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135th General Assembly

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Sub. H. B. No. 214

Representative Holmes

Cosponsors: Representatives Click, Cross, Gross, John, Lear, Stoltzfus, Wiggam, Williams, Willis, Bird, Fowler Arthur, Jones, Barhorst, Carruthers, Creech, Dobos, Hall, King, Mathews, McClain, Plummer, Richardson, Schmidt, Seitz, Stein, Swearingen, Young, T.

Senators Brenner, Antani, Cirino, Gavarone, Hackett, Huffman, S., Johnson, Lang, O'Brien, Romanchuk, Schaffer, Wilson

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact sections 3319.614 and 3320.04 of the 2
Revised Code to enact the "Religious Expression 3
Days" or "R.E.D." Act to require each public 4
school to adopt a policy that reasonably 5
accommodates the sincerely held religious 6
beliefs and practices of students; to require 7
each public school to adopt a policy regarding 8
certain expectations related to the performance 9
of staff member professional duties; and to 10
amend the version of section 3314.03 of the 11
Revised Code that is scheduled to take effect 12
January 1, 2025, to continue the changes on and 13
after that effective date. 14

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 15

amended and sections 3319.614 and 3320.04 of the Revised Code be 16
enacted to read as follows: 17

Sec. 3314.03. A copy of every contract entered into under 18
this section shall be filed with the director of education and 19
workforce. The department of education and workforce shall make 20
available on its web site a copy of every approved, executed 21
contract filed with the director under this section. 22

(A) Each contract entered into between a sponsor and the 23
governing authority of a community school shall specify the 24
following: 25

(1) That the school shall be established as either of the 26
following: 27

(a) A nonprofit corporation established under Chapter 28
1702. of the Revised Code, if established prior to April 8, 29
2003; 30

(b) A public benefit corporation established under Chapter 31
1702. of the Revised Code, if established after April 8, 2003. 32

(2) The education program of the school, including the 33
school's mission, the characteristics of the students the school 34
is expected to attract, the ages and grades of students, and the 35
focus of the curriculum; 36

(3) The academic goals to be achieved and the method of 37
measurement that will be used to determine progress toward those 38
goals, which shall include the statewide achievement 39
assessments; 40

(4) Performance standards, including but not limited to 41
all applicable report card measures set forth in section 3302.03 42
or 3314.017 of the Revised Code, by which the success of the 43

school will be evaluated by the sponsor;	44
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	45 46 47
(6) (a) Dismissal procedures;	48
(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.	49 50 51 52 53 54
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	55 56
(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.	57 58 59 60 61 62
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	63 64
(a) A detailed description of each facility used for instructional purposes;	65 66
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	67 68
(c) The annual mortgage principal and interest payments that are paid by the school;	69 70

(d) The name of the lender or landlord, identified as 71
such, and the lender's or landlord's relationship to the 72
operator, if any. 73

(10) Qualifications of employees, including both of the 74
following: 75

(a) A requirement that the school's classroom teachers be 76
licensed in accordance with sections 3319.22 to 3319.31 of the 77
Revised Code, except that a community school may engage 78
noncertificated persons to teach up to twelve hours or forty 79
hours per week pursuant to section 3319.301 of the Revised Code; 80

(b) A prohibition against the school employing an 81
individual described in section 3314.104 of the Revised Code in 82
any position. 83

(11) That the school will comply with the following 84
requirements: 85

(a) The school will provide learning opportunities to a 86
minimum of twenty-five students for a minimum of nine hundred 87
twenty hours per school year. 88

(b) The governing authority will purchase liability 89
insurance, or otherwise provide for the potential liability of 90
the school. 91

(c) The school will be nonsectarian in its programs, 92
admission policies, employment practices, and all other 93
operations, and will not be operated by a sectarian school or 94
religious institution. 95

(d) The school will comply with sections 9.90, 9.91, 96
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 97
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 98

