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,"

In line 9 of the title, after "2919.1913," insert "3301.35, 3301.351,"

In line 10 of the title, after "Act" insert "and to create a sexuality education curriculum"

In line 12, after "2919.193," insert "3314.03, 3326.11, 3328.24,"

In line 17, after "2919.1913" insert "3301.35, 3301.351"

After line 714, insert:

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

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

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

"HPV" means the sexually transmitted infection human papillomavirus.

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

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

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

(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.

(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.

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

(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.

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

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

district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(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
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 222
governing authority of the community school;
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(19) A provision requiring the governing authority to adopt a 224
policy regarding the admission of students who reside outside the 225
district in which the school is located. That policy shall comply 226
with the admissions procedures specified in sections 3314.06 and 227
3314.061 of the Revised Code and, at the sole discretion of the 228
authority, shall do one of the following:
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(a) Prohibit the enrollment of students who reside outside 230
the district in which the school is located;
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(b) Permit the enrollment of students who reside in districts 232
adjacent to the district in which the school is located;
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(c) Permit the enrollment of students who reside in any other 234
district in the state.
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(20) A provision recognizing the authority of the department 236
of education to take over the sponsorship of the school in 237
accordance with the provisions of division (C) of section 3314.015 238
of the Revised Code;
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(21) A provision recognizing the sponsor's authority to 240
assume the operation of a school under the conditions specified in 241
division (B) of section 3314.073 of the Revised Code;
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(22) A provision recognizing both of the following:
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(a) The authority of public health and safety officials to 244
inspect the facilities of the school and to order the facilities 245
closed if those officials find that the facilities are not in 246
compliance with health and safety laws and regulations;
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(b) The authority of the department of education as the 248
community school oversight body to suspend the operation of the 249
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. 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, 3301.948, 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,"

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."

The motion was __________ agreed to.