

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 468**

**Representatives Klopfenstein, Brennan**

**Cosponsors: Representatives Seitz, Dean, Cross, Abdullahi, Dobos, Humphrey, Mohamed, Jarrells, Dell'Aquila, Lorenz, Williams, Hoops, Creech, Stein, Johnson, Upchurch, Forhan, McNally, Pizzulli, Weinstein**

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**A BILL**

To amend sections 3314.03, 3326.11, and 3328.24 and 1  
to enact section 3313.473 of the Revised Code 2  
regarding the presentation of information on 3  
patriotic organizations to students in public 4  
schools and to amend section 3314.03 of the 5  
Revised Code that is scheduled to take effect on 6  
January 1, 2025, to continue the change on and 7  
after that date. 8

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

**Section 1.** That sections 3314.03, 3326.11, and 3328.24 be 9  
amended and section 3313.473 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 3313.473.** (A) As used in this section, "organization" 12  
means any youth organization listed in part B of subtitle II of 13  
Title 36 of the United States Code, 36 U.S.C. 20101, et seq., 14  
that has an educational purpose and promotes patriotism and 15  
civic involvement. 16

(B) An organization may request that a school district board of education allow representatives of the organization to provide written information or present information in person to students on school property regarding the organization, including information regarding how the organization furthers the educational interests and civic involvement of students. 17  
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(C) Upon request by an organization under division (B) of this section, a district board shall provide at least one opportunity per school year, which may be during the school day, for the representatives of the organization to provide information to students on school property. 23  
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(D) Before permitting a representative of an organization to provide information to students on school property, a district board shall request a criminal records check of the representative to be conducted in the same manner as required for a person under section 3319.39 of the Revised Code. The representative may be required to provide a written consent for the board to request the criminal records check. The representative of the organization shall pay all costs associated with obtaining the criminal records check. A district board may refuse to allow a representative to provide information as prescribed in division (B) of this section if the representative has previously been convicted of or pleaded guilty to any of the crimes listed in division (B)(1)(a) or (b) of section 3319.39 of the Revised Code. 28  
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(E) A district board shall consider the following factors regarding the past conduct of a representative of an organization when evaluating whether to permit the person to provide information to students on school property: 42  
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(1) Any crimes or misconduct involving minors; 46

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| <u>(2) Any crimes or misconduct involving school children;</u>          | 47 |
| <u>(3) Any crimes or misconduct involving academic fraud;</u>           | 48 |
| <u>(4) A plea of guilty, a finding of guilt, a conviction,</u>          | 49 |
| <u>granting of treatment in lieu of conviction, or a pre-trial</u>      | 50 |
| <u>diversion program to any offense in violation of federal, state,</u> | 51 |
| <u>or local criminal law;</u>   | 52 |
| <u>(5) Any violation of the terms and conditions of a consent</u>       | 53 |
| <u>agreement.</u>   | 54 |
| <u>(F) If the district board finds that a representative of</u>         | 55 |
| <u>an organization has engaged in conduct described in division (E)</u> | 56 |
| <u>of this section, the board may consider the following mitigating</u> | 57 |
| <u>and aggravating factors before deciding whether to permit the</u>    | 58 |
| <u>person to provide information to students on school property:</u>    | 59 |
| <u>(1) The nature and seriousness of the crime or misconduct;</u>       | 60 |
| <u>(2) The extent of the person's past criminal activity or</u>         | 61 |
| <u>misconduct;</u>  | 62 |
| <u>(3) The age of the person when the crime or misconduct</u>           | 63 |
| <u>occurred;</u>  | 64 |
| <u>(4) The amount of time that has elapsed since the person's</u>       | 65 |
| <u>last criminal activity or misconduct;</u>                            | 66 |
| <u>(5) The conduct and work activity of the person before and</u>       | 67 |
| <u>after the criminal activity or misconduct;</u>                       | 68 |
| <u>(6) Whether the person has completed any terms of</u>                | 69 |
| <u>probation or deferred adjudication;</u>                              | 70 |
| <u>(7) Evidence of rehabilitation and evidence of whether the</u>       | 71 |
| <u>person is amenable to rehabilitation;</u>                            | 72 |
| <u>(8) Whether the person fully disclosed the crime or</u>              | 73 |

