

(J) As used in this section: 213

(1) "Blended learning" means the delivery of instruction 214
in a combination of time in a supervised physical location away 215
from home and online delivery whereby the student has some 216
element of control over time, place, path, or pace of learning. 217

(2) "Coherence" means a reflection of the structure of the 218
discipline being taught. 219

(3) "Digital learning" means learning facilitated by 220

technology that gives students some element of control over 221
time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in 223
a curriculum to allow for deeper exploration of the subject 224
matter. 225

(5) "Vertical articulation" means key academic concepts 226
and skills associated with mastery in particular content areas 227
should be articulated and reinforced in a developmentally 228
appropriate manner at each grade level so that over time 229
students acquire a depth of knowledge and understanding in the 230
core academic disciplines. 231

Sec. 3313.6027. (A) No state agency, school district, or 232
school administration shall require a teacher of history, 233
civics, United States government and politics, social studies, 234
or similar subject areas who is employed by the board of 235
education of a school district to discuss current events or 236
widely debated and currently controversial issues of public 237
policy or social affairs. 238

It is the policy of this state that teachers who choose to 239
discuss current events or widely debated and currently 240
controversial issues of public policy or social affairs, to the 241
best of their abilities, shall strive to explore such issues 242
from diverse and contending perspectives. 243

(B) In any course on history, civics, United States 244
government and politics, social studies, or a similar subject 245
area, no school district shall require, make part of such a 246
course, or award course grading or credit for any of the 247
following: 248

(1) Student work for, affiliation with, or service 249

learning in association with any organization engaged in 250
lobbying for legislation at the local, state, or federal level 251
or in social or public policy advocacy; 252

(2) Lobbying for legislation at the local, state, or 253
federal level; 254

(3) Any practicum, action project, or similar activity 255
that involves social or public policy advocacy. 256

(C) No state agency or school district shall accept 257
private funding for curriculum development, purchase or 258
selection of curricular materials, teacher training, 259
professional development, or continuing teacher education 260
pertaining to courses on history, civics, United States 261
government and politics, social studies, or similar subject 262
areas. 263

Sec. 3313.6028. (A) No state agency, school district, or 264
school shall teach, instruct, or train any administrator, 265
teacher, staff, member, or employee to adopt or believe any of 266
the following concepts: 267

(1) One race or sex is inherently superior to another race 268
or sex; 269

(2) An individual, by virtue of the individual's race or 270
sex, is inherently racist, sexist, or oppressive, whether 271
consciously or unconsciously; 272

(3) An individual should be discriminated against or 273
receive adverse treatment solely or partly because of the 274
individual's race; 275

(4) Members of one race cannot or should not attempt to 276
treat others without respect to race; 277

<u>(5) An individual's moral standing or worth is necessarily</u>	278
<u>determined by the individual's race or sex;</u>	279
<u>(6) An individual, by virtue of the individual's race or</u>	280
<u>sex, bears responsibility for actions committed in the past by</u>	281
<u>other members of the same race or sex;</u>	282
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	283
<u>or any other form of psychological distress on account of the</u>	284
<u>individual's race or sex;</u>	285
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	286
<u>racist or sexist or were created by members of a particular race</u>	287
<u>or sex to oppress members of another race or sex;</u>	288
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	289
<u>sex or to members of that race or sex because of their race or</u>	290
<u>sex;</u>	291
<u>(10) The advent of slavery in the territory that is now</u>	292
<u>the United States constituted the true founding of the United</u>	293
<u>States;</u>	294
<u>(11) With respect to their relationship to American</u>	295
<u>values, slavery and racism are anything other than deviations</u>	296
<u>from, betrayals of, or failures to live up to the authentic</u>	297
<u>founding principles of the United States, which include liberty</u>	298
<u>and equality.</u>	299
<u>(B) No teacher or school administrator employed by a</u>	300
<u>school district or employee of a state agency shall approve for</u>	301
<u>use, make use of, or carry out standards, curricula, lesson</u>	302
<u>plans, textbooks, instructional materials, or instructional</u>	303
<u>practices that serve to inculcate the concepts described in</u>	304
<u>divisions (A) (1) to (11) of this section.</u>	305

(C) If a student completes a course that includes any of 306
the concepts described in divisions (A) (1) to (11) of this 307
section, that course shall not count towards the requirements 308
for high school graduation specified in section 3313.603 of the 309
Revised Code. 310

Sec. 3313.6029. No teacher shall be required by a policy 311
of any state agency, school district, or school administration 312
to affirm a belief in the systemic nature of racism, or like 313
ideas, or in the multiplicity or fluidity of gender identities, 314
or like ideas, against the teacher's sincerely held religious or 315
philosophical convictions. 316

Sec. 3314.03. A copy of every contract entered into under 317
this section shall be filed with the superintendent of public 318
instruction. The department of education shall make available on 319
its web site a copy of every approved, executed contract filed 320
with the superintendent under this section. 321

(A) Each contract entered into between a sponsor and the 322
governing authority of a community school shall specify the 323
following: 324