3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319,	99
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015,	100
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028,	101
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66,	102
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669,	103
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69,	104
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117,	105
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818,	106
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077,	107
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324,	108
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, <u>3319.614,</u>	109
3320.01, 3320.02, 3320.03, <u>3320.04,</u> 3321.01, 3321.041, 3321.13,	110
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24,	111
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and	112
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,	113
4123., 4141., and 4167. of the Revised Code as if it were a	114
school district and will comply with section 3301.0714 of the	115
Revised Code in the manner specified in section 3314.17 of the	116
Revised Code.	117
(e) The school shall comply with Chapter 102. and section	118
2921.42 of the Revised Code.	119
(f) The school will comply with sections 3313.61,	120
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the	121
Revised Code, except that for students who enter ninth grade for	122
the first time before July 1, 2010, the requirement in sections	123
3313.61 and 3313.611 of the Revised Code that a person must	124
successfully complete the curriculum in any high school prior to	125
receiving a high school diploma may be met by completing the	126
curriculum adopted by the governing authority of the community	127
school rather than the curriculum specified in Title XXXIII of	128
the Revised Code or any rules of the department. Beginning with	129

students who enter ninth grade for the first time on or after 130
July 1, 2010, the requirement in sections 3313.61 and 3313.611 131
of the Revised Code that a person must successfully complete the 132
curriculum of a high school prior to receiving a high school 133
diploma shall be met by completing the requirements prescribed 134
in section 3313.6027 and division (C) of section 3313.603 of the 135
Revised Code, unless the person qualifies under division (D) or 136
(F) of that section. Each school shall comply with the plan for 137
awarding high school credit based on demonstration of subject 138
area competency, and beginning with the 2017-2018 school year, 139
with the updated plan that permits students enrolled in seventh 140
and eighth grade to meet curriculum requirements based on 141
subject area competency adopted by the department under 142
divisions (J) (1) and (2) of section 3313.603 of the Revised 143
Code. Beginning with the 2018-2019 school year, the school shall 144
comply with the framework for granting units of high school 145
credit to students who demonstrate subject area competency 146
through work-based learning experiences, internships, or 147
cooperative education developed by the department under division 148
(J) (3) of section 3313.603 of the Revised Code. 149

(g) The school governing authority will submit within four 150
months after the end of each school year a report of its 151
activities and progress in meeting the goals and standards of 152
divisions (A) (3) and (4) of this section and its financial 153
status to the sponsor and the parents of all students enrolled 154
in the school. 155

(h) The school, unless it is an internet- or computer- 156
based community school, will comply with section 3313.801 of the 157
Revised Code as if it were a school district. 158

(i) If the school is the recipient of moneys from a grant 159

awarded under the federal race to the top program, Division (A), 160
Title XIV, Sections 14005 and 14006 of the "American Recovery 161
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 162
the school will pay teachers based upon performance in 163
accordance with section 3317.141 and will comply with section 164
3319.111 of the Revised Code as if it were a school district. 165

(j) If the school operates a preschool program that is 166
licensed by the department under sections 3301.52 to 3301.59 of 167
the Revised Code, the school shall comply with sections 3301.50 168
to 3301.59 of the Revised Code and the minimum standards for 169
preschool programs prescribed in rules adopted by the department 170
under section 3301.53 of the Revised Code. 171

(k) The school will comply with sections 3313.6021 and 172
3313.6023 of the Revised Code as if it were a school district 173
unless it is either of the following: 174

(i) An internet- or computer-based community school; 175

(ii) A community school in which a majority of the 176
enrolled students are children with disabilities as described in 177
division (A) (4) (b) of section 3314.35 of the Revised Code. 178

(l) The school will comply with section 3321.191 of the 179
Revised Code, unless it is an internet- or computer-based 180
community school that is subject to section 3314.261 of the 181
Revised Code. 182

(12) Arrangements for providing health and other benefits 183
to employees; 184

(13) The length of the contract, which shall begin at the 185
beginning of an academic year. No contract shall exceed five 186
years unless such contract has been renewed pursuant to division 187
(E) of this section. 188

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	189 190
(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.	191 192 193
(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;	194 195 196 197
(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;	198 199 200 201 202 203 204 205 206 207 208
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	209 210 211
(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:	212 213 214 215 216 217

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	218 219
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	220 221 222
(c) Permit the enrollment of students who reside in any other district in the state.	223 224
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	225 226 227 228
(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;	229 230 231
(22) A provision recognizing both of the following:	232
(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;	233 234 235 236
(b) The authority of the department 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.	237 238 239 240 241 242 243
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	244 245

classroom-based learning opportunities that is in compliance 246
with criteria for student participation established by the 247
department under division (H) (2) of section 3314.08 of the 248
Revised Code; 249