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| <u>misconduct to the district board or the employing organization;</u> | 74  |
| <u>(9) Whether the person will negatively impact the health,</u>       | 75  |
| <u>safety, or welfare of the school community;</u>                     | 76  |
| <u>(10) Any other factor the board finds relevant.</u>                 | 77  |
| <u>(G) The lack of a criminal charge, indictment,</u>                  | 78  |
| <u>prosecution, or conviction does not preclude the district board</u> | 79  |
| <u>from investigating and, if appropriate, refusing to permit a</u>    | 80  |
| <u>representative of an organization to provide information to</u>     | 81  |
| <u>students on school property.</u>                                    | 82  |
| <b>Sec. 3314.03.</b> A copy of every contract entered into under       | 83  |
| this section shall be filed with the director of education and         | 84  |
| workforce. The department of education and workforce shall make        | 85  |
| available on its web site a copy of every approved, executed           | 86  |
| contract filed with the director under this section.                   | 87  |
| (A) Each contract entered into between a sponsor and the               | 88  |
| governing authority of a community school shall specify the            | 89  |
| following:   | 90  |
| (1) That the school shall be established as either of the              | 91  |
| following:   | 92  |
| (a) A nonprofit corporation established under Chapter                  | 93  |
| 1702. of the Revised Code, if established prior to April 8,            | 94  |
| 2003;  | 95  |
| (b) A public benefit corporation established under Chapter             | 96  |
| 1702. of the Revised Code, if established after April 8, 2003.         | 97  |
| (2) The education program of the school, including the                 | 98  |
| school's mission, the characteristics of the students the school       | 99  |
| is expected to attract, the ages and grades of students, and the       | 100 |
| focus of the curriculum;   | 101 |

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| (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;  | 102<br>103<br>104<br>105               |
| (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;  | 106<br>107<br>108<br>109               |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;  | 110<br>111<br>112                      |
| (6) (a) Dismissal procedures;   | 113                                    |
| (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.                      | 114<br>115<br>116<br>117<br>118<br>119 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;  | 120<br>121                             |
| (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. | 122<br>123<br>124<br>125<br>126<br>127 |
| (9) An addendum to the contract outlining the facilities to be used that contains at least the following information:   | 128<br>129                             |

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| (a) A detailed description of each facility used for instructional purposes;   | 130<br>131                      |
| (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;  | 132<br>133                      |
| (c) The annual mortgage principal and interest payments that are paid by the school;   | 134<br>135                      |
| (d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.   | 136<br>137<br>138               |
| (10) Qualifications of employees, including both of the following:   | 139<br>140                      |
| (a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code; | 141<br>142<br>143<br>144<br>145 |
| (b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.  | 146<br>147<br>148               |
| (11) That the school will comply with the following requirements:  | 149<br>150                      |
| (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.  | 151<br>152<br>153               |
| (b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.   | 154<br>155<br>156               |

(c) The school will be nonsectarian in its programs, 157  
admission policies, employment practices, and all other 158  
operations, and will not be operated by a sectarian school or 159  
religious institution. 160

(d) The school will comply with sections 9.90, 9.91, 161  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 162  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 163  
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 164  
3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 165  
3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 166  
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 167  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 168  
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 169  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 170  
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 171  
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 172  
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 173  
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 174  
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 175  
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 176  
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 177  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 178  
and 4167. of the Revised Code as if it were a school district 179  
and will comply with section 3301.0714 of the Revised Code in 180  
the manner specified in section 3314.17 of the Revised Code. 181

(e) The school shall comply with Chapter 102. and section 182  
2921.42 of the Revised Code. 183

(f) The school will comply with sections 3313.61, 184  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 185  
Revised Code, except that for students who enter ninth grade for 186

the first time before July 1, 2010, the requirement in sections 187  
3313.61 and 3313.611 of the Revised Code that a person must 188  
successfully complete the curriculum in any high school prior to 189  
receiving a high school diploma may be met by completing the 190  
curriculum adopted by the governing authority of the community 191  
school rather than the curriculum specified in Title XXXIII of 192  
the Revised Code or any rules of the department. Beginning with 193  
students who enter ninth grade for the first time on or after 194  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 195  
of the Revised Code that a person must successfully complete the 196  
curriculum of a high school prior to receiving a high school 197  
diploma shall be met by completing the requirements prescribed 198  
in section 3313.6027 and division (C) of section 3313.603 of the 199  
Revised Code, unless the person qualifies under division (D) or 200  
(F) of that section. Each school shall comply with the plan for 201  
awarding high school credit based on demonstration of subject 202  
area competency, and beginning with the 2017-2018 school year, 203  
with the updated plan that permits students enrolled in seventh 204  
and eighth grade to meet curriculum requirements based on 205  
subject area competency adopted by the department under 206  
divisions (J) (1) and (2) of section 3313.603 of the Revised 207  
Code. Beginning with the 2018-2019 school year, the school shall 208  
comply with the framework for granting units of high school 209  
credit to students who demonstrate subject area competency 210  
through work-based learning experiences, internships, or 211  
cooperative education developed by the department under division 212  
(J) (3) of section 3313.603 of the Revised Code. 213