(1) That the school shall be established as either of the 325
following: 326

(a) A nonprofit corporation established under Chapter 327
1702. of the Revised Code, if established prior to April 8, 328
2003; 329

(b) A public benefit corporation established under Chapter 330
1702. of the Revised Code, if established after April 8, 2003. 331

(2) The education program of the school, including the 332
school's mission, the characteristics of the students the school 333
is expected to attract, the ages and grades of students, and the 334

focus of the curriculum;	335
(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;	336 337 338 339
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	340 341 342 343
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	344 345 346
(6) (a) Dismissal procedures;	347
(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 seventy-two consecutive hours of the learning opportunities offered to the student.	348 349 350 351 352 353
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	354 355
(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.	356 357 358 359 360 361
(9) An addendum to the contract outlining the facilities	362

to be used that contains at least the following information:	363
(a) A detailed description of each facility used for instructional purposes;	364 365
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	366 367
(c) The annual mortgage principal and interest payments that are paid by the school;	368 369
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	370 371 372
(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 or forty hours per week pursuant to section 3319.301 of the Revised Code.	373 374 375 376 377 378
(11) That the school will comply with the following requirements:	379 380
(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.	381 382 383
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	384 385 386
(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.	387 388 389 390

(d) The school will comply with sections 9.90, 9.91, 391
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 392
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 393
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 394
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 395
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 396
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 397
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 398
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 399
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 400
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 401
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 402
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 403
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 404
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 405
4112., 4123., 4141., and 4167. of the Revised Code as if it were 406
a school district and will comply with section 3301.0714 of the 407
Revised Code in the manner specified in section 3314.17 of the 408
Revised Code. 409

(e) The school shall comply with Chapter 102. and section 410
2921.42 of the Revised Code. 411

(f) The school will comply with sections 3313.61, 412
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 413
Revised Code, except that for students who enter ninth grade for 414
the first time before July 1, 2010, the requirement in sections 415
3313.61 and 3313.611 of the Revised Code that a person must 416
successfully complete the curriculum in any high school prior to 417
receiving a high school diploma may be met by completing the 418
curriculum adopted by the governing authority of the community 419
school rather than the curriculum specified in Title XXXIII of 420
the Revised Code or any rules of the state board of education. 421

Beginning with students who enter ninth grade for the first time 422
on or after July 1, 2010, the requirement in sections 3313.61 423
and 3313.611 of the Revised Code that a person must successfully 424
complete the curriculum of a high school prior to receiving a 425
high school diploma shall be met by completing the requirements 426
prescribed in division (C) of section 3313.603 of the Revised 427
Code, unless the person qualifies under division (D) or (F) of 428
that section. Each school shall comply with the plan for 429
awarding high school credit based on demonstration of subject 430
area competency, and beginning with the 2017-2018 school year, 431
with the updated plan that permits students enrolled in seventh 432
and eighth grade to meet curriculum requirements based on 433
subject area competency adopted by the state board of education 434
under divisions (J) (1) and (2) of section 3313.603 of the 435
Revised Code. Beginning with the 2018-2019 school year, the 436
school shall comply with the framework for granting units of 437
high school credit to students who demonstrate subject area 438
competency through work-based learning experiences, internships, 439
or cooperative education developed by the department under 440
division (J) (3) of section 3313.603 of the Revised Code. 441

(g) The school governing authority will submit within four 442
months after the end of each school year a report of its 443
activities and progress in meeting the goals and standards of 444
divisions (A) (3) and (4) of this section and its financial 445
status to the sponsor and the parents of all students enrolled 446
in the school. 447

(h) The school, unless it is an internet- or computer- 448
based community school, will comply with section 3313.801 of the 449
Revised Code as if it were a school district. 450

(i) If the school is the recipient of moneys from a grant 451

awarded under the federal race to the top program, Division (A), 452
Title XIV, Sections 14005 and 14006 of the "American Recovery 453
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 454
the school will pay teachers based upon performance in 455
accordance with section 3317.141 and will comply with section 456
3319.111 of the Revised Code as if it were a school district. 457

(j) If the school operates a preschool program that is 458
licensed by the department of education under sections 3301.52 459
to 3301.59 of the Revised Code, the school shall comply with 460
sections 3301.50 to 3301.59 of the Revised Code and the minimum 461
standards for preschool programs prescribed in rules adopted by 462
the state board under section 3301.53 of the Revised Code. 463

(k) The school will comply with sections 3313.6021 and 464
3313.6023 of the Revised Code as if it were a school district 465
unless it is either of the following: 466

(i) An internet- or computer-based community school; 467

(ii) A community school in which a majority of the 468
enrolled students are children with disabilities as described in 469
division (A) (4) (b) of section 3314.35 of the Revised Code. 470

(l) The school will comply with section 3321.191 of the 471
Revised Code, unless it is an internet- or computer-based 472
community school that is subject to section 3314.261 of the 473
Revised Code. 474