(24) The school will comply with sections 3302.04 and 250
3302.041 of the Revised Code, except that any action required to 251
be taken by a school district pursuant to those sections shall 252
be taken by the sponsor of the school. 253

(25) Beginning in the 2006-2007 school year, the school 254
will open for operation not later than the thirtieth day of 255
September each school year, unless the mission of the school as 256
specified under division (A) (2) of this section is solely to 257
serve dropouts. In its initial year of operation, if the school 258
fails to open by the thirtieth day of September, or within one 259
year after the adoption of the contract pursuant to division (D) 260
of section 3314.02 of the Revised Code if the mission of the 261
school is solely to serve dropouts, the contract shall be void. 262

(26) Whether the school's governing authority is planning 263
to seek designation for the school as a STEM school equivalent 264
under section 3326.032 of the Revised Code; 265

(27) That the school's attendance and participation 266
policies will be available for public inspection; 267

(28) That the school's attendance and participation 268
records shall be made available to the department, auditor of 269
state, and school's sponsor to the extent permitted under and in 270
accordance with the "Family Educational Rights and Privacy Act 271
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 272
regulations promulgated under that act, and section 3319.321 of 273
the Revised Code; 274

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	275 276 277
(a) An indication of what blended learning model or models will be used;	278 279
(b) A description of how student instructional needs will be determined and documented;	280 281
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	282 283
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	284 285 286
(e) A statement describing how student progress will be monitored;	287 288
(f) A statement describing how private student data will be protected;	289 290
(g) A description of the professional development activities that will be offered to teachers.	291 292
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	293 294 295 296
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	297 298 299 300 301

(32) A provision requiring the governing authority to 302
adopt an enrollment and attendance policy that requires a 303
student's parent to notify the community school in which the 304
student is enrolled when there is a change in the location of 305
the parent's or student's primary residence. 306

(33) A provision requiring the governing authority to 307
adopt a student residence and address verification policy for 308
students enrolling in or attending the school. 309

(B) The community school shall also submit to the sponsor 310
a comprehensive plan for the school. The plan shall specify the 311
following: 312

(1) The process by which the governing authority of the 313
school will be selected in the future; 314

(2) The management and administration of the school; 315

(3) If the community school is a currently existing public 316
school or educational service center building, alternative 317
arrangements for current public school students who choose not 318
to attend the converted school and for teachers who choose not 319
to teach in the school or building after conversion; 320

(4) The instructional program and educational philosophy 321
of the school; 322

(5) Internal financial controls. 323

When submitting the plan under this division, the school 324
shall also submit copies of all policies and procedures 325
regarding internal financial controls adopted by the governing 326
authority of the school. 327

(C) A contract entered into under section 3314.02 of the 328
Revised Code between a sponsor and the governing authority of a 329

community school may provide for the community school governing 330
authority to make payments to the sponsor, which is hereby 331
authorized to receive such payments as set forth in the contract 332
between the governing authority and the sponsor. The total 333
amount of such payments for monitoring, oversight, and technical 334
assistance of the school shall not exceed three per cent of the 335
total amount of payments for operating expenses that the school 336
receives from the state. 337

(D) The contract shall specify the duties of the sponsor 338
which shall be in accordance with the written agreement entered 339
into with the department under division (B) of section 3314.015 340
of the Revised Code and shall include the following: 341

(1) Monitor the community school's compliance with all 342
laws applicable to the school and with the terms of the 343
contract; 344

(2) Monitor and evaluate the academic and fiscal 345
performance and the organization and operation of the community 346
school on at least an annual basis; 347

(3) Report on an annual basis the results of the 348
evaluation conducted under division (D) (2) of this section to 349
the department and to the parents of students enrolled in the 350
community school; 351

(4) Provide technical assistance to the community school 352
in complying with laws applicable to the school and terms of the 353
contract; 354

(5) Take steps to intervene in the school's operation to 355
correct problems in the school's overall performance, declare 356
the school to be on probationary status pursuant to section 357
3314.073 of the Revised Code, suspend the operation of the 358

school pursuant to section 3314.072 of the Revised Code, or 359
terminate the contract of the school pursuant to section 3314.07 360
of the Revised Code as determined necessary by the sponsor; 361

(6) Have in place a plan of action to be undertaken in the 362
event the community school experiences financial difficulties or 363
closes prior to the end of a school year. 364