(g) The school governing authority will submit within four 214  
months after the end of each school year a report of its 215  
activities and progress in meeting the goals and standards of 216  
divisions (A) (3) and (4) of this section and its financial 217



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| status to the sponsor and the parents of all students enrolled   | 218 |
| in the school.   | 219 |
| (h) The school, unless it is an internet- or computer-           | 220 |
| based community school, will comply with section 3313.801 of the | 221 |
| Revised Code as if it were a school district.                    | 222 |
| (i) If the school is the recipient of moneys from a grant        | 223 |
| awarded under the federal race to the top program, Division (A), | 224 |
| Title XIV, Sections 14005 and 14006 of the "American Recovery    | 225 |
| and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, | 226 |
| the school will pay teachers based upon performance in           | 227 |
| accordance with section 3317.141 and will comply with section    | 228 |
| 3319.111 of the Revised Code as if it were a school district.    | 229 |
| (j) If the school operates a preschool program that is           | 230 |
| licensed by the department under sections 3301.52 to 3301.59 of  | 231 |
| the Revised Code, the school shall comply with sections 3301.50  | 232 |
| to 3301.59 of the Revised Code and the minimum standards for     | 233 |
| preschool programs prescribed in rules adopted by the department | 234 |
| under section 3301.53 of the Revised Code.                       | 235 |
| (k) The school will comply with sections 3313.6021 and           | 236 |
| 3313.6023 of the Revised Code as if it were a school district    | 237 |
| unless it is either of the following:                            | 238 |
| (i) An internet- or computer-based community school;             | 239 |
| (ii) A community school in which a majority of the               | 240 |
| enrolled students are children with disabilities as described in | 241 |
| division (A) (4) (b) of section 3314.35 of the Revised Code.     | 242 |
| (l) The school will comply with section 3321.191 of the          | 243 |
| Revised Code, unless it is an internet- or computer-based        | 244 |
| community school that is subject to section 3314.261 of the      | 245 |
| Revised Code.  | 246 |

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| (12) Arrangements for providing health and other benefits        | 247 |
| to employees;  | 248 |
| (13) The length of the contract, which shall begin at the        | 249 |
| beginning of an academic year. No contract shall exceed five     | 250 |
| years unless such contract has been renewed pursuant to division | 251 |
| (E) of this section.   | 252 |
| (14) The governing authority of the school, which shall be       | 253 |
| responsible for carrying out the provisions of the contract;     | 254 |
| (15) A financial plan detailing an estimated school budget       | 255 |
| for each year of the period of the contract and specifying the   | 256 |
| total estimated per pupil expenditure amount for each such year. | 257 |
| (16) Requirements and procedures regarding the disposition       | 258 |
| of employees of the school in the event the contract is          | 259 |
| terminated or not renewed pursuant to section 3314.07 of the     | 260 |
| Revised Code;  | 261 |
| (17) Whether the school is to be created by converting all       | 262 |
| or part of an existing public school or educational service      | 263 |
| center building or is to be a new start-up school, and if it is  | 264 |
| a converted public school or service center building,            | 265 |
| specification of any duties or responsibilities of an employer   | 266 |
| that the board of education or service center governing board    | 267 |
| that operated the school or building before conversion is        | 268 |
| delegating to the governing authority of the community school    | 269 |
| with respect to all or any specified group of employees provided | 270 |
| the delegation is not prohibited by a collective bargaining      | 271 |
| agreement applicable to such employees;                          | 272 |
| (18) Provisions establishing procedures for resolving            | 273 |
| disputes or differences of opinion between the sponsor and the   | 274 |
| governing authority of the community school;                     | 275 |

