As Introduced

133rd General Assembly
Regular Session
2019-2020

S. B. No. 16

Senator Williams
Cosponsors: Senators Thomas, Fedor, Antonio

A BILL

To amend sections 3301.0721, 3314.03, 3326.11, and 3328.24 and to enact sections 109.749, 3313.6024, and 4508.022 of the Revised Code regarding instruction for peace officers, students, and new or student drivers on proper interactions with peace officers.

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

Section 1. That sections 3301.0721, 3314.03, 3326.11, and 3328.24 be amended and sections 109.749, 3313.6024, and 4508.022 of the Revised Code be enacted to read as follows:

Sec. 109.749. (A) In accordance with Chapter 119. of the Revised Code or pursuant to section 109.74 of the Revised Code, the attorney general shall adopt rules governing the training of peace officers on proper interactions with civilians during traffic stops and other in-person encounters. The rules shall include all of the following:

(1) A specified amount of training that is necessary for satisfactory completion of basic training programs at approved peace officer training schools;
(2) The time period within which an active duty peace officer, who has been appointed prior to the effective date of this section, is required to receive the training. The rules shall require such an officer to complete the training not later than two years after that effective date.

(3) A requirement that the training include all of the following topics:

(a) A person's rights during an interaction with a peace officer, including all of the following:

(i) When a peace officer may require a person to exit a vehicle;

(ii) Constitutional protections from illegal search and seizure;

(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;

(iv) The right for a citizen to record an encounter with a peace officer.

(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;

(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws.

(4) Any other requirements and procedures necessary for the proper implementation of this section.

(B) Any peace officer who fails to complete the training required by this section within the time period established
under division (A)(2) of this section shall cease carrying a firearm and shall cease performing the functions of a peace officer until the peace officer provides evidence of completion of the training to the executive director of the peace officer training commission.

Sec. 3301.0721. (A) The superintendent of public instruction shall develop a model curriculum for instruction in college and career readiness and financial literacy. The curriculum shall focus on grades seven through twelve, but the superintendent may include other grade levels. When the model curriculum has been developed, the department of education shall notify all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code of the content of the curriculum. Any district or school may utilize the model curriculum.

(B) The state board of education, in collaboration with the director of public safety, shall develop a model curriculum for instruction in grades nine through twelve on proper interactions with peace officers during traffic stops and other in-person encounters with peace officers. In developing the curriculum under division (B) of this section, the state board and the director may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction. Before finalizing any curriculum under division (B) of this section, the state board and the director shall provide a reasonable period for public comment. The curriculum shall include both of the following:

(1) Information regarding all of the following:
(a) A person's rights during an interaction with a peace officer, including all of the following:

(i) When a peace officer may require a person to exit a vehicle;

(ii) Constitutional protections from illegal search and seizure;

(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;

(iv) The right to record an encounter with a peace officer.

(b) Proper actions for interacting with a peace officer and methods for diffusing a stressful encounter with a peace officer;

(c) Which individuals are considered peace officers, and their duties and responsibilities;

(d) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;

(e) Procedures for filing a complaint against or a compliment on behalf of a peace officer.

(2) Demonstrations and role-play activities in a classroom setting, including an after-the-fact debriefing of students, that allow students to better understand how interactions between civilians and peace officers can and should unfold.

As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.
Sec. 3313.6024. The board of education of each city, local, exempted village, and joint vocational school district shall provide instruction on proper interactions with peace officers during traffic stops and other in-person encounters using the model curriculum developed under division (B) of section 3301.0721 of the Revised Code. Each district shall include this instruction in one or more courses offered under division (C) of section 3313.603 of the Revised Code for students in grades nine through twelve. Each district may modify the instruction in the model curriculum as appropriate for the district's community. In modifying the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, as that term is defined in section 4508.01 of the Revised Code, and the community.

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 its web site a copy of every approved, executed contract filed with the superintendent under this section.

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

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

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

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(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;

(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;

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

(6)(a) Dismissal procedures;

(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.

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

(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.

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

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

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

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

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

(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.

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

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


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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 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 state board of education. 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 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 state board of education 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 divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

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

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

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

(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.

(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 governing authority of the community school;

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

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

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

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

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

(22) A provision recognizing both of the following:

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

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

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code.
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

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

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

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

(28) That the school's attendance and participation records shall be made available to the department of education, 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;

(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:

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

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

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

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

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

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

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

   (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;

   (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 regarding internal financial controls adopted by the governing authority of the school.

(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
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;

(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.

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

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

Sec. 3326.11. Each science, technology, engineering, and
mathematics school established under this chapter and its
governing body shall comply with sections 9.90, 9.91, 109.65,
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,

Sec. 4508.022. (A) The director of public safety shall adapt the model curriculum on proper interactions with peace officers developed under division (B) of section 3301.0721 of the Revised Code so that it is appropriate for the instructional methods of driver training schools.

(B) The classroom instruction required by division (C) of
section 4508.02 of the Revised Code shall include the instruction adapted under division (A) of this section.

(C) The director shall amend the digest of motor vehicle laws, or any other reference document for the material covered in the written portions of the temporary instruction permit and drivers' license examinations required under section 4507.11 of the Revised Code, to include a separate section with instruction on proper interactions when a driver is stopped by a peace officer. The instruction shall be adapted from the model curriculum described in division (A) of this section so that it is appropriate for new drivers.

(D) As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.

Section 2. That existing sections 3301.0721, 3314.03, 3326.11, and 3328.24 of the Revised Code are hereby repealed.

Section 3. Section 3328.24 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.