

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 262

Senator Tavares

Cosponsors: Senators Williams, Sykes, Brown

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3313.88 of the Revised Code to
require public schools annually to provide
parents of students in any of grades five
through twelve with educational information
regarding eating disorders.

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be
amended and section 3313.88 of the Revised Code be enacted to
read as follows:

Sec. 3313.88. (A) Beginning with the 2018-2019 school
year, each city, exempted village, and local school district
annually shall distribute to the parents of each of its enrolled
students in any of grades five through twelve educational
information regarding the prevalence, warning signs, and
symptoms of the different types of eating disorders. While the
content of the information shall adhere to the guidelines
established by the department of education under division (B) of
this section, the method of delivery shall be at the discretion

of each district. The district shall, if requested, present 19
evidence of compliance with this section to the department of 20
education. 21

(B) Within ninety days after the effective date of this 22
section, the department of education, in conjunction with the 23
department of health and in consultation with the national 24
eating disorders association, shall develop content guidelines 25
for the information regarding eating disorders to be distributed 26
by districts under division (A) of this section. The department 27
of education shall revise the guidelines as necessary. 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, 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;	52 53 54 55
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	56 57 58
(6) (a) Dismissal procedures;	59
(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.	60 61 62 63 64 65
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	66 67
(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.	68 69 70 71 72 73
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	74 75

(a) A detailed description of each facility used for instructional purposes;	76 77
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	78 79
(c) The annual mortgage principal and interest payments that are paid by the school;	80 81
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	82 83 84
(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.	85 86 87 88 89 90
(11) That the school will comply with the following requirements:	91 92
(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.	93 94 95
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	96 97 98
(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.	99 100 101 102
(d) The school will comply with sections 9.90, 9.91,	103

109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 104
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 105
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 106
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 107
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 108
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 109
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 110
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 111
3313.88, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 112
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 113
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 114
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 115
4112., 4123., 4141., and 4167. of the Revised Code as if it were 116
a school district and will comply with section 3301.0714 of the 117
Revised Code in the manner specified in section 3314.17 of the 118
Revised Code. 119

(e) The school shall comply with Chapter 102. and section 120
2921.42 of the Revised Code. 121

(f) The school will comply with sections 3313.61, 122
3313.611, and 3313.614 of the Revised Code, except that for 123
students who enter ninth grade for the first time before July 1, 124
2010, the requirement in sections 3313.61 and 3313.611 of the 125
Revised Code that a person must successfully complete the 126
curriculum in any high school prior to receiving a high school 127
diploma may be met by completing the curriculum adopted by the 128
governing authority of the community school rather than the 129
curriculum specified in Title XXXVIII of the Revised Code or any 130
rules of the state board of education. Beginning with students 131
who enter ninth grade for the first time on or after July 1, 132
2010, the requirement in sections 3313.61 and 3313.611 of the 133
Revised Code that a person must successfully complete the 134

curriculum of a high school prior to receiving a high school 135
diploma shall be met by completing the requirements prescribed 136
in division (C) of section 3313.603 of the Revised Code, unless 137
the person qualifies under division (D) or (F) of that section. 138
Each school shall comply with the plan for awarding high school 139
credit based on demonstration of subject area competency, and 140
beginning with the 2017-2018 school year, with the updated plan 141
that permits students enrolled in seventh and eighth grade to 142
meet curriculum requirements based on subject area competency 143
adopted by the state board of education under divisions (J) (1) 144
and (2) of section 3313.603 of the Revised Code. Beginning with 145
the 2018-2019 school year, the school shall comply with the 146
framework for granting units of high school credit to students 147
who demonstrate subject area competency through work-based 148
learning experiences, internships, or cooperative education 149
developed by the department under division (J) (3) of section 150
3313.603 of the Revised Code. 151

(g) The school governing authority will submit within four 152
months after the end of each school year a report of its 153
activities and progress in meeting the goals and standards of 154
divisions (A) (3) and (4) of this section and its financial 155
status to the sponsor and the parents of all students enrolled 156
in the school. 157

(h) The school, unless it is an internet- or computer- 158
based community school, will comply with section 3313.801 of the 159
Revised Code as if it were a school district. 160

(i) If the school is the recipient of moneys from a grant 161
awarded under the federal race to the top program, Division (A), 162
Title XIV, Sections 14005 and 14006 of the "American Recovery 163
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 164

the school will pay teachers based upon performance in 165
accordance with section 3317.141 and will comply with section 166
3319.111 of the Revised Code as if it were a school district. 167

(j) If the school operates a preschool program that is 168
licensed by the department of education under sections 3301.52 169
to 3301.59 of the Revised Code, the school shall comply with 170
sections 3301.50 to 3301.59 of the Revised Code and the minimum 171
standards for preschool programs prescribed in rules adopted by 172
the state board under section 3301.53 of the Revised Code. 173

