

As Introduced

131st General Assembly

Regular Session

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H. B. No. 425

Representative Hayes

**Cosponsors: Representatives Becker, Green, Hood, Retherford, Romanchuk,
Thompson**

A BILL

To amend sections 3313.601, 3314.03, 3326.11, and 1
3328.24 and to enact sections 3320.01, 3320.02, 2
and 3320.03 of the Revised Code regarding 3
student religious expression. 4

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

Section 1. That sections 3313.601, 3314.03, 3326.11, and 5
3328.24 be amended and sections 3320.01, 3320.02, and 3320.03 of 6
the Revised Code be enacted to read as follows: 7

Sec. 3313.601. The board of education of each school 8
district may provide for a moment of silence each school day for 9
prayer, reflection, or meditation upon a moral, philosophical, 10
or patriotic theme. No board of education, school, or employee 11
of the school district shall require a pupil to participate in a 12
moment of silence provided for pursuant to this section. No 13
board of education shall prohibit a classroom teacher from 14
providing in the teacher's classroom reasonable periods of time 15
for activities of a moral, philosophical, or patriotic theme. No 16
pupil shall be required to participate in such activities if 17
they are contrary to the religious convictions of the pupil or 18

the pupil's parents or guardians. 19

No board of education of a school district shall adopt any 20
policy or rule respecting or promoting an establishment of 21
religion or prohibiting any pupil from the free, individual, and 22
voluntary exercise or expression of the pupil's religious 23
beliefs in any primary or secondary school. ~~The board of 24
education may limit the exercise or expression of the pupil's 25
religious beliefs as described in this section to lunch periods 26
or other noninstructional time periods when pupils are free to 27
associate.~~ 28

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

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

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

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

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

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

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	48 49 50 51
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	52 53
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	54 55 56
(6) (a) Dismissal procedures;	57
(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 one hundred five consecutive hours of the learning opportunities offered to the student.	58 59 60 61 62 63
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	64 65
(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.	66 67 68 69 70 71
(9) The facilities to be used and their locations;	72
(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	73 74 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, 3301.948, 3313.472, 3313.50, 93
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 94
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 95
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 96
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 97
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 98
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 99
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 100
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 101
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 102
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 103
and 4167. of the Revised Code as if it were a school district 104

and will comply with section 3301.0714 of the Revised Code in 105
the manner specified in section 3314.17 of the Revised Code. 106

(e) The school shall comply with Chapter 102. and section 107
2921.42 of the Revised Code. 108

(f) The school will comply with sections 3313.61, 109
3313.611, and 3313.614 of the Revised Code, except that for 110
students who enter ninth grade for the first time before July 1, 111
2010, the requirement in sections 3313.61 and 3313.611 of the 112
Revised Code that a person must successfully complete the 113
curriculum in any high school prior to receiving a high school 114
diploma may be met by completing the curriculum adopted by the 115
governing authority of the community school rather than the 116
curriculum specified in Title XXXVIII of the Revised Code or any 117
rules of the state board of education. Beginning with students 118
who enter ninth grade for the first time on or after July 1, 119
2010, the requirement in sections 3313.61 and 3313.611 of the 120
Revised Code that a person must successfully complete the 121
curriculum of a high school prior to receiving a high school 122
diploma shall be met by completing the requirements prescribed 123
in division (C) of section 3313.603 of the Revised Code, unless 124
the person qualifies under division (D) or (F) of that section. 125
Each school shall comply with the plan for awarding high school 126
credit based on demonstration of subject area competency, and 127
beginning with the 2016-2017 school year, with the updated plan 128
that permits students enrolled in seventh and eighth grade to 129
meet curriculum requirements based on subject area competency 130
adopted by the state board of education under divisions (J) (1) 131
and (2) of section 3313.603 of the Revised Code. 132

(g) The school governing authority will submit within four 133
months after the end of each school year a report of its 134

activities and progress in meeting the goals and standards of 135
divisions (A) (3) and (4) of this section and its financial 136
status to the sponsor and the parents of all students enrolled 137
in the school. 138

(h) The school, unless it is an internet- or computer- 139
based community school, will comply with section 3313.801 of the 140
Revised Code as if it were a school district. 141

(i) If the school is the recipient of moneys from a grant 142
awarded under the federal race to the top program, Division (A), 143
Title XIV, Sections 14005 and 14006 of the "American Recovery 144
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 145
the school will pay teachers based upon performance in 146
accordance with section 3317.141 and will comply with section 147
3319.111 of the Revised Code as if it were a school district. 148

(j) If the school operates a preschool program that is 149
licensed by the department of education under sections 3301.52 150
to 3301.59 of the Revised Code, the school shall comply with 151
sections 3301.50 to 3301.59 of the Revised Code and the minimum 152
standards for preschool programs prescribed in rules adopted by 153
the state board under section 3301.53 of the Revised Code. 154