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| (19) A provision requiring the governing authority to            | 276 |
| adopt a policy regarding the admission of students who reside    | 277 |
| outside the district in which the school is located. That policy | 278 |
| shall comply with the admissions procedures specified in         | 279 |
| sections 3314.06 and 3314.061 of the Revised Code and, at the    | 280 |
| sole discretion of the authority, shall do one of the following: | 281 |
| (a) Prohibit the enrollment of students who reside outside       | 282 |
| the district in which the school is located;                     | 283 |
| (b) Permit the enrollment of students who reside in              | 284 |
| districts adjacent to the district in which the school is        | 285 |
| located;   | 286 |
| (c) Permit the enrollment of students who reside in any          | 287 |
| other district in the state.                                     | 288 |
| (20) A provision recognizing the authority of the                | 289 |
| department to take over the sponsorship of the school in         | 290 |
| accordance with the provisions of division (C) of section        | 291 |
| 3314.015 of the Revised Code;                                    | 292 |
| (21) A provision recognizing the sponsor's authority to          | 293 |
| assume the operation of a school under the conditions specified  | 294 |
| in division (B) of section 3314.073 of the Revised Code;         | 295 |
| (22) A provision recognizing both of the following:              | 296 |
| (a) The authority of public health and safety officials to       | 297 |
| inspect the facilities of the school and to order the facilities | 298 |
| closed if those officials find that the facilities are not in    | 299 |
| compliance with health and safety laws and regulations;          | 300 |
| (b) The authority of the department as the community             | 301 |
| school oversight body to suspend the operation of the school     | 302 |
| under section 3314.072 of the Revised Code if the department has | 303 |

evidence of conditions or violations of law at the school that 304  
pose an imminent danger to the health and safety of the school's 305  
students and employees and the sponsor refuses to take such 306  
action. 307

(23) A description of the learning opportunities that will 308  
be offered to students including both classroom-based and non- 309  
classroom-based learning opportunities that is in compliance 310  
with criteria for student participation established by the 311  
department under division (H) (2) of section 3314.08 of the 312  
Revised Code; 313

(24) The school will comply with sections 3302.04 and 314  
3302.041 of the Revised Code, except that any action required to 315  
be taken by a school district pursuant to those sections shall 316  
be taken by the sponsor of the school. 317

(25) Beginning in the 2006-2007 school year, the school 318  
will open for operation not later than the thirtieth day of 319  
September each school year, unless the mission of the school as 320  
specified under division (A) (2) of this section is solely to 321  
serve dropouts. In its initial year of operation, if the school 322  
fails to open by the thirtieth day of September, or within one 323  
year after the adoption of the contract pursuant to division (D) 324  
of section 3314.02 of the Revised Code if the mission of the 325  
school is solely to serve dropouts, the contract shall be void. 326

(26) Whether the school's governing authority is planning 327  
to seek designation for the school as a STEM school equivalent 328  
under section 3326.032 of the Revised Code; 329

(27) That the school's attendance and participation 330  
policies will be available for public inspection; 331

(28) That the school's attendance and participation 332

records shall be made available to the department, auditor of 333  
state, and school's sponsor to the extent permitted under and in 334  
accordance with the "Family Educational Rights and Privacy Act 335  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 336  
regulations promulgated under that act, and section 3319.321 of 337  
the Revised Code; 338

(29) If a school operates using the blended learning 339  
model, as defined in section 3301.079 of the Revised Code, all 340  
of the following information: 341

(a) An indication of what blended learning model or models 342  
will be used; 343

(b) A description of how student instructional needs will 344  
be determined and documented; 345

(c) The method to be used for determining competency, 346  
granting credit, and promoting students to a higher grade level; 347

(d) The school's attendance requirements, including how 348  
the school will document participation in learning 349  
opportunities; 350

(e) A statement describing how student progress will be 351  
monitored; 352

(f) A statement describing how private student data will 353  
be protected; 354

(g) A description of the professional development 355  
activities that will be offered to teachers. 356

(30) A provision requiring that all moneys the school's 357  
operator loans to the school, including facilities loans or cash 358  
flow assistance, must be accounted for, documented, and bear 359  
interest at a fair market rate; 360

(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.

