

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 225

Senator Lehner

Cosponsors: Senators Thomas, Antonio, Williams, Sykes, Maharath

A BILL

To amend sections 3314.03 and 3326.11 and to enact
section 3313.802 of the Revised Code to require
public schools to post signs with a child abuse
reporting telephone number.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and section 3313.802 of the Revised Code be enacted to read as
follows:

Sec. 3313.802. (A) The board of education of each school
district shall post in each school building under the board's
control a sign that contains a toll-free telephone number that
receives reports of child abuse or neglect. The sign shall be
posted in a clearly visible location in a public area of the
school building that is readily accessible to students.

(B) The state board of education may adopt rules relating
to the size and location of the sign required under division (A)
of this section.

Sec. 3314.03. A copy of every contract entered into under
this section shall be filed with the superintendent of public

instruction. The department of education shall make available on 19
its web site a copy of every approved, executed contract filed 20
with the superintendent under this section. 21

(A) Each contract entered into between a sponsor and the 22
governing authority of a community school shall specify the 23
following: 24

(1) That the school shall be established as either of the 25
following: 26

(a) A nonprofit corporation established under Chapter 27
1702. of the Revised Code, if established prior to April 8, 28
2003; 29

(b) A public benefit corporation established under Chapter 30
1702. of the Revised Code, if established after April 8, 2003. 31

(2) The education program of the school, including the 32
school's mission, the characteristics of the students the school 33
is expected to attract, the ages and grades of students, and the 34
focus of the curriculum; 35

(3) The academic goals to be achieved and the method of 36
measurement that will be used to determine progress toward those 37
goals, which shall include the statewide achievement 38
assessments; 39

(4) Performance standards, including but not limited to 40
all applicable report card measures set forth in section 3302.03 41
or 3314.017 of the Revised Code, by which the success of the 42
school will be evaluated by the sponsor; 43

(5) The admission standards of section 3314.06 of the 44
Revised Code and, if applicable, section 3314.061 of the Revised 45
Code; 46

(6) (a) Dismissal procedures;	47
(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.	48 49 50 51 52 53
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	54 55
(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.	56 57 58 59 60 61
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	62 63
(a) A detailed description of each facility used for instructional purposes;	64 65
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	66 67
(c) The annual mortgage principal and interest payments that are paid by the school;	68 69
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	70 71 72
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance	73 74

with sections 3319.22 to 3319.31 of the Revised Code, except 75
that a community school may engage noncertificated persons to 76
teach up to twelve hours per week pursuant to section 3319.301 77
of the Revised Code. 78

(11) That the school will comply with the following 79
requirements: 80

(a) The school will provide learning opportunities to a 81
minimum of twenty-five students for a minimum of nine hundred 82
twenty hours per school year. 83

(b) The governing authority will purchase liability 84
insurance, or otherwise provide for the potential liability of 85
the school. 86

(c) The school will be nonsectarian in its programs, 87
admission policies, employment practices, and all other 88
operations, and will not be operated by a sectarian school or 89
religious institution. 90

(d) The school will comply with sections 9.90, 9.91, 91
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 92
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 93
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 94
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 95
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 96
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 97
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 98
3313.721, 3313.80, 3313.802, 3313.814, 3313.816, 3313.817, 99
3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 100
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 101
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 102
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 103

3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 104
it were a school district and will comply with section 3301.0714 105
of the Revised Code in the manner specified in section 3314.17 106
of the Revised Code. 107

(e) The school shall comply with Chapter 102. and section 108
2921.42 of the Revised Code. 109

(f) The school will comply with sections 3313.61, 110
3313.611, and 3313.614 of the Revised Code, except that for 111
students who enter ninth grade for the first time before July 1, 112
2010, the requirement in sections 3313.61 and 3313.611 of the 113
Revised Code that a person must successfully complete the 114
curriculum in any high school prior to receiving a high school 115
diploma may be met by completing the curriculum adopted by the 116
governing authority of the community school rather than the 117
curriculum specified in Title XXXVIII of the Revised Code or any 118
rules of the state board of education. Beginning with students 119
who enter ninth grade for the first time on or after July 1, 120
2010, the requirement in sections 3313.61 and 3313.611 of the 121
Revised Code that a person must successfully complete the 122
curriculum of a high school prior to receiving a high school 123
diploma shall be met by completing the requirements prescribed 124
in division (C) of section 3313.603 of the Revised Code, unless 125
the person qualifies under division (D) or (F) of that section. 126
Each school shall comply with the plan for awarding high school 127
credit based on demonstration of subject area competency, and 128
beginning with the 2017-2018 school year, with the updated plan 129
that permits students enrolled in seventh and eighth grade to 130
meet curriculum requirements based on subject area competency 131
adopted by the state board of education under divisions (J) (1) 132
and (2) of section 3313.603 of the Revised Code. Beginning with 133
the 2018-2019 school year, the school shall comply with the 134

framework for granting units of high school credit to students 135
who demonstrate subject area competency through work-based 136
learning experiences, internships, or cooperative education 137
developed by the department under division (J) (3) of section 138
3313.603 of the Revised Code. 139