(k) The school will comply with sections 3313.6021 and 174
3313.6023 of the Revised Code as if it were a school district 175
unless it is either of the following: 176

(i) An internet- or computer-based community school; 177

(ii) A community school in which a majority of the 178
enrolled students are children with disabilities as described in 179
division (A) (4) (b) of section 3314.35 of the Revised Code. 180

(12) Arrangements for providing health and other benefits 181
to employees; 182

(13) The length of the contract, which shall begin at the 183
beginning of an academic year. No contract shall exceed five 184
years unless such contract has been renewed pursuant to division 185
(E) of this section. 186

(14) The governing authority of the school, which shall be 187
responsible for carrying out the provisions of the contract; 188

(15) A financial plan detailing an estimated school budget 189
for each year of the period of the contract and specifying the 190
total estimated per pupil expenditure amount for each such year. 191

(16) Requirements and procedures regarding the disposition 192

of employees of the school in the event the contract is 193
terminated or not renewed pursuant to section 3314.07 of the 194
Revised Code; 195

(17) Whether the school is to be created by converting all 196
or part of an existing public school or educational service 197
center building or is to be a new start-up school, and if it is 198
a converted public school or service center building, 199
specification of any duties or responsibilities of an employer 200
that the board of education or service center governing board 201
that operated the school or building before conversion is 202
delegating to the governing authority of the community school 203
with respect to all or any specified group of employees provided 204
the delegation is not prohibited by a collective bargaining 205
agreement applicable to such employees; 206

(18) Provisions establishing procedures for resolving 207
disputes or differences of opinion between the sponsor and the 208
governing authority of the community school; 209

(19) A provision requiring the governing authority to 210
adopt a policy regarding the admission of students who reside 211
outside the district in which the school is located. That policy 212
shall comply with the admissions procedures specified in 213
sections 3314.06 and 3314.061 of the Revised Code and, at the 214
sole discretion of the authority, shall do one of the following: 215

(a) Prohibit the enrollment of students who reside outside 216
the district in which the school is located; 217

(b) Permit the enrollment of students who reside in 218
districts adjacent to the district in which the school is 219
located; 220

(c) Permit the enrollment of students who reside in any 221

other district in the state.	222
(20) A provision recognizing the authority of the	223
department of education to take over the sponsorship of the	224
school in accordance with the provisions of division (C) of	225
section 3314.015 of the Revised Code;	226
(21) A provision recognizing the sponsor's authority to	227
assume the operation of a school under the conditions specified	228
in division (B) of section 3314.073 of the Revised Code;	229
(22) A provision recognizing both of the following:	230
(a) The authority of public health and safety officials to	231
inspect the facilities of the school and to order the facilities	232
closed if those officials find that the facilities are not in	233
compliance with health and safety laws and regulations;	234
(b) The authority of the department of education as the	235
community school oversight body to suspend the operation of the	236
school under section 3314.072 of the Revised Code if the	237
department has evidence of conditions or violations of law at	238
the school that pose an imminent danger to the health and safety	239
of the school's students and employees and the sponsor refuses	240
to take such action.	241
(23) A description of the learning opportunities that will	242
be offered to students including both classroom-based and non-	243
classroom-based learning opportunities that is in compliance	244
with criteria for student participation established by the	245
department under division (H) (2) of section 3314.08 of the	246
Revised Code;	247
(24) The school will comply with sections 3302.04 and	248
3302.041 of the Revised Code, except that any action required to	249
be taken by a school district pursuant to those sections shall	250

be taken by the sponsor of the school. However, the sponsor 251
shall not be required to take any action described in division 252
(F) of section 3302.04 of the Revised Code. 253

(25) Beginning in the 2006-2007 school year, the school 254
will open for operation not later than the thirtieth day of 255
September each school year, unless the mission of the school as 256
specified under division (A) (2) of this section is solely to 257
serve dropouts. In its initial year of operation, if the school 258
fails to open by the thirtieth day of September, or within one 259
year after the adoption of the contract pursuant to division (D) 260
of section 3314.02 of the Revised Code if the mission of the 261
school is solely to serve dropouts, the contract shall be void. 262

(26) Whether the school's governing authority is planning 263
to seek designation for the school as a STEM school equivalent 264
under section 3326.032 of the Revised Code; 265

(27) That the school's attendance and participation 266
policies will be available for public inspection; 267

(28) That the school's attendance and participation 268
records shall be made available to the department of education, 269
auditor of state, and school's sponsor to the extent permitted 270
under and in accordance with the "Family Educational Rights and 271
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 272
and any regulations promulgated under that act, and section 273
3319.321 of the Revised Code; 274