(12) Arrangements for providing health and other benefits 155
to employees; 156

(13) The length of the contract, which shall begin at the 157
beginning of an academic year. No contract shall exceed five 158
years unless such contract has been renewed pursuant to division 159
(E) of this section. 160

(14) The governing authority of the school, which shall be 161
responsible for carrying out the provisions of the contract; 162

(15) A financial plan detailing an estimated school budget 163

for each year of the period of the contract and specifying the 164
total estimated per pupil expenditure amount for each such year. 165

(16) Requirements and procedures regarding the disposition 166
of employees of the school in the event the contract is 167
terminated or not renewed pursuant to section 3314.07 of the 168
Revised Code; 169

(17) Whether the school is to be created by converting all 170
or part of an existing public school or educational service 171
center building or is to be a new start-up school, and if it is 172
a converted public school or service center building, 173
specification of any duties or responsibilities of an employer 174
that the board of education or service center governing board 175
that operated the school or building before conversion is 176
delegating to the governing authority of the community school 177
with respect to all or any specified group of employees provided 178
the delegation is not prohibited by a collective bargaining 179
agreement applicable to such employees; 180

(18) Provisions establishing procedures for resolving 181
disputes or differences of opinion between the sponsor and the 182
governing authority of the community school; 183

(19) A provision requiring the governing authority to 184
adopt a policy regarding the admission of students who reside 185
outside the district in which the school is located. That policy 186
shall comply with the admissions procedures specified in 187
sections 3314.06 and 3314.061 of the Revised Code and, at the 188
sole discretion of the authority, shall do one of the following: 189

(a) Prohibit the enrollment of students who reside outside 190
the district in which the school is located; 191

(b) Permit the enrollment of students who reside in 192

districts adjacent to the district in which the school is	193
located;	194
(c) Permit the enrollment of students who reside in any	195
other district in the state.	196
(20) A provision recognizing the authority of the	197
department of education to take over the sponsorship of the	198
school in accordance with the provisions of division (C) of	199
section 3314.015 of the Revised Code;	200
(21) A provision recognizing the sponsor's authority to	201
assume the operation of a school under the conditions specified	202
in division (B) of section 3314.073 of the Revised Code;	203
(22) A provision recognizing both of the following:	204
(a) The authority of public health and safety officials to	205
inspect the facilities of the school and to order the facilities	206
closed if those officials find that the facilities are not in	207
compliance with health and safety laws and regulations;	208
(b) The authority of the department of education as the	209
community school oversight body to suspend the operation of the	210
school under section 3314.072 of the Revised Code if the	211
department has evidence of conditions or violations of law at	212
the school that pose an imminent danger to the health and safety	213
of the school's students and employees and the sponsor refuses	214
to take such action.	215
(23) A description of the learning opportunities that will	216
be offered to students including both classroom-based and non-	217
classroom-based learning opportunities that is in compliance	218
with criteria for student participation established by the	219
department under division (H) (2) of section 3314.08 of the	220
Revised Code;	221

(24) The school will comply with sections 3302.04 and 222
3302.041 of the Revised Code, except that any action required to 223
be taken by a school district pursuant to those sections shall 224
be taken by the sponsor of the school. However, the sponsor 225
shall not be required to take any action described in division 226
(F) of section 3302.04 of the Revised Code. 227

(25) Beginning in the 2006-2007 school year, the school 228
will open for operation not later than the thirtieth day of 229
September each school year, unless the mission of the school as 230
specified under division (A)(2) of this section is solely to 231
serve dropouts. In its initial year of operation, if the school 232
fails to open by the thirtieth day of September, or within one 233
year after the adoption of the contract pursuant to division (D) 234
of section 3314.02 of the Revised Code if the mission of the 235
school is solely to serve dropouts, the contract shall be void. 236

(26) Whether the school's governing authority is planning 237
to seek designation for the school as a STEM school equivalent 238
under section 3326.032 of the Revised Code. 239

(B) The community school shall also submit to the sponsor 240
a comprehensive plan for the school. The plan shall specify the 241
following: 242

(1) The process by which the governing authority of the 243
school will be selected in the future; 244

(2) The management and administration of the school; 245

(3) If the community school is a currently existing public 246
school or educational service center building, alternative 247
arrangements for current public school students who choose not 248
to attend the converted school and for teachers who choose not 249
to teach in the school or building after conversion; 250

(4) The instructional program and educational philosophy	251
of the school;	252
(5) Internal financial controls.	253
(C) A contract entered into under section 3314.02 of the	254
Revised Code between a sponsor and the governing authority of a	255
community school may provide for the community school governing	256
authority to make payments to the sponsor, which is hereby	257
authorized to receive such payments as set forth in the contract	258
between the governing authority and the sponsor. The total	259
amount of such payments for oversight and monitoring of the	260
school shall not exceed three per cent of the total amount of	261
payments for operating expenses that the school receives from	262
the state.	263
(D) The contract shall specify the duties of the sponsor	264
which shall be in accordance with the written agreement entered	265
into with the department of education under division (B) of	266
section 3314.015 of the Revised Code and shall include the	267
following:	268
(1) Monitor the community school's compliance with all	269
laws applicable to the school and with the terms of the	270
contract;	271
(2) Monitor and evaluate the academic and fiscal	272
performance and the organization and operation of the community	273
school on at least an annual basis;	274
(3) Report on an annual basis the results of the	275
evaluation conducted under division (D)(2) of this section to	276
the department of education and to the parents of students	277
enrolled in the community school;	278
(4) Provide technical assistance to the community school	279

in complying with laws applicable to the school and terms of the contract; 280
281

