

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 492

Representatives Loychik, Pavliga

A BILL

To amend sections 3314.03, 3319.303, 3326.11, and 1
3328.24 and to enact section 3313.5317 of the 2
Revised Code to require school athletic coaches 3
to complete mental health training. 4

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

Section 1. That sections 3314.03, 3319.303, 3326.11, and 5
3328.24 be amended and section 3313.5317 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3313.5317. As used in this section, "athletic 8
activity" has the same meaning as in section 3313.5310 of the 9
Revised Code. 10

(A) No individual shall coach an athletic activity at a 11
school operated by a school district board of education or any 12
chartered or nonchartered nonpublic school that is subject to 13
the rules of an interscholastic conference or an organization 14
that regulates interscholastic conferences or events unless the 15
individual has completed a student mental health training course 16
approved and certified by the department of mental health 17
pursuant to division (B) of this section. 18

(B) On or after the effective date of this section, an 19

individual shall complete the training prescribed by division 20
(A) of this section each time the individual applies for or 21
renews a pupil-activity program permit under section 3319.303 of 22
the Revised Code. An individual may complete the training at any 23
time within the duration of the individual's new or renewed 24
permit. Upon completion, the individual shall present evidence 25
to the state board of education that the individual has 26
successfully completed the training described in division (A) of 27
this section. 28

Sec. 3314.03. A copy of every contract entered into under 29
this section shall be filed with the superintendent of public 30
instruction. The department of education shall make available on 31
its web site a copy of every approved, executed contract filed 32
with the superintendent under this section. 33

(A) Each contract entered into between a sponsor and the 34
governing authority of a community school shall specify the 35
following: 36

(1) That the school shall be established as either of the 37
following: 38

(a) A nonprofit corporation established under Chapter 39
1702. of the Revised Code, if established prior to April 8, 40
2003; 41

(b) A public benefit corporation established under Chapter 42
1702. of the Revised Code, if established after April 8, 2003. 43

(2) The education program of the school, including the 44
school's mission, the characteristics of the students the school 45
is expected to attract, the ages and grades of students, and the 46
focus of the curriculum; 47

(3) The academic goals to be achieved and the method of 48

measurement that will be used to determine progress toward those 49
goals, which shall include the statewide achievement 50
assessments; 51

(4) Performance standards, including but not limited to 52
all applicable report card measures set forth in section 3302.03 53
or 3314.017 of the Revised Code, by which the success of the 54
school will be evaluated by the sponsor; 55

(5) The admission standards of section 3314.06 of the 56
Revised Code and, if applicable, section 3314.061 of the Revised 57
Code; 58

(6) (a) Dismissal procedures; 59

(b) A requirement that the governing authority adopt an 60
attendance policy that includes a procedure for automatically 61
withdrawing a student from the school if the student without a 62
legitimate excuse fails to participate in seventy-two 63
consecutive hours of the learning opportunities offered to the 64
student. 65

(7) The ways by which the school will achieve racial and 66
ethnic balance reflective of the community it serves; 67

(8) Requirements for financial audits by the auditor of 68
state. The contract shall require financial records of the 69
school to be maintained in the same manner as are financial 70
records of school districts, pursuant to rules of the auditor of 71
state. Audits shall be conducted in accordance with section 72
117.10 of the Revised Code. 73

(9) An addendum to the contract outlining the facilities 74
to be used that contains at least the following information: 75

(a) A detailed description of each facility used for 76

instructional purposes;	77
(b) The annual costs associated with leasing each facility	78
that are paid by or on behalf of the school;	79
(c) The annual mortgage principal and interest payments	80
that are paid by the school;	81
(d) The name of the lender or landlord, identified as	82
such, and the lender's or landlord's relationship to the	83
operator, if any.	84
(10) Qualifications of teachers, including a requirement	85
that the school's classroom teachers be licensed in accordance	86
with sections 3319.22 to 3319.31 of the Revised Code, except	87
that a community school may engage noncertificated persons to	88
teach up to twelve hours or forty hours per week pursuant to	89
section 3319.301 of the Revised Code.	90
(11) That the school will comply with the following	91
requirements:	92
(a) The school will provide learning opportunities to a	93
minimum of twenty-five students for a minimum of nine hundred	94
twenty hours per school year.	95
(b) The governing authority will purchase liability	96
insurance, or otherwise provide for the potential liability of	97
the school.	98
(c) The school will be nonsectarian in its programs,	99
admission policies, employment practices, and all other	100
operations, and will not be operated by a sectarian school or	101
religious institution.	102
(d) The school will comply with sections 9.90, 9.91,	103
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	104

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 105
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5317, 3313.608, 106
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 107
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 108
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 109
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 110
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 111
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 112
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 113
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 114
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 115
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 116
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 118
of the Revised Code as if it were a school district and will 119
comply with section 3301.0714 of the Revised Code in the manner 120
specified in section 3314.17 of the Revised Code. 121