(g) The school governing authority will submit within four 140
months after the end of each school year a report of its 141
activities and progress in meeting the goals and standards of 142
divisions (A) (3) and (4) of this section and its financial 143
status to the sponsor and the parents of all students enrolled 144
in the school. 145

(h) The school, unless it is an internet- or computer- 146
based community school, will comply with section 3313.801 of the 147
Revised Code as if it were a school district. 148

(i) If the school is the recipient of moneys from a grant 149
awarded under the federal race to the top program, Division (A), 150
Title XIV, Sections 14005 and 14006 of the "American Recovery 151
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 152
the school will pay teachers based upon performance in 153
accordance with section 3317.141 and will comply with section 154
3319.111 of the Revised Code as if it were a school district. 155

(j) If the school operates a preschool program that is 156
licensed by the department of education under sections 3301.52 157
to 3301.59 of the Revised Code, the school shall comply with 158
sections 3301.50 to 3301.59 of the Revised Code and the minimum 159
standards for preschool programs prescribed in rules adopted by 160
the state board under section 3301.53 of the Revised Code. 161

(k) The school will comply with sections 3313.6021 and 162
3313.6023 of the Revised Code as if it were a school district 163

unless it is either of the following:	164
(i) An internet- or computer-based community school;	165
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	166 167 168
(12) Arrangements for providing health and other benefits to employees;	169 170
(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.	171 172 173 174
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	175 176
(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.	177 178 179
(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;	180 181 182 183
(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	184 185 186 187 188 189 190 191

with respect to all or any specified group of employees provided 192
the delegation is not prohibited by a collective bargaining 193
agreement applicable to such employees; 194

(18) Provisions establishing procedures for resolving 195
disputes or differences of opinion between the sponsor and the 196
governing authority of the community school; 197

(19) A provision requiring the governing authority to 198
adopt a policy regarding the admission of students who reside 199
outside the district in which the school is located. That policy 200
shall comply with the admissions procedures specified in 201
sections 3314.06 and 3314.061 of the Revised Code and, at the 202
sole discretion of the authority, shall do one of the following: 203

(a) Prohibit the enrollment of students who reside outside 204
the district in which the school is located; 205

(b) Permit the enrollment of students who reside in 206
districts adjacent to the district in which the school is 207
located; 208

(c) Permit the enrollment of students who reside in any 209
other district in the state. 210

(20) A provision recognizing the authority of the 211
department of education to take over the sponsorship of the 212
school in accordance with the provisions of division (C) of 213
section 3314.015 of the Revised Code; 214

(21) A provision recognizing the sponsor's authority to 215
assume the operation of a school under the conditions specified 216
in division (B) of section 3314.073 of the Revised Code; 217

(22) A provision recognizing both of the following: 218

(a) The authority of public health and safety officials to 219

inspect the facilities of the school and to order the facilities 220
closed if those officials find that the facilities are not in 221
compliance with health and safety laws and regulations; 222

(b) The authority of the department of education as the 223
community school oversight body to suspend the operation of the 224
school under section 3314.072 of the Revised Code if the 225
department has evidence of conditions or violations of law at 226
the school that pose an imminent danger to the health and safety 227
of the school's students and employees and the sponsor refuses 228
to take such action. 229

(23) A description of the learning opportunities that will 230
be offered to students including both classroom-based and non- 231
classroom-based learning opportunities that is in compliance 232
with criteria for student participation established by the 233
department under division (H) (2) of section 3314.08 of the 234
Revised Code; 235

(24) The school will comply with sections 3302.04 and 236
3302.041 of the Revised Code, except that any action required to 237
be taken by a school district pursuant to those sections shall 238
be taken by the sponsor of the school. However, the sponsor 239
shall not be required to take any action described in division 240
(F) of section 3302.04 of the Revised Code. 241