(E) Upon the expiration of a contract entered into under 365
this section, the sponsor of a community school may, with the 366
approval of the governing authority of the school, renew that 367
contract for a period of time determined by the sponsor, but not 368
ending earlier than the end of any school year, if the sponsor 369
finds that the school's compliance with applicable laws and 370
terms of the contract and the school's progress in meeting the 371
academic goals prescribed in the contract have been 372
satisfactory. Any contract that is renewed under this division 373
remains subject to the provisions of sections 3314.07, 3314.072, 374
and 3314.073 of the Revised Code. 375

(F) If a community school fails to open for operation 376
within one year after the contract entered into under this 377
section is adopted pursuant to division (D) of section 3314.02 378
of the Revised Code or permanently closes prior to the 379
expiration of the contract, the contract shall be void and the 380
school shall not enter into a contract with any other sponsor. A 381
school shall not be considered permanently closed because the 382
operations of the school have been suspended pursuant to section 383
3314.072 of the Revised Code. 384

Sec. 3319.614. (A) Within ninety days after the effective 385
date of this section, the board of education of each school 386
district shall adopt a policy that states all of the following: 387

(1) The school district shall not solicit or require an 388
employee or applicant for employment or academic admission to 389
affirmatively ascribe to, or opine about, specific beliefs, 390
affiliations, ideals, or principles concerning political 391
movements, or ideology. 392

(2) The school district shall not solicit or require a 393
student to affirmatively ascribe to specific beliefs, 394
affiliations, ideals, or principles concerning political 395
movements, or ideology. 396

(3) The school district shall not use statements of 397
commitment to specific beliefs, affiliations, ideals, or 398
principles concerning political movements, or ideology as part 399
of the evaluation criteria for employees or applicants for 400
employment, or employees that are seeking career progression or 401
benefits. 402

(4) The school district shall not use statements of 403
commitment to specific beliefs, affiliations, ideals, or 404
principles concerning political movements or ideology as part of 405
the academic evaluation of students. 406

(B) Nothing in this act shall be construed to prohibit, 407
limit, or restrict any of the following: 408

(1) A school district's authority to require a student or 409
employee to comply with federal or state law, including anti- 410
discrimination laws, or to take action against a student or 411
employee for violation of federal or state law; 412

(2) An educator's academic freedom; 413

(3) An educator's ability to research or write 414
publications about specific beliefs, affiliations, ideals, or 415
principles concerning political movements, ideology, or social 416

action; 417

(4) A school district's authority to consider an applicant 418
for employment's scholarship, teaching, or subject matter 419
expertise in the applicant's given academic field; 420

(5) A school district's authority to offer an established 421
character education program. 422

(C) Each school district shall make publicly available all 423
policies, district guidance, and training materials used for 424
students, educators, and staff on all matters regarding specific 425
beliefs, affiliations, ideals, or principles concerning 426
political movements, or ideology. 427

Nothing in this section shall be construed to require 428
school districts to make protected legal communications or 429
guidance publicly available. 430

Sec. 3320.04. Each school district board of education 431
shall adopt a policy that reasonably accommodates the sincerely 432
held religious beliefs and practices of individual students with 433
regard to all examinations or other academic requirements and 434
absences for reasons of faith or religious or spiritual belief 435
system. The policy shall satisfy all of the following 436
conditions: 437

(A) The policy shall permit a student in any of grades 438
kindergarten through twelve to be absent for up to three 439
religious expression days each school year to take holidays for 440
reasons of faith or religious or spiritual belief system or 441
participate in organized activities conducted under the auspices 442
of a religious denomination, church, or other religious or 443
spiritual organization. The district shall not impose an 444
academic penalty as a result of a student being absent as 445

permitted in the policy. The policy shall also permit students 446
to participate in interscholastic athletics or other 447
extracurricular activities on days in which the student was 448
otherwise absent for a religious expression day. 449

(B) (1) The policy shall require that students be provided 450
with alternative accommodations with regard to examinations and 451
other academic requirements missed due to an absence described 452
in division (A) of this section if not later than fourteen 453
school days after the first day of school, or fourteen school 454
days after the date of enrollment for a student who transfers to 455
or enrolls in the district after the first day of school, the 456
parent or guardian of a student provides the school principal 457
with written notice of up to three specific dates for which 458
alternative accommodations are requested, if an absence approved 459
under division (B) (2) of this section conflicts with an 460
examination or other academic requirement on that date. 461