(e) The school shall comply with Chapter 102. and section 122
2921.42 of the Revised Code. 123

(f) The school will comply with sections 3313.61, 124
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 125
Revised Code, except that for students who enter ninth grade for 126
the first time before July 1, 2010, the requirement in sections 127
3313.61 and 3313.611 of the Revised Code that a person must 128
successfully complete the curriculum in any high school prior to 129
receiving a high school diploma may be met by completing the 130
curriculum adopted by the governing authority of the community 131
school rather than the curriculum specified in Title XXXIII of 132
the Revised Code or any rules of the state board of education. 133
Beginning with students who enter ninth grade for the first time 134
on or after July 1, 2010, the requirement in sections 3313.61 135

and 3313.611 of the Revised Code that a person must successfully 136
complete the curriculum of a high school prior to receiving a 137
high school diploma shall be met by completing the requirements 138
prescribed in division (C) of section 3313.603 of the Revised 139
Code, unless the person qualifies under division (D) or (F) of 140
that section. Each school shall comply with the plan for 141
awarding high school credit based on demonstration of subject 142
area competency, and beginning with the 2017-2018 school year, 143
with the updated plan that permits students enrolled in seventh 144
and eighth grade to meet curriculum requirements based on 145
subject area competency adopted by the state board of education 146
under divisions (J) (1) and (2) of section 3313.603 of the 147
Revised Code. Beginning with the 2018-2019 school year, the 148
school shall comply with the framework for granting units of 149
high school credit to students who demonstrate subject area 150
competency through work-based learning experiences, internships, 151
or cooperative education developed by the department under 152
division (J) (3) of section 3313.603 of the Revised Code. 153

(g) The school governing authority will submit within four 154
months after the end of each school year a report of its 155
activities and progress in meeting the goals and standards of 156
divisions (A) (3) and (4) of this section and its financial 157
status to the sponsor and the parents of all students enrolled 158
in the school. 159

(h) The school, unless it is an internet- or computer- 160
based community school, will comply with section 3313.801 of the 161
Revised Code as if it were a school district. 162

(i) If the school is the recipient of moneys from a grant 163
awarded under the federal race to the top program, Division (A), 164
Title XIV, Sections 14005 and 14006 of the "American Recovery 165

and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 166
the school will pay teachers based upon performance in 167
accordance with section 3317.141 and will comply with section 168
3319.111 of the Revised Code as if it were a school district. 169

(j) If the school operates a preschool program that is 170
licensed by the department of education under sections 3301.52 171
to 3301.59 of the Revised Code, the school shall comply with 172
sections 3301.50 to 3301.59 of the Revised Code and the minimum 173
standards for preschool programs prescribed in rules adopted by 174
the state board under section 3301.53 of the Revised Code. 175

(k) The school will comply with sections 3313.6021 and 176
3313.6023 of the Revised Code as if it were a school district 177
unless it is either of the following: 178

(i) An internet- or computer-based community school; 179

(ii) A community school in which a majority of the 180
enrolled students are children with disabilities as described in 181
division (A) (4) (b) of section 3314.35 of the Revised Code. 182

(l) The school will comply with section 3321.191 of the 183
Revised Code, unless it is an internet- or computer-based 184
community school that is subject to section 3314.261 of the 185
Revised Code. 186

(12) Arrangements for providing health and other benefits 187
to employees; 188

(13) The length of the contract, which shall begin at the 189
beginning of an academic year. No contract shall exceed five 190
years unless such contract has been renewed pursuant to division 191
(E) of this section. 192

(14) The governing authority of the school, which shall be 193

responsible for carrying out the provisions of the contract;	194
(15) A financial plan detailing an estimated school budget	195
for each year of the period of the contract and specifying the	196
total estimated per pupil expenditure amount for each such year.	197
(16) Requirements and procedures regarding the disposition	198
of employees of the school in the event the contract is	199
terminated or not renewed pursuant to section 3314.07 of the	200
Revised Code;	201
(17) Whether the school is to be created by converting all	202
or part of an existing public school or educational service	203
center building or is to be a new start-up school, and if it is	204
a converted public school or service center building,	205
specification of any duties or responsibilities of an employer	206
that the board of education or service center governing board	207
that operated the school or building before conversion is	208
delegating to the governing authority of the community school	209
with respect to all or any specified group of employees provided	210
the delegation is not prohibited by a collective bargaining	211
agreement applicable to such employees;	212
(18) Provisions establishing procedures for resolving	213
disputes or differences of opinion between the sponsor and the	214
governing authority of the community school;	215
(19) A provision requiring the governing authority to	216
adopt a policy regarding the admission of students who reside	217
outside the district in which the school is located. That policy	218
shall comply with the admissions procedures specified in	219
sections 3314.06 and 3314.061 of the Revised Code and, at the	220
sole discretion of the authority, shall do one of the following:	221
(a) Prohibit the enrollment of students who reside outside	222

