

As Introduced

131st General Assembly

Regular Session

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H. B. No. 496

Representative Bocchieri

Cosponsors: Representatives Lepore-Hagan, Arndt, Terhar, Leland, Phillips, Sweeney, Rogers, Celebrezze, Strahorn, Patterson, Johnson, G., Ashford, Perales, Cera, O'Brien, M., Sheehy

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact sections 3313.5315 and 3345.425 of the 2
Revised Code to enact the "Student to Soldiers 3
Support Act (S3A)" regarding the participation 4
of students who are serving in the uniformed 5
services in extracurricular activities at public 6
and nonpublic schools and public and private 7
colleges. 8

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 9
amended and sections 3313.5315 and 3345.425 of the Revised Code 10
be enacted to read as follows: 11

Sec. 3313.5315. (A) As used in this section: 12

(1) "Extracurricular activity" has the same meaning as in 13
section 3313.537 of the Revised Code. 14

(2) "Service in the uniformed services" means the 15
performance of duty, on a voluntary or involuntary basis, in a 16

uniformed service, under competent authority, and includes 17
active duty, active duty for training, initial active duty for 18
training, full-time national guard duty, and performance of duty 19
or training by a member of the Ohio organized militia pursuant 20
to Chapter 5923. of the Revised Code. "Service in the uniformed 21
services" also includes the period of time during which a person 22
is undergoing an examination to determine the fitness of the 23
person to perform any duty described in this division. 24

(3) "Uniformed services" means the armed forces, the Ohio 25
organized militia when engaged in active duty for training, 26
inactive duty training, or full-time national guard duty, the 27
commissioned corps of the public health service, and any other 28
category of persons designated by the president of the United 29
States in time of war or emergency. 30

(B) No school district board of education or governing 31
authority of a chartered or nonchartered nonpublic school shall 32
prohibit a student from participating in an extracurricular 33
activity or any practice, competition, or other event related to 34
that activity because of the student's absence from the activity 35
due to service in the uniformed services. 36

Sec. 3314.03. A copy of every contract entered into under 37
this section shall be filed with the superintendent of public 38
instruction. The department of education shall make available on 39
its web site a copy of every approved, executed contract filed 40
with the superintendent under this section. 41

(A) Each contract entered into between a sponsor and the 42
governing authority of a community school shall specify the 43
following: 44

(1) That the school shall be established as either of the 45

following:	46
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	47 48 49
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	50 51
(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;	52 53 54 55
(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;	56 57 58 59
(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;	60 61 62 63
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	64 65 66
(6) (a) Dismissal procedures;	67
(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.	68 69 70 71 72 73

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	74 75
(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.	76 77 78 79 80 81
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	82 83
(a) A detailed description of each facility used for instructional purposes;	84 85
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	86 87
(c) The annual mortgage principal and interest payments that are paid by the school;	88 89
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	90 91 92
(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.	93 94 95 96 97 98
(11) That the school will comply with the following requirements:	99 100
(a) The school will provide learning opportunities to a	101

minimum of twenty-five students for a minimum of nine hundred 102
twenty hours per school year. 103

(b) The governing authority will purchase liability 104
insurance, or otherwise provide for the potential liability of 105
the school. 106

(c) The school will be nonsectarian in its programs, 107
admission policies, employment practices, and all other 108
operations, and will not be operated by a sectarian school or 109
religious institution. 110

(d) The school will comply with sections 9.90, 9.91, 111
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 112
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 113
3313.536, 3313.539, 3313.5315, 3313.608, 3313.609, 3313.6012, 114
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 115
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 116
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 117
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 118
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 119
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 120
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 121
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 122
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 123
of the Revised Code as if it were a school district and will 124
comply with section 3301.0714 of the Revised Code in the manner 125
specified in section 3314.17 of the Revised Code. 126

(e) The school shall comply with Chapter 102. and section 127
2921.42 of the Revised Code. 128