(2) The school principal shall approve not more than three 462
written requests per school year from a student's parent or 463
guardian for an excused absence under division (A) of this 464
section. The school principal shall approve such requests 465
without inquiry into the sincerity of a student's religious or 466
spiritual belief system. However, the school principal may 467
verify a request received under division (A) of this section by 468
contacting the parent or guardian whose signature appears on the 469
request. If a parent or guardian disputes having signed such a 470
request, the school principal may deny the request. Upon 471
approval of a request that satisfies division (B) (1) of this 472
section, a school principal shall require the appropriate 473
classroom teacher or teachers to schedule a time and date for an 474
alternative examination or other academic requirement if the 475
approved student absence creates a conflict, which may be before 476

or after the time and date the examination or other academic 477
requirement was originally scheduled. 478

(C) The policy shall require the district board to post 479
both of the following in a prominent location on the district's 480
web site: 481

(1) A copy of the policy adopted under this section, which 482
shall include the contact information of an individual who can 483
provide further information about the policy; 484

(2) A nonexhaustive list of major religious holidays, 485
festivals, and religious observations, which may include, Eid, 486
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 487
an excused absence under this section shall not be unreasonably 488
withheld or denied. 489

The state superintendent shall provide each district with 490
a nonexhaustive list of major religious holidays or festivals 491
for the next two school years, including Eid, Good Friday, Rosh 492
Hashanah, Yom Kippur, and Passover, at the beginning of each 493
school year. Each district may adopt the state superintendent's 494
list in its entirety or choose which holidays to include on its 495
list. 496

Each time a district's policy is posted, printed, or 497
published, including as described in divisions (C) and (D) of 498
this section, the district shall include a statement that the 499
list is nonexhaustive, and the list may not be used to deny 500
accommodation to a student for a holiday or festival of the 501
student's faith or religious or spiritual belief system that 502
does not appear on the list. 503

Nothing in this section, and no inclusion or exclusion of 504
a religious holiday or festival on the list posted by a 505

district, shall preclude a student from full and reasonable 506
accommodations for any sincerely held religious beliefs and 507
practices with regard to all examinations or other academic 508
requirements and absences for reasons of faith or religious or 509
spiritual belief system provided under this section. 510

(D) The policy shall require school districts annually to 511
convey to parents and guardians the policy adopted under this 512
section, including a description of the general procedure for 513
requesting accommodations. The manner in which the school 514
district conveys the information shall be determined at the 515
discretion of the district. 516

(E) The policy shall include a procedure under which a 517
student, parent, or guardian may notify the district of any 518
grievance with regard to the implementation of the policy 519
required under this section. 520

(F) Any days excused under this section shall not be 521
considered in determining absence hours for the purposes of 522
parental notification under division (C)(1) of section 3321.191 523
of the Revised Code. 524

Sec. 3326.11. Each science, technology, engineering, and 525
mathematics school established under this chapter and its 526
governing body shall comply with sections 9.90, 9.91, 109.65, 527
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 528
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 529
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 530
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 531
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 532
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 533
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 534
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 535

3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 536
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 537
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 538
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.801, 539
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 540
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 541
3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 542
3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 543
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 544
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 545
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 546
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 547
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 548
4167. of the Revised Code as if it were a school district. 549

Sec. 3328.24. A college-preparatory boarding school 550
established under this chapter and its board of trustees shall 551
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 552
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 553
3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 554
3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 555
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.7117, 3313.721, 556
3313.753, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 557
3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 558
3320.02, 3320.03, 3320.04, 3323.251, and 5502.262, and Chapter 559
3365. of the Revised Code as if the school were a school 560
district and the school's board of trustees were a district 561
board of education. 562

Section 2. That existing sections 3314.03, 3326.11, and 563
3328.24 of the Revised Code are hereby repealed. 564

Section 3. That the version of section 3314.03 of the 565

Revised Code that is scheduled to take effect on January 1, 566
2025, be amended to read as follows: 567

Sec. 3314.03. A copy of every contract entered into under 568
this section shall be filed with the director of education and 569
workforce. The department of education and workforce shall make 570
available on its web site a copy of every approved, executed 571
contract filed with the director under this section. 572

(A) Each contract entered into between a sponsor and the 573
governing authority of a community school shall specify the 574
following: 575