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

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

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 389  
regarding internal financial controls adopted by the governing 390  
authority of the school. 391

(C) A contract entered into under section 3314.02 of the 392  
Revised Code between a sponsor and the governing authority of a 393  
community school may provide for the community school governing 394  
authority to make payments to the sponsor, which is hereby 395  
authorized to receive such payments as set forth in the contract 396  
between the governing authority and the sponsor. The total 397  
amount of such payments for monitoring, oversight, and technical 398  
assistance of the school shall not exceed three per cent of the 399  
total amount of payments for operating expenses that the school 400  
receives from the state. 401

(D) The contract shall specify the duties of the sponsor 402  
which shall be in accordance with the written agreement entered 403  
into with the department under division (B) of section 3314.015 404  
of the Revised Code and shall include the following: 405

(1) Monitor the community school's compliance with all 406  
laws applicable to the school and with the terms of the 407  
contract; 408

(2) Monitor and evaluate the academic and fiscal 409  
performance and the organization and operation of the community 410  
school on at least an annual basis; 411

(3) Report on an annual basis the results of the 412  
evaluation conducted under division (D) (2) of this section to 413  
the department and to the parents of students enrolled in the 414  
community school; 415

(4) Provide technical assistance to the community school 416  
in complying with laws applicable to the school and terms of the 417

contract; 418

(5) Take steps to intervene in the school's operation to 419  
correct problems in the school's overall performance, declare 420  
the school to be on probationary status pursuant to section 421  
3314.073 of the Revised Code, suspend the operation of the 422  
school pursuant to section 3314.072 of the Revised Code, or 423  
terminate the contract of the school pursuant to section 3314.07 424  
of the Revised Code as determined necessary by the sponsor; 425

(6) Have in place a plan of action to be undertaken in the 426  
event the community school experiences financial difficulties or 427  
closes prior to the end of a school year. 428

(E) Upon the expiration of a contract entered into under 429  
this section, the sponsor of a community school may, with the 430  
approval of the governing authority of the school, renew that 431  
contract for a period of time determined by the sponsor, but not 432  
ending earlier than the end of any school year, if the sponsor 433  
finds that the school's compliance with applicable laws and 434  
terms of the contract and the school's progress in meeting the 435  
academic goals prescribed in the contract have been 436  
satisfactory. Any contract that is renewed under this division 437  
remains subject to the provisions of sections 3314.07, 3314.072, 438  
and 3314.073 of the Revised Code. 439

(F) If a community school fails to open for operation 440  
within one year after the contract entered into under this 441  
section is adopted pursuant to division (D) of section 3314.02 442  
of the Revised Code or permanently closes prior to the 443  
expiration of the contract, the contract shall be void and the 444  
school shall not enter into a contract with any other sponsor. A 445  
school shall not be considered permanently closed because the 446  
operations of the school have been suspended pursuant to section 447



3314.072 of the Revised Code. 448

**Sec. 3326.11.** Each science, technology, engineering, and 449  
mathematics school established under this chapter and its 450  
governing body shall comply with sections 9.90, 9.91, 109.65, 451  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 452  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 453  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 454  
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 455  
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 456  
3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 457  
3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.61, 3313.611, 458  
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 459  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 460  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 461  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 462  
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 463  
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 464  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 465  
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 466  
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 467  
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 468  
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 469  
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 470  
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 471  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 472  
4167. of the Revised Code as if it were a school district. 473

**Sec. 3328.24.** A college-preparatory boarding school 474  
established under this chapter and its board of trustees shall 475  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 476  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.473, 3313.5318, 477  
3313.5319, 3313.6013, 3313.6021, 3313.6024, 3313.6025, 478

3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 479  
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.7117, 480  
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 481  
3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 482  
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of 483  
the Revised Code as if the school were a school district and the 484  
school's board of trustees were a district board of education. 485

**Section 2.** That existing sections 3314.03, 3326.11, and 486  
3328.24 of the Revised Code are hereby repealed. 487

**Section 3.** That the version of section 3314.03 of the 488  
Revised Code that is scheduled to take effect January 1, 2025, 489  
be amended to read as follows: 490

**Sec. 3314.03.** A copy of every contract entered into under 491  
this section shall be filed with the director of education and 492  
workforce. The department of education and workforce shall make 493  
available on its web site a copy of every approved, executed 494  
contract filed with the director under this section. 495

(A) Each contract entered into between a sponsor and the 496  
governing authority of a community school shall specify the 497  
following: 498

(1) That the school shall be established as either of the 499  
following: 500

(a) A nonprofit corporation established under Chapter 501  
1702. of the Revised Code, if established prior to April 8, 502  
2003; 503

(b) A public benefit corporation established under Chapter 504  
1702. of the Revised Code, if established after April 8, 2003. 505

(2) The education program of the school, including the 506

school's mission, the characteristics of the students the school 507  
is expected to attract, the ages and grades of students, and the 508  
focus of the curriculum; 509