(f) The school will comply with sections 3313.61, 129
3313.611, and 3313.614 of the Revised Code, except that for 130

students who enter ninth grade for the first time before July 1, 131
2010, the requirement in sections 3313.61 and 3313.611 of the 132
Revised Code that a person must successfully complete the 133
curriculum in any high school prior to receiving a high school 134
diploma may be met by completing the curriculum adopted by the 135
governing authority of the community school rather than the 136
curriculum specified in Title XXXIII of the Revised Code or any 137
rules of the state board of education. Beginning with students 138
who enter ninth grade for the first time on or after July 1, 139
2010, the requirement in sections 3313.61 and 3313.611 of the 140
Revised Code that a person must successfully complete the 141
curriculum of a high school prior to receiving a high school 142
diploma shall be met by completing the requirements prescribed 143
in division (C) of section 3313.603 of the Revised Code, unless 144
the person qualifies under division (D) or (F) of that section. 145
Each school shall comply with the plan for awarding high school 146
credit based on demonstration of subject area competency, and 147
beginning with the 2016-2017 school year, with the updated plan 148
that permits students enrolled in seventh and eighth grade to 149
meet curriculum requirements based on subject area competency 150
adopted by the state board of education under divisions (J) (1) 151
and (2) of section 3313.603 of the Revised Code. 152

(g) The school governing authority will submit within four 153
months after the end of each school year a report of its 154
activities and progress in meeting the goals and standards of 155
divisions (A) (3) and (4) of this section and its financial 156
status to the sponsor and the parents of all students enrolled 157
in the school. 158

(h) The school, unless it is an internet- or computer- 159
based community school, will comply with section 3313.801 of the 160
Revised Code as if it were a school district. 161

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

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

(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 191
center building or is to be a new start-up school, and if it is 192
a converted public school or service center building, 193
specification of any duties or responsibilities of an employer 194
that the board of education or service center governing board 195
that operated the school or building before conversion is 196
delegating to the governing authority of the community school 197
with respect to all or any specified group of employees provided 198
the delegation is not prohibited by a collective bargaining 199
agreement applicable to such employees; 200

(18) Provisions establishing procedures for resolving 201
disputes or differences of opinion between the sponsor and the 202
governing authority of the community school; 203

(19) A provision requiring the governing authority to 204
adopt a policy regarding the admission of students who reside 205
outside the district in which the school is located. That policy 206
shall comply with the admissions procedures specified in 207
sections 3314.06 and 3314.061 of the Revised Code and, at the 208
sole discretion of the authority, shall do one of the following: 209

(a) Prohibit the enrollment of students who reside outside 210
the district in which the school is located; 211

(b) Permit the enrollment of students who reside in 212
districts adjacent to the district in which the school is 213
located; 214

(c) Permit the enrollment of students who reside in any 215
other district in the state. 216

(20) A provision recognizing the authority of the 217
department of education to take over the sponsorship of the 218
school in accordance with the provisions of division (C) of 219

section 3314.015 of the Revised Code;	220
(21) A provision recognizing the sponsor's authority to	221
assume the operation of a school under the conditions specified	222
in division (B) of section 3314.073 of the Revised Code;	223
(22) A provision recognizing both of the following:	224
(a) The authority of public health and safety officials to	225
inspect the facilities of the school and to order the facilities	226
closed if those officials find that the facilities are not in	227
compliance with health and safety laws and regulations;	228
(b) The authority of the department of education as the	229
community school oversight body to suspend the operation of the	230
school under section 3314.072 of the Revised Code if the	231
department has evidence of conditions or violations of law at	232
the school that pose an imminent danger to the health and safety	233
of the school's students and employees and the sponsor refuses	234
to take such action.	235
(23) A description of the learning opportunities that will	236
be offered to students including both classroom-based and non-	237
classroom-based learning opportunities that is in compliance	238
with criteria for student participation established by the	239
department under division (H) (2) of section 3314.08 of the	240
Revised Code;	241
(24) The school will comply with sections 3302.04 and	242
3302.041 of the Revised Code, except that any action required to	243
be taken by a school district pursuant to those sections shall	244
be taken by the sponsor of the school. However, the sponsor	245
shall not be required to take any action described in division	246
(F) of section 3302.04 of the Revised Code.	247
(25) Beginning in the 2006-2007 school year, the school	248