(5) Take steps to intervene in the school's operation to 282
correct problems in the school's overall performance, declare 283
the school to be on probationary status pursuant to section 284
3314.073 of the Revised Code, suspend the operation of the 285
school pursuant to section 3314.072 of the Revised Code, or 286
terminate the contract of the school pursuant to section 3314.07 287
of the Revised Code as determined necessary by the sponsor; 288

(6) Have in place a plan of action to be undertaken in the 289
event the community school experiences financial difficulties or 290
closes prior to the end of a school year. 291

(E) Upon the expiration of a contract entered into under 292
this section, the sponsor of a community school may, with the 293
approval of the governing authority of the school, renew that 294
contract for a period of time determined by the sponsor, but not 295
ending earlier than the end of any school year, if the sponsor 296
finds that the school's compliance with applicable laws and 297
terms of the contract and the school's progress in meeting the 298
academic goals prescribed in the contract have been 299
satisfactory. Any contract that is renewed under this division 300
remains subject to the provisions of sections 3314.07, 3314.072, 301
and 3314.073 of the Revised Code. 302

(F) If a community school fails to open for operation 303
within one year after the contract entered into under this 304
section is adopted pursuant to division (D) of section 3314.02 305
of the Revised Code or permanently closes prior to the 306
expiration of the contract, the contract shall be void and the 307
school shall not enter into a contract with any other sponsor. A 308
school shall not be considered permanently closed because the 309

operations of the school have been suspended pursuant to section 310
3314.072 of the Revised Code. 311

Sec. 3320.01. (A) Sections 3320.01, 3320.02, and 3320.03 312
of the Revised Code shall be collectively known as the "Ohio 313
Student Religious Liberties Act of 2015." 314

(B) As used in sections 3320.01 to 3320.03 of the Revised 315
Code, "religious expression" includes any of the following: 316

(1) Prayer; 317

(2) Religious gatherings, including but not limited to 318
prayer groups, religious clubs, "see you at the pole" 319
gatherings, or other religious gatherings; 320

(3) Distribution of written materials or literature of a 321
religious nature; 322

(4) Any other activity of a religious nature, including 323
wearing symbolic clothing or expression of a religious 324
viewpoint, provided that the activity is not obscene, vulgar, 325
offensively lewd, or indecent. 326

Sec. 3320.02. (A) A student enrolled in a public school 327
may engage in religious expression before, during, and after 328
school hours in the same manner and to the same extent that a 329
student is permitted to engage in secular activities or 330
expression before, during, and after school hours. 331

(B) A school district, community school established under 332
Chapter 3314., STEM school established under Chapter 3326., or a 333
college-preparatory boarding school established under Chapter 334
3328. of the Revised Code shall give the same access to school 335
facilities to students who wish to conduct a meeting for the 336
purpose of engaging in religious expression as is given to 337

secular student groups, without regard to the content of a 338
student's or group's expression. 339

Sec. 3320.03. No school district board of education, 340
governing authority of a community school established under 341
Chapter 3314. of the Revised Code, or governing body of a STEM 342
school established under Chapter 3326. of the Revised Code, or 343
board of trustees of a college-preparatory boarding school 344
established under Chapter 3328. of the Revised Code shall 345
prohibit a student from engaging in religious expression in the 346
completion of homework, artwork, or other written or oral 347
assignments. Assignment grades and scores shall be calculated 348
using ordinary academic standards of substance and relevance, 349
including any legitimate pedagogical concerns, and shall not 350
penalize or reward a student based on the religious content of a 351
student's work. 352

Sec. 3326.11. Each science, technology, engineering, and 353
mathematics school established under this chapter and its 354
governing body shall comply with sections 9.90, 9.91, 109.65, 355
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 356
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 357
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 358
3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 359
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 360
3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 361
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 362
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 363
3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 364
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 365
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 366
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 367
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 368

4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 369
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 370
4167. of the Revised Code as if it were a school district. 371

Sec. 3328.24. A college-preparatory boarding school 372
established under this chapter and its board of trustees shall 373
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 374
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 375
3313.721, 3313.89, 3319.39, 3319.391, ~~and 3319.46, 3320.01,~~ 376
3320.02, and 3320.03 and Chapter 3365. of the Revised Code as if 377
the school were a school district and the school's board of 378
trustees were a district board of education. 379

Section 2. That existing sections 3313.601, 3314.03, 380
3326.11, and 3328.24 of the Revised Code are hereby repealed. 381