(3) The academic goals to be achieved and the method of 510  
measurement that will be used to determine progress toward those 511  
goals, which shall include the statewide achievement 512  
assessments; 513

(4) Performance standards, including but not limited to 514  
all applicable report card measures set forth in section 3302.03 515  
or 3314.017 of the Revised Code, by which the success of the 516  
school will be evaluated by the sponsor; 517

(5) The admission standards of section 3314.06 of the 518  
Revised Code and, if applicable, section 3314.061 of the Revised 519  
Code; 520

(6) (a) Dismissal procedures; 521

(b) A requirement that the governing authority adopt an 522  
attendance policy that includes a procedure for automatically 523  
withdrawing a student from the school if the student without a 524  
legitimate excuse fails to participate in seventy-two 525  
consecutive hours of the learning opportunities offered to the 526  
student. 527

(7) The ways by which the school will achieve racial and 528  
ethnic balance reflective of the community it serves; 529

(8) Requirements for financial audits by the auditor of 530  
state. The contract shall require financial records of the 531  
school to be maintained in the same manner as are financial 532  
records of school districts, pursuant to rules of the auditor of 533  
state. Audits shall be conducted in accordance with section 534  
117.10 of the Revised Code. 535

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| (9) An addendum to the contract outlining the facilities         | 536 |
| to be used that contains at least the following information:     | 537 |
| (a) A detailed description of each facility used for             | 538 |
| instructional purposes;  | 539 |
| (b) The annual costs associated with leasing each facility       | 540 |
| that are paid by or on behalf of the school;                     | 541 |
| (c) The annual mortgage principal and interest payments          | 542 |
| that are paid by the school;                                     | 543 |
| (d) The name of the lender or landlord, identified as            | 544 |
| such, and the lender's or landlord's relationship to the         | 545 |
| operator, if any.  | 546 |
| (10) Qualifications of employees, including both of the          | 547 |
| following:   | 548 |
| (a) A requirement that the school's classroom teachers be        | 549 |
| licensed in accordance with sections 3319.22 to 3319.31 of the   | 550 |
| Revised Code, except that a community school may engage          | 551 |
| noncertificated persons to teach up to twelve hours or forty     | 552 |
| hours per week pursuant to section 3319.301 of the Revised Code; | 553 |
| (b) A prohibition against the school employing an                | 554 |
| individual described in section 3314.104 of the Revised Code in  | 555 |
| any position.  | 556 |
| (11) That the school will comply with the following              | 557 |
| requirements:  | 558 |
| (a) The school will provide learning opportunities to a          | 559 |
| minimum of twenty-five students for a minimum of nine hundred    | 560 |
| twenty hours per school year.                                    | 561 |
| (b) The governing authority will purchase liability              | 562 |

insurance, or otherwise provide for the potential liability of 563  
the school. 564

(c) The school will be nonsectarian in its programs, 565  
admission policies, employment practices, and all other 566  
operations, and will not be operated by a sectarian school or 567  
religious institution. 568

(d) The school will comply with sections 9.90, 9.91, 569  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 570  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 571  
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 572  
3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 573  
3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 574  
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 575  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 576  
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 577  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 578  
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 579  
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 580  
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 581  
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 582  
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 583  
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 584  
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 585  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 586  
and 4167. of the Revised Code as if it were a school district 587  
and will comply with section 3301.0714 of the Revised Code in 588  
the manner specified in section 3314.17 of the Revised Code. 589

(e) The school shall comply with Chapter 102. and section 590  
2921.42 of the Revised Code. 591

(f) The school will comply with sections 3313.61, 592

3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its

activities and progress in meeting the goals and standards of 624  
divisions (A) (3) and (4) of this section and its financial 625  
status to the sponsor and the parents of all students enrolled 626  
in the school. 627

(h) The school, unless it is an internet- or computer- 628  
based community school, will comply with section 3313.801 of the 629  
Revised Code as if it were a school district. 630

(i) If the school is the recipient of moneys from a grant 631  
awarded under the federal race to the top program, Division (A), 632  
Title XIV, Sections 14005 and 14006 of the "American Recovery 633  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 634  
the school will pay teachers based upon performance in 635  
accordance with section 3317.141 and will comply with section 636  
3319.111 of the Revised Code as if it were a school district. 637

(j) If the school operates a preschool program that is 638  
licensed by the department under sections 3301.52 to 3301.59 of 639  
the Revised Code, the school shall comply with sections 3301.50 640  
to 3301.59 of the Revised Code and the minimum standards for 641  
preschool programs prescribed in rules adopted by the department 642  
of children and youth under section 3301.53 of the Revised Code. 643