the district in which the school is located;	223
(b) Permit the enrollment of students who reside in	224
districts adjacent to the district in which the school is	225
located;	226
(c) Permit the enrollment of students who reside in any	227
other district in the state.	228
(20) A provision recognizing the authority of the	229
department of education to take over the sponsorship of the	230
school in accordance with the provisions of division (C) of	231
section 3314.015 of the Revised Code;	232
(21) A provision recognizing the sponsor's authority to	233
assume the operation of a school under the conditions specified	234
in division (B) of section 3314.073 of the Revised Code;	235
(22) A provision recognizing both of the following:	236
(a) The authority of public health and safety officials to	237
inspect the facilities of the school and to order the facilities	238
closed if those officials find that the facilities are not in	239
compliance with health and safety laws and regulations;	240
(b) The authority of the department of education as the	241
community school oversight body to suspend the operation of the	242
school under section 3314.072 of the Revised Code if the	243
department has evidence of conditions or violations of law at	244
the school that pose an imminent danger to the health and safety	245
of the school's students and employees and the sponsor refuses	246
to take such action.	247
(23) A description of the learning opportunities that will	248
be offered to students including both classroom-based and non-	249
classroom-based learning opportunities that is in compliance	250

with criteria for student participation established by the 251
department under division (H) (2) of section 3314.08 of the 252
Revised Code; 253

(24) The school will comply with sections 3302.04 and 254
3302.041 of the Revised Code, except that any action required to 255
be taken by a school district pursuant to those sections shall 256
be taken by the sponsor of the school. However, the sponsor 257
shall not be required to take any action described in division 258
(F) of section 3302.04 of the Revised Code. 259

(25) Beginning in the 2006-2007 school year, the school 260
will open for operation not later than the thirtieth day of 261
September each school year, unless the mission of the school as 262
specified under division (A) (2) of this section is solely to 263
serve dropouts. In its initial year of operation, if the school 264
fails to open by the thirtieth day of September, or within one 265
year after the adoption of the contract pursuant to division (D) 266
of section 3314.02 of the Revised Code if the mission of the 267
school is solely to serve dropouts, the contract shall be void. 268

(26) Whether the school's governing authority is planning 269
to seek designation for the school as a STEM school equivalent 270
under section 3326.032 of the Revised Code; 271

(27) That the school's attendance and participation 272
policies will be available for public inspection; 273

(28) That the school's attendance and participation 274
records shall be made available to the department of education, 275
auditor of state, and school's sponsor to the extent permitted 276
under and in accordance with the "Family Educational Rights and 277
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 278
and any regulations promulgated under that act, and section 279

3319.321 of the Revised Code;	280
(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:	281 282 283
(a) An indication of what blended learning model or models will be used;	284 285
(b) A description of how student instructional needs will be determined and documented;	286 287
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	288 289
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	290 291 292
(e) A statement describing how student progress will be monitored;	293 294
(f) A statement describing how private student data will be protected;	295 296
(g) A description of the professional development activities that will be offered to teachers.	297 298
(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;	299 300 301 302
(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	303 304 305 306

contracted.	307
(32) A provision requiring the governing authority to	308
adopt an enrollment and attendance policy that requires a	309
student's parent to notify the community school in which the	310
student is enrolled when there is a change in the location of	311
the parent's or student's primary residence.	312
(33) A provision requiring the governing authority to	313
adopt a student residence and address verification policy for	314
students enrolling in or attending the school.	315
(B) The community school shall also submit to the sponsor	316
a comprehensive plan for the school. The plan shall specify the	317
following:	318
(1) The process by which the governing authority of the	319
school will be selected in the future;	320
(2) The management and administration of the school;	321
(3) If the community school is a currently existing public	322
school or educational service center building, alternative	323
arrangements for current public school students who choose not	324
to attend the converted school and for teachers who choose not	325
to teach in the school or building after conversion;	326
(4) The instructional program and educational philosophy	327
of the school;	328
(5) Internal financial controls.	329
When submitting the plan under this division, the school	330
shall also submit copies of all policies and procedures	331
regarding internal financial controls adopted by the governing	332
authority of the school.	333

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

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

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

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

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

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

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

correct problems in the school's overall performance, declare 363
the school to be on probationary status pursuant to section 364
3314.073 of the Revised Code, suspend the operation of the 365
school pursuant to section 3314.072 of the Revised Code, or 366
terminate the contract of the school pursuant to section 3314.07 367
of the Revised Code as determined necessary by the sponsor; 368

(6) Have in place a plan of action to be undertaken in the 369
event the community school experiences financial difficulties or 370
closes prior to the end of a school year. 371

