

Sub. S.B. 23
I_133_1050-3

Topic: Sexuality education

_____ moved to amend as follows:

In line 2 of the title, after "2919.193," insert "3314.03,
3326.11, 3328.24," 1
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In line 9 of the title, after "2919.1913," insert "3301.35,
3301.351," 3
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In line 10 of the title, after "Act" insert "and to create a
sexuality education curriculum" 5
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In line 12, after "2919.193," insert "3314.03, 3326.11,
3328.24," 7
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In line 17, after "2919.1913" insert "3301.35, 3301.351" 9

After line 714, insert: 10

"Sec. 3301.35. (A) As used in this section: 11

"AIDS" means the illness designated as acquired 12
immunodeficiency syndrome. 13

"HIV" means the human immunodeficiency virus identified as 14
the causative agent of AIDS. 15

"HPV" means the sexually transmitted infection human 16
papillomavirus. 17

"Qualified, trained teacher" means a classroom teacher who 18

has successfully completed all requirements for certification or licensure under chapter 3319. of the Revised Code applicable to the subject areas and grade levels in which the teacher provides instruction and the students to whom the teacher provides the instruction.

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"Sexuality" means the capacity for sexual feelings, and the sexual orientation or preference, of a human individual.

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(B) The state board of education shall create a sexuality education curriculum that meets the following requirements:

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(1) It is a planned, sequential, curriculum that is part of a medically accurate, comprehensive school health education approach that addresses age-appropriate physical, mental, emotional, and social dimensions of sexuality.

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(2) It is designed to motivate and assist students to maintain and improve their sexual health, prevent disease, and reduce sexual-health-related risk behaviors.

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(3) It allows students to develop and demonstrate developmentally appropriate sexual-health-related knowledge, attitudes, skills, and practices.

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(4) It addresses a variety of topics including anatomy; physiology; families; personal safety; healthy relationships; intimate partner violence; pregnancy and birth; sexually transmitted diseases including HIV, HPV, and cervical cancer; contraceptives; sexual orientation; gender identity and expression; pregnancy options; and media literacy.

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(5) It is taught by a qualified, trained teacher.

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Sec. 3301.351. The board of education of each city, local, and exempted village school district shall implement the sexuality

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education curriculum created by the state board of education under section 3301.35 of the Revised Code.

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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.

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

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

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

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

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(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;

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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;

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(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;

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(5) The admission standards of section 3314.06 of the Revised

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Code and, if applicable, section 3314.061 of the Revised Code; 75

(6)(a) Dismissal procedures; 76

(b) A requirement that the governing authority adopt an 77
attendance policy that includes a procedure for automatically 78
withdrawing a student from the school if the student without a 79
legitimate excuse fails to participate in seventy-two consecutive 80
hours of the learning opportunities offered to the student. 81

(7) The ways by which the school will achieve racial and 82
ethnic balance reflective of the community it serves; 83

(8) Requirements for financial audits by the auditor of 84
state. The contract shall require financial records of the school 85
to be maintained in the same manner as are financial records of 86
school districts, pursuant to rules of the auditor of state. 87
Audits shall be conducted in accordance with section 117.10 of the 88
Revised Code. 89

(9) An addendum to the contract outlining the facilities to 90
be used that contains at least the following information: 91

(a) A detailed description of each facility used for 92
instructional purposes; 93

(b) The annual costs associated with leasing each facility 94
that are paid by or on behalf of the school; 95

(c) The annual mortgage principal and interest payments that 96
are paid by the school; 97

(d) The name of the lender or landlord, identified as such, 98
and the lender's or landlord's relationship to the operator, if 99
any. 100

(10) Qualifications of teachers, including a requirement that 101
the school's classroom teachers be licensed in accordance with 102

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.