(k) The school will comply with sections 3313.6021 and 644  
3313.6023 of the Revised Code as if it were a school district 645  
unless it is either of the following: 646

(i) An internet- or computer-based community school; 647

(ii) A community school in which a majority of the 648  
enrolled students are children with disabilities as described in 649  
division (A) (4) (b) of section 3314.35 of the Revised Code. 650

(l) The school will comply with section 3321.191 of the 651  
Revised Code, unless it is an internet- or computer-based 652

community school that is subject to section 3314.261 of the Revised Code.

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

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

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

(18) Provisions establishing procedures for resolving



disputes or differences of opinion between the sponsor and the 682  
governing authority of the community school; 683

(19) A provision requiring the governing authority to 684  
adopt a policy regarding the admission of students who reside 685  
outside the district in which the school is located. That policy 686  
shall comply with the admissions procedures specified in 687  
sections 3314.06 and 3314.061 of the Revised Code and, at the 688  
sole discretion of the authority, shall do one of the following: 689

(a) Prohibit the enrollment of students who reside outside 690  
the district in which the school is located; 691

(b) Permit the enrollment of students who reside in 692  
districts adjacent to the district in which the school is 693  
located; 694

(c) Permit the enrollment of students who reside in any 695  
other district in the state. 696

(20) A provision recognizing the authority of the 697  
department to take over the sponsorship of the school in 698  
accordance with the provisions of division (C) of section 699  
3314.015 of the Revised Code; 700

(21) A provision recognizing the sponsor's authority to 701  
assume the operation of a school under the conditions specified 702  
in division (B) of section 3314.073 of the Revised Code; 703

(22) A provision recognizing both of the following: 704

(a) The authority of public health and safety officials to 705  
inspect the facilities of the school and to order the facilities 706  
closed if those officials find that the facilities are not in 707  
compliance with health and safety laws and regulations; 708

(b) The authority of the department as the community 709

school oversight body to suspend the operation of the school 710  
under section 3314.072 of the Revised Code if the department has 711  
evidence of conditions or violations of law at the school that 712  
pose an imminent danger to the health and safety of the school's 713  
students and employees and the sponsor refuses to take such 714  
action. 715

(23) A description of the learning opportunities that will 716  
be offered to students including both classroom-based and non- 717  
classroom-based learning opportunities that is in compliance 718  
with criteria for student participation established by the 719  
department under division (H) (2) of section 3314.08 of the 720  
Revised Code; 721

(24) The school will comply with sections 3302.04 and 722  
3302.041 of the Revised Code, except that any action required to 723  
be taken by a school district pursuant to those sections shall 724  
be taken by the sponsor of the school. 725

(25) Beginning in the 2006-2007 school year, the school 726  
will open for operation not later than the thirtieth day of 727  
September each school year, unless the mission of the school as 728  
specified under division (A) (2) of this section is solely to 729  
serve dropouts. In its initial year of operation, if the school 730  
fails to open by the thirtieth day of September, or within one 731  
year after the adoption of the contract pursuant to division (D) 732  
of section 3314.02 of the Revised Code if the mission of the 733  
school is solely to serve dropouts, the contract shall be void. 734

(26) Whether the school's governing authority is planning 735  
to seek designation for the school as a STEM school equivalent 736  
under section 3326.032 of the Revised Code; 737

(27) That the school's attendance and participation 738

|  |   |
|--|---|
| policies will be available for public inspection;  | 739   |
| (28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code; | 740<br>741<br>742<br>743<br>744<br>745<br>746 |
| (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:  | 747<br>748<br>749                             |
| (a) An indication of what blended learning model or models will be used;   | 750<br>751                                    |
| (b) A description of how student instructional needs will be determined and documented;  | 752<br>753                                    |
| (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;   | 754<br>755                                    |
| (d) The school's attendance requirements, including how the school will document participation in learning opportunities;  | 756<br>757<br>758                             |
| (e) A statement describing how student progress will be monitored;   | 759<br>760                                    |
| (f) A statement describing how private student data will be protected;   | 761<br>762                                    |
| (g) A description of the professional development activities that will be offered to teachers.   | 763<br>764                                    |
| (30) A provision requiring that all moneys the school's  | 765   |

operator loans to the school, including facilities loans or cash 766  
flow assistance, must be accounted for, documented, and bear 767  
interest at a fair market rate; 768