(29) If a school operates using the blended learning 275
model, as defined in section 3301.079 of the Revised Code, all 276
of the following information: 277

(a) An indication of what blended learning model or models 278
will be used; 279

(b) A description of how student instructional needs will	280
be determined and documented;	281
(c) The method to be used for determining competency,	282
granting credit, and promoting students to a higher grade level;	283
(d) The school's attendance requirements, including how	284
the school will document participation in learning	285
opportunities;	286
(e) A statement describing how student progress will be	287
monitored;	288
(f) A statement describing how private student data will	289
be protected;	290
(g) A description of the professional development	291
activities that will be offered to teachers.	292
(30) A provision requiring that all moneys the school's	293
operator loans to the school, including facilities loans or cash	294
flow assistance, must be accounted for, documented, and bear	295
interest at a fair market rate;	296
(31) A provision requiring that, if the governing	297
authority contracts with an attorney, accountant, or entity	298
specializing in audits, the attorney, accountant, or entity	299
shall be independent from the operator with which the school has	300
contracted.	301
(B) The community school shall also submit to the sponsor	302
a comprehensive plan for the school. The plan shall specify the	303
following:	304
(1) The process by which the governing authority of the	305
school will be selected in the future;	306

(2) The management and administration of the school;	307
(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;	308 309 310 311 312
(4) The instructional program and educational philosophy of the school;	313 314
(5) Internal financial controls.	315
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.	316 317 318 319
(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.	320 321 322 323 324 325 326 327 328 329
(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:	330 331 332 333 334
(1) Monitor the community school's compliance with all	335

laws applicable to the school and with the terms of the 336
contract; 337

(2) Monitor and evaluate the academic and fiscal 338
performance and the organization and operation of the community 339
school on at least an annual basis; 340

(3) Report on an annual basis the results of the 341
evaluation conducted under division (D) (2) of this section to 342
the department of education and to the parents of students 343
enrolled in the community school; 344

(4) Provide technical assistance to the community school 345
in complying with laws applicable to the school and terms of the 346
contract; 347

(5) Take steps to intervene in the school's operation to 348
correct problems in the school's overall performance, declare 349
the school to be on probationary status pursuant to section 350
3314.073 of the Revised Code, suspend the operation of the 351
school pursuant to section 3314.072 of the Revised Code, or 352
terminate the contract of the school pursuant to section 3314.07 353
of the Revised Code as determined necessary by the sponsor; 354

(6) Have in place a plan of action to be undertaken in the 355
event the community school experiences financial difficulties or 356
closes prior to the end of a school year. 357

(E) Upon the expiration of a contract entered into under 358
this section, the sponsor of a community school may, with the 359
approval of the governing authority of the school, renew that 360
contract for a period of time determined by the sponsor, but not 361
ending earlier than the end of any school year, if the sponsor 362
finds that the school's compliance with applicable laws and 363
terms of the contract and the school's progress in meeting the 364

academic goals prescribed in the contract have been 365
satisfactory. Any contract that is renewed under this division 366
remains subject to the provisions of sections 3314.07, 3314.072, 367
and 3314.073 of the Revised Code. 368

(F) If a community school fails to open for operation 369
within one year after the contract entered into under this 370
section is adopted pursuant to division (D) of section 3314.02 371
of the Revised Code or permanently closes prior to the 372
expiration of the contract, the contract shall be void and the 373
school shall not enter into a contract with any other sponsor. A 374
school shall not be considered permanently closed because the 375
operations of the school have been suspended pursuant to section 376
3314.072 of the Revised Code. 377

Sec. 3326.11. Each science, technology, engineering, and 378
mathematics school established under this chapter and its 379
governing body shall comply with sections 9.90, 9.91, 109.65, 380
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 381
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 382
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 383
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 384
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 385
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 386
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 387
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 388
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 389
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 390
3313.86, 3313.88, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 391
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 392
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 393
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 394
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 395

4112., 4123., 4141., and 4167. of the Revised Code as if it were 396
a school district. 397

Sec. 3328.24. A college-preparatory boarding school 398
established under this chapter and its board of trustees shall 399
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 400
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 401
3313.6411, 3313.7112, 3313.721, 3313.88, 3313.89, 3319.39, 402
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 403
if the school were a school district and the school's board of 404
trustees were a district board of education. 405

Section 2. That existing sections 3314.03, 3326.11, and 406
3328.24 of the Revised Code are hereby repealed. 407

Section 3. Section 3328.24 of the Revised Code is 408
presented in this act as a composite of the section as amended 409
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 410
Assembly. The General Assembly, applying the principle stated in 411
division (B) of section 1.52 of the Revised Code that amendments 412
are to be harmonized if reasonably capable of simultaneous 413
operation, finds that the composite is the resulting version of 414
the section in effect prior to the effective date of the section 415
as presented in this act. 416