(1) That the school shall be established as either of the 576
following: 577

(a) A nonprofit corporation established under Chapter 578
1702. of the Revised Code, if established prior to April 8, 579
2003; 580

(b) A public benefit corporation established under Chapter 581
1702. of the Revised Code, if established after April 8, 2003. 582

(2) The education program of the school, including the 583
school's mission, the characteristics of the students the school 584
is expected to attract, the ages and grades of students, and the 585
focus of the curriculum; 586

(3) The academic goals to be achieved and the method of 587
measurement that will be used to determine progress toward those 588
goals, which shall include the statewide achievement 589
assessments; 590

(4) Performance standards, including but not limited to 591
all applicable report card measures set forth in section 3302.03 592
or 3314.017 of the Revised Code, by which the success of the 593

school will be evaluated by the sponsor;	594
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	595 596 597
(6) (a) Dismissal procedures;	598
(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.	599 600 601 602 603 604
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	605 606
(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.	607 608 609 610 611 612
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	613 614
(a) A detailed description of each facility used for instructional purposes;	615 616
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	617 618
(c) The annual mortgage principal and interest payments that are paid by the school;	619 620

(d) The name of the lender or landlord, identified as 621
such, and the lender's or landlord's relationship to the 622
operator, if any. 623

(10) Qualifications of employees, including both of the 624
following: 625

(a) A requirement that the school's classroom teachers be 626
licensed in accordance with sections 3319.22 to 3319.31 of the 627
Revised Code, except that a community school may engage 628
noncertificated persons to teach up to twelve hours or forty 629
hours per week pursuant to section 3319.301 of the Revised Code; 630

(b) A prohibition against the school employing an 631
individual described in section 3314.104 of the Revised Code in 632
any position. 633

(11) That the school will comply with the following 634
requirements: 635

(a) The school will provide learning opportunities to a 636
minimum of twenty-five students for a minimum of nine hundred 637
twenty hours per school year. 638

(b) The governing authority will purchase liability 639
insurance, or otherwise provide for the potential liability of 640
the school. 641

(c) The school will be nonsectarian in its programs, 642
admission policies, employment practices, and all other 643
operations, and will not be operated by a sectarian school or 644
religious institution. 645

(d) The school will comply with sections 9.90, 9.91, 646
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 647
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 648

3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 649
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 650
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 651
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 652
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 653
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 654
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 655
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 656
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 657
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 658
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 659
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 660
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 661
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 662
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 663
4123., 4141., and 4167. of the Revised Code as if it were a 664
school district and will comply with section 3301.0714 of the 665
Revised Code in the manner specified in section 3314.17 of the 666
Revised Code. 667

(e) The school shall comply with Chapter 102. and section 668
2921.42 of the Revised Code. 669

(f) The school will comply with sections 3313.61, 670
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 671
Revised Code, except that for students who enter ninth grade for 672
the first time before July 1, 2010, the requirement in sections 673
3313.61 and 3313.611 of the Revised Code that a person must 674
successfully complete the curriculum in any high school prior to 675
receiving a high school diploma may be met by completing the 676
curriculum adopted by the governing authority of the community 677
school rather than the curriculum specified in Title XXXIII of 678
the Revised Code or any rules of the department. Beginning with 679

students who enter ninth grade for the first time on or after 680
July 1, 2010, the requirement in sections 3313.61 and 3313.611 681
of the Revised Code that a person must successfully complete the 682
curriculum of a high school prior to receiving a high school 683
diploma shall be met by completing the requirements prescribed 684
in section 3313.6027 and division (C) of section 3313.603 of the 685
Revised Code, unless the person qualifies under division (D) or 686
(F) of that section. Each school shall comply with the plan for 687
awarding high school credit based on demonstration of subject 688
area competency, and beginning with the 2017-2018 school year, 689
with the updated plan that permits students enrolled in seventh 690
and eighth grade to meet curriculum requirements based on 691
subject area competency adopted by the department under 692
divisions (J) (1) and (2) of section 3313.603 of the Revised 693
Code. Beginning with the 2018-2019 school year, the school shall 694
comply with the framework for granting units of high school 695
credit to students who demonstrate subject area competency 696
through work-based learning experiences, internships, or 697
cooperative education developed by the department under division 698
(J) (3) of section 3313.603 of the Revised Code. 699