will open for operation not later than the thirtieth day of 249
September each school year, unless the mission of the school as 250
specified under division (A) (2) of this section is solely to 251
serve dropouts. In its initial year of operation, if the school 252
fails to open by the thirtieth day of September, or within one 253
year after the adoption of the contract pursuant to division (D) 254
of section 3314.02 of the Revised Code if the mission of the 255
school is solely to serve dropouts, the contract shall be void. 256

(26) Whether the school's governing authority is planning 257
to seek designation for the school as a STEM school equivalent 258
under section 3326.032 of the Revised Code; 259

(27) That the school's attendance and participation 260
policies will be available for public inspection; 261

(28) That the school's attendance and participation 262
records shall be made available to the department of education, 263
auditor of state, and school's sponsor to the extent permitted 264
under and in accordance with the "Family Educational Rights and 265
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 266
and any regulations promulgated under that act, and section 267
3319.321 of the Revised Code; 268

(29) If a school operates using the blended learning 269
model, as defined in section 3301.079 of the Revised Code, all 270
of the following information: 271

(a) An indication of what blended learning model or models 272
will be used; 273

(b) A description of how student instructional needs will 274
be determined and documented; 275

(c) The method to be used for determining competency, 276
granting credit, and promoting students to a higher grade level; 277

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	278 279 280
(e) A statement describing how student progress will be monitored;	281 282
(f) A statement describing how private student data will be protected;	283 284
(g) A description of the professional development activities that will be offered to teachers.	285 286
(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;	287 288 289 290
(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.	291 292 293 294 295
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	296 297 298
(1) The process by which the governing authority of the school will be selected in the future;	299 300
(2) The management and administration of the school;	301
(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	302 303 304 305

to teach in the school or building after conversion;	306
(4) The instructional program and educational philosophy	307
of the school;	308
(5) Internal financial controls.	309
When submitting the plan under this division, the school	310
shall also submit copies of all policies and procedures	311
regarding internal financial controls adopted by the governing	312
authority of the school.	313
(C) A contract entered into under section 3314.02 of the	314
Revised Code between a sponsor and the governing authority of a	315
community school may provide for the community school governing	316
authority to make payments to the sponsor, which is hereby	317
authorized to receive such payments as set forth in the contract	318
between the governing authority and the sponsor. The total	319
amount of such payments for monitoring, oversight, and technical	320
assistance of the school shall not exceed three per cent of the	321
total amount of payments for operating expenses that the school	322
receives from the state.	323
(D) The contract shall specify the duties of the sponsor	324
which shall be in accordance with the written agreement entered	325
into with the department of education under division (B) of	326
section 3314.015 of the Revised Code and shall include the	327
following:	328
(1) Monitor the community school's compliance with all	329
laws applicable to the school and with the terms of the	330
contract;	331
(2) Monitor and evaluate the academic and fiscal	332
performance and the organization and operation of the community	333
school on at least an annual basis;	334

(3) Report on an annual basis the results of the 335
evaluation conducted under division (D) (2) of this section to 336
the department of education and to the parents of students 337
enrolled in the community school; 338

(4) Provide technical assistance to the community school 339
in complying with laws applicable to the school and terms of the 340
contract; 341

(5) Take steps to intervene in the school's operation to 342
correct problems in the school's overall performance, declare 343
the school to be on probationary status pursuant to section 344
3314.073 of the Revised Code, suspend the operation of the 345
school pursuant to section 3314.072 of the Revised Code, or 346
terminate the contract of the school pursuant to section 3314.07 347
of the Revised Code as determined necessary by the sponsor; 348