(d) The school will comply with sections 9.90, 9.91, 109.65,
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711,
3301.0712, 3301.0715, 3301.0729, 3301.351, 3301.948, 3313.472,
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609,
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643,
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673,
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112,
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89,
3313.96, 3319.073, 3319.074, 3319.321, 3319.39, 3319.391, 3319.41,
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17,
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,
4123., 4141., and 4167. of the Revised Code as if it were a school

district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 133
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 136
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(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 XXXVIII 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 138
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experiences, internships, or cooperative education developed by 164
 the department under division (J)(3) of section 3313.603 of the 165
 Revised Code. 166

(g) The school governing authority will submit within four 167
 months after the end of each school year a report of its 168
 activities and progress in meeting the goals and standards of 169
 divisions (A)(3) and (4) of this section and its financial status 170
 to the sponsor and the parents of all students enrolled in the 171
 school. 172

(h) The school, unless it is an internet- or computer-based 173
 community school, will comply with section 3313.801 of the Revised 174
 Code as if it were a school district. 175

(i) If the school is the recipient of moneys from a grant 176
 awarded under the federal race to the top program, Division (A), 177
 Title XIV, Sections 14005 and 14006 of the "American Recovery and 178
 Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 179
 school will pay teachers based upon performance in accordance with 180
 section 3317.141 and will comply with section 3319.111 of the 181
 Revised Code as if it were a school district. 182

(j) If the school operates a preschool program that is 183
 licensed by the department of education under sections 3301.52 to 184
 3301.59 of the Revised Code, the school shall comply with sections 185
 3301.50 to 3301.59 of the Revised Code and the minimum standards 186
 for preschool programs prescribed in rules adopted by the state 187
 board under section 3301.53 of the Revised Code. 188

(k) The school will comply with sections 3313.6021 and 189
 3313.6023 of the Revised Code as if it were a school district 190
 unless it is either of the following: 191

(i) An internet- or computer-based community school; 192

(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.	193 194 195
(12) Arrangements for providing health and other benefits to employees;	196 197
(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.	198 199 200 201
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	202 203
(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.	204 205 206
(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;	207 208 209
(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;	210 211 212 213 214 215 216 217 218 219 220
(18) Provisions establishing procedures for resolving	221

disputes or differences of opinion between the sponsor and the governing authority of the community school;	222 223
(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:	224 225 226 227 228 229
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	230 231
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	232 233
(c) Permit the enrollment of students who reside in any other district in the state.	234 235
(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;	236 237 238 239
(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;	240 241 242
(22) A provision recognizing both of the following:	243
(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;	244 245 246 247
(b) The authority of the department of education as the community school oversight body to suspend the operation of the	248 249

school under section 3314.072 of the Revised Code if the 250
 department has evidence of conditions or violations of law at the 251
 school that pose an imminent danger to the health and safety of 252
 the school's students and employees and the sponsor refuses to 253
 take such action. 254

(23) A description of the learning opportunities that will be 255
 offered to students including both classroom-based and 256
 non-classroom-based learning opportunities that is in compliance 257
 with criteria for student participation established by the 258
 department under division (H)(2) of section 3314.08 of the Revised 259
 Code; 260

(24) The school will comply with sections 3302.04 and 261
 3302.041 of the Revised Code, except that any action required to 262
 be taken by a school district pursuant to those sections shall be 263
 taken by the sponsor of the school. However, the sponsor shall not 264
 be required to take any action described in division (F) of 265
 section 3302.04 of the Revised Code. 266

(25) Beginning in the 2006-2007 school year, the school will 267
 open for operation not later than the thirtieth day of September 268
 each school year, unless the mission of the school as specified 269
 under division (A)(2) of this section is solely to serve dropouts. 270
 In its initial year of operation, if the school fails to open by 271
 the thirtieth day of September, or within one year after the 272
 adoption of the contract pursuant to division (D) of section 273
 3314.02 of the Revised Code if the mission of the school is solely 274
 to serve dropouts, the contract shall be void. 275

(26) Whether the school's governing authority is planning to 276
 seek designation for the school as a STEM school equivalent under 277
 section 3326.032 of the Revised Code; 278