(g) The school governing authority will submit within four 700
months after the end of each school year a report of its 701
activities and progress in meeting the goals and standards of 702
divisions (A) (3) and (4) of this section and its financial 703
status to the sponsor and the parents of all students enrolled 704
in the school. 705

(h) The school, unless it is an internet- or computer- 706
based community school, will comply with section 3313.801 of the 707
Revised Code as if it were a school district. 708

(i) If the school is the recipient of moneys from a grant 709

awarded under the federal race to the top program, Division (A), 710
Title XIV, Sections 14005 and 14006 of the "American Recovery 711
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 712
the school will pay teachers based upon performance in 713
accordance with section 3317.141 and will comply with section 714
3319.111 of the Revised Code as if it were a school district. 715

(j) If the school operates a preschool program that is 716
licensed by the department under sections 3301.52 to 3301.59 of 717
the Revised Code, the school shall comply with sections 3301.50 718
to 3301.59 of the Revised Code and the minimum standards for 719
preschool programs prescribed in rules adopted by the department 720
of children and youth under section 3301.53 of the Revised Code. 721

(k) The school will comply with sections 3313.6021 and 722
3313.6023 of the Revised Code as if it were a school district 723
unless it is either of the following: 724

(i) An internet- or computer-based community school; 725

(ii) A community school in which a majority of the 726
enrolled students are children with disabilities as described in 727
division (A) (4) (b) of section 3314.35 of the Revised Code. 728

(l) The school will comply with section 3321.191 of the 729
Revised Code, unless it is an internet- or computer-based 730
community school that is subject to section 3314.261 of the 731
Revised Code. 732

(12) Arrangements for providing health and other benefits 733
to employees; 734

(13) The length of the contract, which shall begin at the 735
beginning of an academic year. No contract shall exceed five 736
years unless such contract has been renewed pursuant to division 737
(E) of this section. 738

- (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;	768 769
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	770 771 772
(c) Permit the enrollment of students who reside in any other district in the state.	773 774
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	775 776 777 778
(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;	779 780 781
(22) A provision recognizing both of the following:	782
(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;	783 784 785 786
(b) The authority of the department 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.	787 788 789 790 791 792 793
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	794 795

classroom-based learning opportunities that is in compliance 796
with criteria for student participation established by the 797
department under division (H) (2) of section 3314.08 of the 798
Revised Code; 799

(24) The school will comply with sections 3302.04 and 800
3302.041 of the Revised Code, except that any action required to 801
be taken by a school district pursuant to those sections shall 802
be taken by the sponsor of the school. 803

(25) Beginning in the 2006-2007 school year, the school 804
will open for operation not later than the thirtieth day of 805
September each school year, unless the mission of the school as 806
specified under division (A) (2) of this section is solely to 807
serve dropouts. In its initial year of operation, if the school 808
fails to open by the thirtieth day of September, or within one 809
year after the adoption of the contract pursuant to division (D)
of section 3314.02 of the Revised Code if the mission of the 810
school is solely to serve dropouts, the contract shall be void. 811
812

(26) Whether the school's governing authority is planning 813
to seek designation for the school as a STEM school equivalent 814
under section 3326.032 of the Revised Code; 815

(27) That the school's attendance and participation 816
policies will be available for public inspection; 817

(28) That the school's attendance and participation 818
records shall be made available to the department, auditor of 819
state, and school's sponsor to the extent permitted under and in 820
accordance with the "Family Educational Rights and Privacy Act 821
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 822
regulations promulgated under that act, and section 3319.321 of 823
the Revised Code; 824

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	825 826 827
(a) An indication of what blended learning model or models will be used;	828 829
(b) A description of how student instructional needs will be determined and documented;	830 831
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	832 833
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	834 835 836
(e) A statement describing how student progress will be monitored;	837 838
(f) A statement describing how private student data will be protected;	839 840
(g) A description of the professional development activities that will be offered to teachers.	841 842
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	843 844 845 846
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	847 848 849 850 851

(32) A provision requiring the governing authority to 852
adopt an enrollment and attendance policy that requires a 853
student's parent to notify the community school in which the 854
student is enrolled when there is a change in the location of 855
the parent's or student's primary residence. 856

(33) A provision requiring the governing authority to 857
adopt a student residence and address verification policy for 858
students enrolling in or attending the school. 859