(25) Beginning in the 2006-2007 school year, the school 242
will open for operation not later than the thirtieth day of 243
September each school year, unless the mission of the school as 244
specified under division (A) (2) of this section is solely to 245
serve dropouts. In its initial year of operation, if the school 246
fails to open by the thirtieth day of September, or within one 247
year after the adoption of the contract pursuant to division (D) 248
of section 3314.02 of the Revised Code if the mission of the 249

school is solely to serve dropouts, the contract shall be void.	250
(26) Whether the school's governing authority is planning	251
to seek designation for the school as a STEM school equivalent	252
under section 3326.032 of the Revised Code;	253
(27) That the school's attendance and participation	254
policies will be available for public inspection;	255
(28) That the school's attendance and participation	256
records shall be made available to the department of education,	257
auditor of state, and school's sponsor to the extent permitted	258
under and in accordance with the "Family Educational Rights and	259
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	260
and any regulations promulgated under that act, and section	261
3319.321 of the Revised Code;	262
(29) If a school operates using the blended learning	263
model, as defined in section 3301.079 of the Revised Code, all	264
of the following information:	265
(a) An indication of what blended learning model or models	266
will be used;	267
(b) A description of how student instructional needs will	268
be determined and documented;	269
(c) The method to be used for determining competency,	270
granting credit, and promoting students to a higher grade level;	271
(d) The school's attendance requirements, including how	272
the school will document participation in learning	273
opportunities;	274
(e) A statement describing how student progress will be	275
monitored;	276

(f) A statement describing how private student data will be protected;	277 278
(g) A description of the professional development activities that will be offered to teachers.	279 280
(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;	281 282 283 284
(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.	285 286 287 288 289
(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.	290 291 292 293 294
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	295 296 297
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	298 299 300
(1) The process by which the governing authority of the school will be selected in the future;	301 302
(2) The management and administration of the school;	303
(3) If the community school is a currently existing public	304

school or educational service center building, alternative 305
arrangements for current public school students who choose not 306
to attend the converted school and for teachers who choose not 307
to teach in the school or building after conversion; 308

(4) The instructional program and educational philosophy 309
of the school; 310

(5) Internal financial controls. 311

When submitting the plan under this division, the school 312
shall also submit copies of all policies and procedures 313
regarding internal financial controls adopted by the governing 314
authority of the school. 315

(C) A contract entered into under section 3314.02 of the 316
Revised Code between a sponsor and the governing authority of a 317
community school may provide for the community school governing 318
authority to make payments to the sponsor, which is hereby 319
authorized to receive such payments as set forth in the contract 320
between the governing authority and the sponsor. The total 321
amount of such payments for monitoring, oversight, and technical 322
assistance of the school shall not exceed three per cent of the 323
total amount of payments for operating expenses that the school 324
receives from the state. 325

(D) The contract shall specify the duties of the sponsor 326
which shall be in accordance with the written agreement entered 327
into with the department of education under division (B) of 328
section 3314.015 of the Revised Code and shall include the 329
following: 330

(1) Monitor the community school's compliance with all 331
laws applicable to the school and with the terms of the 332
contract; 333

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	334 335 336
(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;	337 338 339 340
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	341 342 343
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	344 345 346 347 348 349 350
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	351 352 353
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division	354 355 356 357 358 359 360 361 362

remains subject to the provisions of sections 3314.07, 3314.072, 363
and 3314.073 of the Revised Code. 364

(F) If a community school fails to open for operation 365
within one year after the contract entered into under this 366
section is adopted pursuant to division (D) of section 3314.02 367
of the Revised Code or permanently closes prior to the 368
expiration of the contract, the contract shall be void and the 369
school shall not enter into a contract with any other sponsor. A 370
school shall not be considered permanently closed because the 371
operations of the school have been suspended pursuant to section 372
3314.072 of the Revised Code. 373

Sec. 3326.11. Each science, technology, engineering, and 374
mathematics school established under this chapter and its 375
governing body shall comply with sections 9.90, 9.91, 109.65, 376
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 377
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 378
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 379
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 380
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 381
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 382
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 383
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 384
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 385
3313.721, 3313.80, 3313.801, 3313.802, 3313.814, 3313.816, 386
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 387
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 388
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 389
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 390
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 391
4112., 4123., 4141., and 4167. of the Revised Code as if it were 392
a school district. 393

Section 2. That existing sections 3314.03 and 3326.11 of 394
the Revised Code are hereby repealed. 395

Section 3. Section 3314.03 of the Revised Code is 396
presented in this act as a composite of the section as amended 397
by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 398
Assembly. The General Assembly, applying the principle stated in 399
division (B) of section 1.52 of the Revised Code that amendments 400
are to be harmonized if reasonably capable of simultaneous 401
operation, finds that the composite is the resulting version of 402
the section in effect prior to the effective date of the section 403
as presented in this act. 404