

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 252

Senators Hite, Patton

Cosponsors: Senators Manning, Yuko, Eklund

A BILL

To amend sections 3314.03 and 3326.11 and to enact 1
sections 3313.5310 and 3707.58 of the Revised 2
Code with regard to sudden cardiac arrest in 3
youth athletic activities. 4

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

Section 1. That sections 3314.03 and 3326.11 be amended 5
and sections 3313.5310 and 3707.58 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3313.5310. (A) (1) This section applies to both of the 8
following: 9

(a) Any school operated by a school district board of 10
education; 11

(b) Any chartered or nonchartered nonpublic school that is 12
subject to the rules of an interscholastic conference or an 13
organization that regulates interscholastic conferences or 14
events. 15

(2) As used in this section, "athletic activity" means all 16
of the following: 17

<u>(a) Interscholastic athletics;</u>	18
<u>(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;</u>	19 20 21 22
<u>(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;</u>	23 24
<u>(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A) (2) (a), (b), and (c) of this section.</u>	25 26 27
<u>(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.</u>	28 29 30 31 32 33 34
<u>(C) No student shall participate in an athletic event until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.58 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, for each athletic activity in which the student participates.</u>	35 36 37 38 39 40 41 42 43 44 45 46

(D) No individual shall coach an athletic activity unless 47
the individual has completed, within the previous three years, 48
the sudden cardiac arrest training course approved by the 49
department of health under division (C) of section 3707.58 of 50
the Revised Code. 51

(E) (1) A student shall not be allowed to participate in an 52
athletic activity if the student is known to have exhibited 53
signs or symptoms of sudden cardiac arrest at any time prior to 54
or following an athletic activity and has not been evaluated and 55
cleared for return under division (E) (3) of this section after 56
exhibiting those signs or symptoms. 57

(2) A student shall be removed by the student's coach from 58
participation in an athletic activity if the student faints or 59
exhibits other signs of sudden cardiac arrest. 60

(3) If a student is not allowed to participate in or is 61
removed from participation in an athletic activity under 62
division (E) (1) or (2) of this section, the student shall not 63
return to participation until the student is evaluated and 64
cleared for return in writing by any of the following: 65

(a) A physician authorized under Chapter 4731. of the 66
Revised Code to practice medicine and surgery or osteopathic 67
medicine and surgery; 68

(b) A certified nurse practitioner, clinical nurse 69
specialist, or certified nurse-midwife who holds a certificate 70
of authority issued under Chapter 4723. of the Revised Code; 71

(c) A physician authorized under Chapter 4731. of the 72
Revised Code to practice medicine and surgery or osteopathic 73
medicine and surgery who specializes in cardiology. 74

The licensed health care providers specified in divisions 75

(E) (3) (a) and (b) of this section may consult with any other 76
licensed or certified health care providers in order to 77
determine whether a student is ready to return to participation. 78

(F) A school that is subject to this section shall 79
establish penalties for a coach who violates the provisions of 80
division (E) of this section. 81

(G) Nothing in this section shall be construed to do 82
either of the following: 83

(1) Abridge or limit any rights provided under a 84
collective bargaining agreement entered into under Chapter 4117. 85
of the Revised Code prior to the effective date of this section; 86

(2) Create, establish, expand, reduce, contract, or 87
eliminate any civil liability on the part of any school that is 88
subject to this section or any employee of a school that is 89
subject to this section. 90

Sec. 3314.03. A copy of every contract entered into under 91
this section shall be filed with the superintendent of public 92
instruction. The department of education shall make available on 93
its web site a copy of every approved, executed contract filed 94
with the superintendent under this section. 95

(A) Each contract entered into between a sponsor and the 96
governing authority of a community school shall specify the 97
following: 98

(1) That the school shall be established as either of the 99
following: 100

(a) A nonprofit corporation established under Chapter 101
1702. of the Revised Code, if established prior to April 8, 102
2003; 103

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	104 105
(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;	106 107 108 109
(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;	110 111 112 113
(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;	114 115 116 117
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	118 119 120
(6) (a) Dismissal procedures;	121
(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.	122 123 124 125 126 127
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	128 129
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the	130 131

school to be maintained in the same manner as are financial 132
records of school districts, pursuant to rules of the auditor of 133
state. Audits shall be conducted in accordance with section 134
117.10 of the Revised Code. 135

(9) An addendum to the contract outlining the facilities 136
to be used that contains at least the following information: 137

(a) A detailed description of each facility used for 138
instructional purposes; 139

(b) The annual costs associated with leasing each facility 140
that are paid by or on behalf of the school; 141

(c) The annual mortgage principal and interest payments 142
that are paid by the school; 143

(d) The name of the lender or landlord, identified as 144
such, and the lender's or landlord's relationship to the 145
operator, if any. 146