(B) The community school shall also submit to the sponsor 860
a comprehensive plan for the school. The plan shall specify the 861
following: 862

(1) The process by which the governing authority of the 863
school will be selected in the future; 864

(2) The management and administration of the school; 865

(3) If the community school is a currently existing public 866
school or educational service center building, alternative 867
arrangements for current public school students who choose not 868
to attend the converted school and for teachers who choose not 869
to teach in the school or building after conversion; 870

(4) The instructional program and educational philosophy 871
of the school; 872

(5) Internal financial controls. 873

When submitting the plan under this division, the school 874
shall also submit copies of all policies and procedures 875
regarding internal financial controls adopted by the governing 876
authority of the school. 877

(C) A contract entered into under section 3314.02 of the 878
Revised Code between a sponsor and the governing authority of a 879

community school may provide for the community school governing 880
authority to make payments to the sponsor, which is hereby 881
authorized to receive such payments as set forth in the contract 882
between the governing authority and the sponsor. The total 883
amount of such payments for monitoring, oversight, and technical 884
assistance of the school shall not exceed three per cent of the 885
total amount of payments for operating expenses that the school 886
receives from the state. 887

(D) The contract shall specify the duties of the sponsor 888
which shall be in accordance with the written agreement entered 889
into with the department under division (B) of section 3314.015 890
of the Revised Code and shall include the following: 891

(1) Monitor the community school's compliance with all 892
laws applicable to the school and with the terms of the 893
contract; 894

(2) Monitor and evaluate the academic and fiscal 895
performance and the organization and operation of the community 896
school on at least an annual basis; 897

(3) Report on an annual basis the results of the 898
evaluation conducted under division (D) (2) of this section to 899
the department and to the parents of students enrolled in the 900
community school; 901

(4) Provide technical assistance to the community school 902
in complying with laws applicable to the school and terms of the 903
contract; 904

(5) Take steps to intervene in the school's operation to 905
correct problems in the school's overall performance, declare 906
the school to be on probationary status pursuant to section 907
3314.073 of the Revised Code, suspend the operation of the 908

school pursuant to section 3314.072 of the Revised Code, or 909
terminate the contract of the school pursuant to section 3314.07 910
of the Revised Code as determined necessary by the sponsor; 911

(6) Have in place a plan of action to be undertaken in the 912
event the community school experiences financial difficulties or 913
closes prior to the end of a school year. 914

(E) Upon the expiration of a contract entered into under 915
this section, the sponsor of a community school may, with the 916
approval of the governing authority of the school, renew that 917
contract for a period of time determined by the sponsor, but not 918
ending earlier than the end of any school year, if the sponsor 919
finds that the school's compliance with applicable laws and 920
terms of the contract and the school's progress in meeting the 921
academic goals prescribed in the contract have been 922
satisfactory. Any contract that is renewed under this division 923
remains subject to the provisions of sections 3314.07, 3314.072, 924
and 3314.073 of the Revised Code. 925

(F) If a community school fails to open for operation 926
within one year after the contract entered into under this 927
section is adopted pursuant to division (D) of section 3314.02 928
of the Revised Code or permanently closes prior to the 929
expiration of the contract, the contract shall be void and the 930
school shall not enter into a contract with any other sponsor. A 931
school shall not be considered permanently closed because the 932
operations of the school have been suspended pursuant to section 933
3314.072 of the Revised Code. 934

Section 4. That the existing version of section 3314.03 of 935
the Revised Code that is scheduled to take effect on January 1, 936
2025, is hereby repealed. 937

Section 5. Sections 3 and 4 of this act take effect on	938
January 1, 2025.	939
Section 6. Section 3328.24 of the Revised Code is	940
presented in this act as a composite of the section as amended	941
by both H.B. 82 and H.B. 110 of the 134th General Assembly. The	942
General Assembly, applying the principle stated in division (B)	943
of section 1.52 of the Revised Code that amendments are to be	944
harmonized if reasonably capable of simultaneous operation,	945
finds that the composite is the resulting version of the section	946
in effect prior to the effective date of the section as	947
presented in this act.	948
Section 7. The enactment by this act of section 3320.04 of	949
the Revised Code and the related amendments to sections 3314.03,	950
3326.11, and 3328.24 of the Revised Code shall be known as the	951
Religious Expression Days or "R.E.D." Act.	952