(31) A provision requiring that, if the governing 769  
authority contracts with an attorney, accountant, or entity 770  
specializing in audits, the attorney, accountant, or entity 771  
shall be independent from the operator with which the school has 772  
contracted. 773

(32) A provision requiring the governing authority to 774  
adopt an enrollment and attendance policy that requires a 775  
student's parent to notify the community school in which the 776  
student is enrolled when there is a change in the location of 777  
the parent's or student's primary residence. 778

(33) A provision requiring the governing authority to 779  
adopt a student residence and address verification policy for 780  
students enrolling in or attending the school. 781

(B) The community school shall also submit to the sponsor 782  
a comprehensive plan for the school. The plan shall specify the 783  
following: 784

(1) The process by which the governing authority of the 785  
school will be selected in the future; 786

(2) The management and administration of the school; 787

(3) If the community school is a currently existing public 788  
school or educational service center building, alternative 789  
arrangements for current public school students who choose not 790  
to attend the converted school and for teachers who choose not 791  
to teach in the school or building after conversion; 792

(4) The instructional program and educational philosophy 793

of the school; 794

(5) Internal financial controls. 795

When submitting the plan under this division, the school 796  
shall also submit copies of all policies and procedures 797  
regarding internal financial controls adopted by the governing 798  
authority of the school. 799

(C) A contract entered into under section 3314.02 of the 800  
Revised Code between a sponsor and the governing authority of a 801  
community school may provide for the community school governing 802  
authority to make payments to the sponsor, which is hereby 803  
authorized to receive such payments as set forth in the contract 804  
between the governing authority and the sponsor. The total 805  
amount of such payments for monitoring, oversight, and technical 806  
assistance of the school shall not exceed three per cent of the 807  
total amount of payments for operating expenses that the school 808  
receives from the state. 809

(D) The contract shall specify the duties of the sponsor 810  
which shall be in accordance with the written agreement entered 811  
into with the department under division (B) of section 3314.015 812  
of the Revised Code and shall include the following: 813

(1) Monitor the community school's compliance with all 814  
laws applicable to the school and with the terms of the 815  
contract; 816

(2) Monitor and evaluate the academic and fiscal 817  
performance and the organization and operation of the community 818  
school on at least an annual basis; 819

(3) Report on an annual basis the results of the 820  
evaluation conducted under division (D) (2) of this section to 821  
the department and to the parents of students enrolled in the 822

community school; 823

(4) Provide technical assistance to the community school 824  
in complying with laws applicable to the school and terms of the 825  
contract; 826

(5) Take steps to intervene in the school's operation to 827  
correct problems in the school's overall performance, declare 828  
the school to be on probationary status pursuant to section 829  
3314.073 of the Revised Code, suspend the operation of the 830  
school pursuant to section 3314.072 of the Revised Code, or 831  
terminate the contract of the school pursuant to section 3314.07 832  
of the Revised Code as determined necessary by the sponsor; 833

(6) Have in place a plan of action to be undertaken in the 834  
event the community school experiences financial difficulties or 835  
closes prior to the end of a school year. 836

(E) Upon the expiration of a contract entered into under 837  
this section, the sponsor of a community school may, with the 838  
approval of the governing authority of the school, renew that 839  
contract for a period of time determined by the sponsor, but not 840  
ending earlier than the end of any school year, if the sponsor 841  
finds that the school's compliance with applicable laws and 842  
terms of the contract and the school's progress in meeting the 843  
academic goals prescribed in the contract have been 844  
satisfactory. Any contract that is renewed under this division 845  
remains subject to the provisions of sections 3314.07, 3314.072, 846  
and 3314.073 of the Revised Code. 847

(F) If a community school fails to open for operation 848  
within one year after the contract entered into under this 849  
section is adopted pursuant to division (D) of section 3314.02 850  
of the Revised Code or permanently closes prior to the 851

expiration of the contract, the contract shall be void and the 852  
school shall not enter into a contract with any other sponsor. A 853  
school shall not be considered permanently closed because the 854  
operations of the school have been suspended pursuant to section 855  
3314.072 of the Revised Code. 856

**Section 4.** That the existing version of section 3314.03 of 857  
the Revised Code that is scheduled to take effect January 1, 858  
2025, is hereby repealed. 859

**Section 5.** Sections 3 and 4 of this act take effect on 860  
January 1, 2025. 861