(27) That the school's attendance and participation policies 279

will be available for public inspection;	280
(28) That the school's attendance and participation records	281
shall be made available to the department of education, auditor of	282
state, and school's sponsor to the extent permitted under and in	283
accordance with the "Family Educational Rights and Privacy Act of	284
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	285
regulations promulgated under that act, and section 3319.321 of	286
the Revised Code;	287
(29) If a school operates using the blended learning model,	288
as defined in section 3301.079 of the Revised Code, all of the	289
following information:	290
(a) An indication of what blended learning model or models	291
will be used;	292
(b) A description of how student instructional needs will be	293
determined and documented;	294
(c) The method to be used for determining competency,	295
granting credit, and promoting students to a higher grade level;	296
(d) The school's attendance requirements, including how the	297
school will document participation in learning opportunities;	298
(e) A statement describing how student progress will be	299
monitored;	300
(f) A statement describing how private student data will be	301
protected;	302
(g) A description of the professional development activities	303
that will be offered to teachers.	304
(30) A provision requiring that all moneys the school's	305
operator loans to the school, including facilities loans or cash	306
flow assistance, must be accounted for, documented, and bear	307

interest at a fair market rate;	308
(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.	309 310 311 312
(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.	313 314 315 316 317
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	318 319 320
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	321 322 323
(1) The process by which the governing authority of the school will be selected in the future;	324 325
(2) The management and administration of the school;	326
(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;	327 328 329 330 331
(4) The instructional program and educational philosophy of the school;	332 333
(5) Internal financial controls.	334
When submitting the plan under this division, the school	335

shall also submit copies of all policies and procedures regarding 336
 internal financial controls adopted by the governing authority of 337
 the school. 338

(C) A contract entered into under section 3314.02 of the 339
 Revised Code between a sponsor and the governing authority of a 340
 community school may provide for the community school governing 341
 authority to make payments to the sponsor, which is hereby 342
 authorized to receive such payments as set forth in the contract 343
 between the governing authority and the sponsor. The total amount 344
 of such payments for monitoring, oversight, and technical 345
 assistance of the school shall not exceed three per cent of the 346
 total amount of payments for operating expenses that the school 347
 receives from the state. 348

(D) The contract shall specify the duties of the sponsor 349
 which shall be in accordance with the written agreement entered 350
 into with the department of education under division (B) of 351
 section 3314.015 of the Revised Code and shall include the 352
 following: 353

(1) Monitor the community school's compliance with all laws 354
 applicable to the school and with the terms of the contract; 355

(2) Monitor and evaluate the academic and fiscal performance 356
 and the organization and operation of the community school on at 357
 least an annual basis; 358

(3) Report on an annual basis the results of the evaluation 359
 conducted under division (D)(2) of this section to the department 360
 of education and to the parents of students enrolled in the 361
 community school; 362

(4) Provide technical assistance to the community school in 363
 complying with laws applicable to the school and terms of the 364

contract; 365

(5) Take steps to intervene in the school's operation to 366
 correct problems in the school's overall performance, declare the 367
 school to be on probationary status pursuant to section 3314.073 368
 of the Revised Code, suspend the operation of the school pursuant 369
 to section 3314.072 of the Revised Code, or terminate the contract 370
 of the school pursuant to section 3314.07 of the Revised Code as 371
 determined necessary by the sponsor; 372

(6) Have in place a plan of action to be undertaken in the 373
 event the community school experiences financial difficulties or 374
 closes prior to the end of a school year. 375

(E) Upon the expiration of a contract entered into under this 376
 section, the sponsor of a community school may, with the approval 377
 of the governing authority of the school, renew that contract for 378
 a period of time determined by the sponsor, but not ending earlier 379
 than the end of any school year, if the sponsor finds that the 380
 school's compliance with applicable laws and terms of the contract 381
 and the school's progress in meeting the academic goals prescribed 382
 in the contract have been satisfactory. Any contract that is 383
 renewed under this division remains subject to the provisions of 384
 sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 385

(F) If a community school fails to open for operation within 386
 one year after the contract entered into under this section is 387
 adopted pursuant to division (D) of section 3314.02 of the Revised 388
 Code or permanently closes prior to the expiration of the 389
 contract, the contract shall be void and the school shall not 390
 enter into a contract with any other sponsor. A school shall not 391
 be considered permanently closed because the operations of the 392
 school have been suspended pursuant to section 3314.072 of the 393
 Revised Code. 394

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, 3301.0714, 3301.0715, 3301.0729, 3301.351, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.351, 3301.948, 3313.536, 3313.6013, 3313.6021, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education."

In line 1499, after "2919.193," insert "3314.03, 3326.11,

3328.24, "

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In line 1562, after "5." insert "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."

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The motion was _____ agreed to.