(E) Upon the expiration of a contract entered into under 372
this section, the sponsor of a community school may, with the 373
approval of the governing authority of the school, renew that 374
contract for a period of time determined by the sponsor, but not 375
ending earlier than the end of any school year, if the sponsor 376
finds that the school's compliance with applicable laws and 377
terms of the contract and the school's progress in meeting the 378
academic goals prescribed in the contract have been 379
satisfactory. Any contract that is renewed under this division 380
remains subject to the provisions of sections 3314.07, 3314.072, 381
and 3314.073 of the Revised Code. 382

(F) If a community school fails to open for operation 383
within one year after the contract entered into under this 384
section is adopted pursuant to division (D) of section 3314.02 385
of the Revised Code or permanently closes prior to the 386
expiration of the contract, the contract shall be void and the 387
school shall not enter into a contract with any other sponsor. A 388
school shall not be considered permanently closed because the 389
operations of the school have been suspended pursuant to section 390
3314.072 of the Revised Code. 391

Sec. 3319.303. (A) The state board of education shall 392

adopt rules establishing standards and requirements for 393
obtaining a pupil-activity program permit for any individual who 394
does not hold a valid educator license, certificate, or permit 395
issued by the state board under section 3319.22, 3319.26, or 396
3319.27 of the Revised Code. The permit issued under this 397
section shall be valid for coaching, supervising, or directing a 398
pupil-activity program under section 3313.53 of the Revised 399
Code. Subject to the provisions of section 3319.31 of the 400
Revised Code, a permit issued under this division shall be valid 401
for three years and shall be renewable. 402

(B) The state board shall adopt rules applicable to 403
individuals who hold valid educator licenses, certificates, or 404
permits issued by the state board under section 3319.22, 405
3319.26, or 3319.27 of the Revised Code setting forth standards 406
to assure any such individual's competence to direct, supervise, 407
or coach a pupil-activity program described in section 3313.53 408
of the Revised Code. The rules adopted under this division shall 409
not be more stringent than the standards set forth in rules 410
applicable to individuals who do not hold such licenses, 411
certificates, or permits adopted under division (A) of this 412
section. Subject to the provisions of section 3319.31 of the 413
Revised Code, a permit issued to an individual under this 414
division shall be valid for the same number of years as the 415
individual's educator license, certificate, or permit issued 416
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 417
and shall be renewable. 418

(C) As a condition to issuing or renewing a pupil-activity 419
program permit to coach interscholastic athletics: 420

(1) The state board shall require each individual applying 421
for a first permit on or after April 26, 2013, to successfully 422

complete a training program that is specifically focused on 423
brain trauma and brain injury management. 424

(2) The state board shall require each individual applying 425
for a permit renewal on or after that date to present evidence 426
that the individual has successfully completed, within the 427
previous three years, a training program in recognizing the 428
symptoms of concussions and head injuries to which the 429
department of health has provided a link on its internet web 430
site under section 3707.52 of the Revised Code or a training 431
program authorized and required by an organization that 432
regulates interscholastic athletic competition and conducts 433
interscholastic athletic events. 434

(3) The state board shall require each individual applying 435
for a permit renewal on or after the effective date of this 436
amendment to present evidence that the individual has complied 437
with the student mental health training requirement under 438
section 3313.5317 of the Revised Code. 439

Sec. 3326.11. Each science, technology, engineering, and 440
mathematics school established under this chapter and its 441
governing body shall comply with sections 9.90, 9.91, 109.65, 442
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 443
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 444
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 445
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5317, 446
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 447
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 448
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 449
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 450
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 451
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 452

3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 453
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 454
3319.073, 3319.077, 3319.078, 3319.21, 3319.238, 3319.318, 455
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 456
3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 457
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 458
3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 459
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 460
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 461
the Revised Code as if it were a school district. 462

Sec. 3328.24. A college-preparatory boarding school 463
established under this chapter and its board of trustees shall 464
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 465
3301.0714, 3301.0729, 3301.948, 3313.5317, 3313.6013, 3313.6021, 466
3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 467
3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 468
3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.39, 469
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 470
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 471
if the school were a school district and the school's board of 472
trustees were a district board of education. 473

Section 2. That existing sections 3314.03, 3319.303, 474
3326.11, and 3328.24 of the Revised Code are hereby repealed. 475

Section 3. Section 3328.24 of the Revised Code is 476
presented in this act as a composite of the section as amended 477
by both H.B. 82 and H.B. 110 of the 134th General Assembly. The 478
General Assembly, applying the principle stated in division (B) 479
of section 1.52 of the Revised Code that amendments are to be 480
harmonized if reasonably capable of simultaneous operation, 481
finds that the composite is the resulting version of the section 482

in effect prior to the effective date of the section as
presented in this act.

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