(10) Qualifications of teachers, including a requirement 147
that the school's classroom teachers be licensed in accordance 148
with sections 3319.22 to 3319.31 of the Revised Code, except 149
that a community school may engage noncertificated persons to 150
teach up to twelve hours per week pursuant to section 3319.301 151
of the Revised Code. 152

(11) That the school will comply with the following 153
requirements: 154

(a) The school will provide learning opportunities to a 155
minimum of twenty-five students for a minimum of nine hundred 156
twenty hours per school year. 157

(b) The governing authority will purchase liability 158
insurance, or otherwise provide for the potential liability of 159

the school. 160

(c) The school will be nonsectarian in its programs, 161
admission policies, employment practices, and all other 162
operations, and will not be operated by a sectarian school or 163
religious institution. 164

(d) The school will comply with sections 9.90, 9.91, 165
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 166
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 167
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 168
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 169
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 170
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 171
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 172
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 173
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 174
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 175
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 176
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 177
of the Revised Code as if it were a school district and will 178
comply with section 3301.0714 of the Revised Code in the manner 179
specified in section 3314.17 of the Revised Code. 180

(e) The school shall comply with Chapter 102. and section 181
2921.42 of the Revised Code. 182

(f) The school will comply with sections 3313.61, 183
3313.611, and 3313.614 of the Revised Code, except that for 184
students who enter ninth grade for the first time before July 1, 185
2010, the requirement in sections 3313.61 and 3313.611 of the 186
Revised Code that a person must successfully complete the 187
curriculum in any high school prior to receiving a high school 188
diploma may be met by completing the curriculum adopted by the 189

governing authority of the community school rather than the 190
curriculum specified in Title XXXVIII of the Revised Code or any 191
rules of the state board of education. Beginning with students 192
who enter ninth grade for the first time on or after July 1, 193
2010, the requirement in sections 3313.61 and 3313.611 of the 194
Revised Code that a person must successfully complete the 195
curriculum of a high school prior to receiving a high school 196
diploma shall be met by completing the requirements prescribed 197
in division (C) of section 3313.603 of the Revised Code, unless 198
the person qualifies under division (D) or (F) of that section. 199
Each school shall comply with the plan for awarding high school 200
credit based on demonstration of subject area competency, and 201
beginning with the 2016-2017 school year, with the updated plan 202
that permits students enrolled in seventh and eighth grade to 203
meet curriculum requirements based on subject area competency 204
adopted by the state board of education under divisions (J) (1) 205
and (2) of section 3313.603 of the Revised Code. 206

(g) The school governing authority will submit within four 207
months after the end of each school year a report of its 208
activities and progress in meeting the goals and standards of 209
divisions (A) (3) and (4) of this section and its financial 210
status to the sponsor and the parents of all students enrolled 211
in the school. 212

(h) The school, unless it is an internet- or computer- 213
based community school, will comply with section 3313.801 of the 214
Revised Code as if it were a school district. 215

(i) If the school is the recipient of moneys from a grant 216
awarded under the federal race to the top program, Division (A), 217
Title XIV, Sections 14005 and 14006 of the "American Recovery 218
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 219

the school will pay teachers based upon performance in 220
accordance with section 3317.141 and will comply with section 221
3319.111 of the Revised Code as if it were a school district. 222

(j) If the school operates a preschool program that is 223
licensed by the department of education under sections 3301.52 224
to 3301.59 of the Revised Code, the school shall comply with 225
sections 3301.50 to 3301.59 of the Revised Code and the minimum 226
standards for preschool programs prescribed in rules adopted by 227
the state board under section 3301.53 of the Revised Code. 228

(12) Arrangements for providing health and other benefits 229
to employees; 230

(13) The length of the contract, which shall begin at the 231
beginning of an academic year. No contract shall exceed five 232
years unless such contract has been renewed pursuant to division 233
(E) of this section. 234

(14) The governing authority of the school, which shall be 235
responsible for carrying out the provisions of the contract; 236

(15) A financial plan detailing an estimated school budget 237
for each year of the period of the contract and specifying the 238
total estimated per pupil expenditure amount for each such year. 239

(16) Requirements and procedures regarding the disposition 240
of employees of the school in the event the contract is 241
terminated or not renewed pursuant to section 3314.07 of the 242
Revised Code; 243

(17) Whether the school is to be created by converting all 244
or part of an existing public school or educational service 245
center building or is to be a new start-up school, and if it is 246
a converted public school or service center building, 247
specification of any duties or responsibilities of an employer 248

that the board of education or service center governing board 249
that operated the school or building before conversion is 250
delegating to the governing authority of the community school 251
with respect to all or any specified group of employees provided 252
the delegation is not prohibited by a collective bargaining 253
agreement applicable to such employees; 254