(6) Have in place a plan of action to be undertaken in the 349
event the community school experiences financial difficulties or 350
closes prior to the end of a school year. 351

(E) Upon the expiration of a contract entered into under 352
this section, the sponsor of a community school may, with the 353
approval of the governing authority of the school, renew that 354
contract for a period of time determined by the sponsor, but not 355
ending earlier than the end of any school year, if the sponsor 356
finds that the school's compliance with applicable laws and 357
terms of the contract and the school's progress in meeting the 358
academic goals prescribed in the contract have been 359
satisfactory. Any contract that is renewed under this division 360
remains subject to the provisions of sections 3314.07, 3314.072, 361
and 3314.073 of the Revised Code. 362

(F) If a community school fails to open for operation 363

within one year after the contract entered into under this 364
section is adopted pursuant to division (D) of section 3314.02 365
of the Revised Code or permanently closes prior to the 366
expiration of the contract, the contract shall be void and the 367
school shall not enter into a contract with any other sponsor. A 368
school shall not be considered permanently closed because the 369
operations of the school have been suspended pursuant to section 370
3314.072 of the Revised Code. 371

Sec. 3326.11. Each science, technology, engineering, and 372
mathematics school established under this chapter and its 373
governing body shall comply with sections 9.90, 9.91, 109.65, 374
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 375
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 376
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 377
3313.482, 3313.50, 3313.536, 3313.539, 3313.5315, 3313.608, 378
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 379
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 380
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 381
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 382
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 383
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 384
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 385
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 386
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 387
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 388
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 389
the Revised Code as if it were a school district. 390

Sec. 3328.24. A college-preparatory boarding school 391
established under this chapter and its board of trustees shall 392
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 393
3301.0714, 3301.948, 3313.536, 3313.5315, 3313.6013, 3313.6411, 394

3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 395
Chapter 3365. of the Revised Code as if the school were a school 396
district and the school's board of trustees were a district 397
board of education. 398

Sec. 3345.425. (A) As used in this section: 399

(1) "Private college" has the same meaning as in section 400
3365.01 of the Revised Code. 401

(2) "Public college" means a "state institution of higher 402
education" as defined in section 3345.011 of the Revised Code. 403

(3) "Service in the uniformed services" means the 404
performance of duty, on a voluntary or involuntary basis, in a 405
uniformed service, under competent authority, and includes 406
active duty, active duty for training, initial active duty for 407
training, full-time national guard duty, and performance of duty 408
or training by a member of the Ohio organized militia pursuant 409
to Chapter 5923. of the Revised Code. "Service in the uniformed 410
services" also includes the period of time during which a person 411
is undergoing an examination to determine the fitness of the 412
person to perform any duty described in this division. 413

(4) "Uniformed services" means the armed forces, the Ohio 414
organized militia when engaged in active duty for training, 415
inactive duty training, or full-time national guard duty, the 416
commissioned corps of the public health service, and any other 417
category of persons designated by the president of the United 418
States in time of war or emergency. 419

(B) No public or private college shall prohibit a student 420
from participating in an extracurricular activity or any 421
practice, competition, or other event related to that activity 422
because of the student's absence from the activity due to 423

service in the uniformed services, provided that permitting such 424
participation does not conflict with the rules of the national 425
collegiate athletic association. 426

Section 2. That existing sections 3314.03, 3326.11, and 427
3328.24 of the Revised Code are hereby repealed. 428

Section 3. This act shall be known as the "Students to 429
Soldiers Support Act (S3A)." 430

Section 4. Section 3314.03 of the Revised Code is 431
presented in this act as a composite of the section as amended 432
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 433
General Assembly. The General Assembly, applying the principle 434
stated in division (B) of section 1.52 of the Revised Code that 435
amendments are to be harmonized if reasonably capable of 436
simultaneous operation, finds that the composite is the 437
resulting version of the section in effect prior to the 438
effective date of the section as presented in this act. 439