(12) Arrangements for providing health and other benefits 475
to employees; 476

(13) The length of the contract, which shall begin at the 477
beginning of an academic year. No contract shall exceed five 478
years unless such contract has been renewed pursuant to division 479
(E) of this section. 480

- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 481
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- (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
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- (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
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- (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; 490
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 501
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- (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: 504
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	510 511
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	512 513 514
(c) Permit the enrollment of students who reside in any other district in the state.	515 516
(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;	517 518 519 520
(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;	521 522 523
(22) A provision recognizing both of the following:	524
(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;	525 526 527 528
(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.	529 530 531 532 533 534 535
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	536 537

classroom-based learning opportunities that is in compliance 538
with criteria for student participation established by the 539
department under division (H) (2) of section 3314.08 of the 540
Revised Code; 541

(24) The school will comply with sections 3302.04 and 542
3302.041 of the Revised Code, except that any action required to 543
be taken by a school district pursuant to those sections shall 544
be taken by the sponsor of the school. However, the sponsor 545
shall not be required to take any action described in division 546
(F) of section 3302.04 of the Revised Code. 547

(25) Beginning in the 2006-2007 school year, the school 548
will open for operation not later than the thirtieth day of 549
September each school year, unless the mission of the school as 550
specified under division (A) (2) of this section is solely to 551
serve dropouts. In its initial year of operation, if the school 552
fails to open by the thirtieth day of September, or within one 553
year after the adoption of the contract pursuant to division (D) 554
of section 3314.02 of the Revised Code if the mission of the 555
school is solely to serve dropouts, the contract shall be void. 556

(26) Whether the school's governing authority is planning 557
to seek designation for the school as a STEM school equivalent 558
under section 3326.032 of the Revised Code; 559

(27) That the school's attendance and participation 560
policies will be available for public inspection; 561

(28) That the school's attendance and participation 562
records shall be made available to the department of education, 563
auditor of state, and school's sponsor to the extent permitted 564
under and in accordance with the "Family Educational Rights and 565
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 566

and any regulations promulgated under that act, and section	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

shall be independent from the operator with which the school has 594
contracted. 595

(32) A provision requiring the governing authority to 596
adopt an enrollment and attendance policy that requires a 597
student's parent to notify the community school in which the 598
student is enrolled when there is a change in the location of 599
the parent's or student's primary residence. 600

(33) A provision requiring the governing authority to 601
adopt a student residence and address verification policy for 602
students enrolling in or attending the school. 603

(B) The community school shall also submit to the sponsor 604
a comprehensive plan for the school. The plan shall specify the 605
following: 606

(1) The process by which the governing authority of the 607
school will be selected in the future; 608

(2) The management and administration of the school; 609

(3) If the community school is a currently existing public 610
school or educational service center building, alternative 611
arrangements for current public school students who choose not 612
to attend the converted school and for teachers who choose not 613
to teach in the school or building after conversion; 614

(4) The instructional program and educational philosophy 615
of the school; 616

(5) Internal financial controls. 617

When submitting the plan under this division, the school 618
shall also submit copies of all policies and procedures 619
regarding internal financial controls adopted by the governing 620
authority of the school. 621

(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 monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

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

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

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

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 651
the school to be on probationary status pursuant to section 652
3314.073 of the Revised Code, suspend the operation of the 653
school pursuant to section 3314.072 of the Revised Code, or 654
terminate the contract of the school pursuant to section 3314.07 655
of the Revised Code as determined necessary by the sponsor; 656

(6) Have in place a plan of action to be undertaken in the 657
event the community school experiences financial difficulties or 658
closes prior to the end of a school year. 659

(E) Upon the expiration of a contract entered into under 660
this section, the sponsor of a community school may, with the 661
approval of the governing authority of the school, renew that 662
contract for a period of time determined by the sponsor, but not 663
ending earlier than the end of any school year, if the sponsor 664
finds that the school's compliance with applicable laws and 665
terms of the contract and the school's progress in meeting the 666
academic goals prescribed in the contract have been 667
satisfactory. Any contract that is renewed under this division 668
remains subject to the provisions of sections 3314.07, 3314.072, 669
and 3314.073 of the Revised Code. 670

(F) If a community school fails to open for operation 671
within one year after the contract entered into under this 672
section is adopted pursuant to division (D) of section 3314.02 673
of the Revised Code or permanently closes prior to the 674
expiration of the contract, the contract shall be void and the 675
school shall not enter into a contract with any other sponsor. A 676
school shall not be considered permanently closed because the 677
operations of the school have been suspended pursuant to section 678
3314.072 of the Revised Code. 679

Sec. 3326.11. Each science, technology, engineering, and 680

mathematics school established under this chapter and its 681
governing body shall comply with sections 9.90, 9.91, 109.65, 682
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 683
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 684
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	712
Section 3314.03 of the Revised Code as amended by H.B.	713
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	714
89, all of the 133rd General Assembly.	715
Section 3326.11 of the Revised Code as amended by H.B.	716
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	717
General Assembly.	718