(18) Provisions establishing procedures for resolving 255
disputes or differences of opinion between the sponsor and the 256
governing authority of the community school; 257

(19) A provision requiring the governing authority to 258
adopt a policy regarding the admission of students who reside 259
outside the district in which the school is located. That policy 260
shall comply with the admissions procedures specified in 261
sections 3314.06 and 3314.061 of the Revised Code and, at the 262
sole discretion of the authority, shall do one of the following: 263

(a) Prohibit the enrollment of students who reside outside 264
the district in which the school is located; 265

(b) Permit the enrollment of students who reside in 266
districts adjacent to the district in which the school is 267
located; 268

(c) Permit the enrollment of students who reside in any 269
other district in the state. 270

(20) A provision recognizing the authority of the 271
department of education to take over the sponsorship of the 272
school in accordance with the provisions of division (C) of 273
section 3314.015 of the Revised Code; 274

(21) A provision recognizing the sponsor's authority to 275
assume the operation of a school under the conditions specified 276
in division (B) of section 3314.073 of the Revised Code; 277

(22) A provision recognizing both of the following:	278
(a) The authority of public health and safety officials to	279
inspect the facilities of the school and to order the facilities	280
closed if those officials find that the facilities are not in	281
compliance with health and safety laws and regulations;	282
(b) The authority of the department of education as the	283
community school oversight body to suspend the operation of the	284
school under section 3314.072 of the Revised Code if the	285
department has evidence of conditions or violations of law at	286
the school that pose an imminent danger to the health and safety	287
of the school's students and employees and the sponsor refuses	288
to take such action.	289
(23) A description of the learning opportunities that will	290
be offered to students including both classroom-based and non-	291
classroom-based learning opportunities that is in compliance	292
with criteria for student participation established by the	293
department under division (H) (2) of section 3314.08 of the	294
Revised Code;	295
(24) The school will comply with sections 3302.04 and	296
3302.041 of the Revised Code, except that any action required to	297
be taken by a school district pursuant to those sections shall	298
be taken by the sponsor of the school. However, the sponsor	299
shall not be required to take any action described in division	300
(F) of section 3302.04 of the Revised Code.	301
(25) Beginning in the 2006-2007 school year, the school	302
will open for operation not later than the thirtieth day of	303
September each school year, unless the mission of the school as	304
specified under division (A) (2) of this section is solely to	305
serve dropouts. In its initial year of operation, if the school	306

fails to open by the thirtieth day of September, or within one 307
year after the adoption of the contract pursuant to division (D) 308
of section 3314.02 of the Revised Code if the mission of the 309
school is solely to serve dropouts, the contract shall be void. 310

(26) Whether the school's governing authority is planning 311
to seek designation for the school as a STEM school equivalent 312
under section 3326.032 of the Revised Code; 313

(27) That the school's attendance and participation 314
policies will be available for public inspection; 315

(28) That the school's attendance and participation 316
records shall be made available to the department of education, 317
auditor of state, and school's sponsor to the extent permitted 318
under and in accordance with the "Family Educational Rights and 319
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 320
and any regulations promulgated under that act, and section 321
3319.321 of the Revised Code; 322

(29) If a school operates using the blended learning 323
model, as defined in section 3301.079 of the Revised Code, all 324
of the following information: 325

(a) An indication of what blended learning model or models 326
will be used; 327

(b) A description of how student instructional needs will 328
be determined and documented; 329

(c) The method to be used for determining competency, 330
granting credit, and promoting students to a higher grade level; 331

(d) The school's attendance requirements, including how 332
the school will document participation in learning 333
opportunities; 334

(e) A statement describing how student progress will be monitored;	335 336
(f) A statement describing how private student data will be protected;	337 338
(g) A description of the professional development activities that will be offered to teachers.	339 340
(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;	341 342 343 344
(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.	345 346 347 348 349
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	350 351 352
(1) The process by which the governing authority of the school will be selected in the future;	353 354
(2) The management and administration of the school;	355
(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;	356 357 358 359 360
(4) The instructional program and educational philosophy of the school;	361 362

(5) Internal financial controls.	363
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.	364 365 366 367
(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.	368 369 370 371 372 373 374 375 376 377
(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:	378 379 380 381 382
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	383 384 385
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	386 387 388
(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	389 390 391

enrolled in the community school;	392
(4) Provide technical assistance to the community school	393
in complying with laws applicable to the school and terms of the	394
contract;	395
(5) Take steps to intervene in the school's operation to	396
correct problems in the school's overall performance, declare	397
the school to be on probationary status pursuant to section	398
3314.073 of the Revised Code, suspend the operation of the	399
school pursuant to section 3314.072 of the Revised Code, or	400
terminate the contract of the school pursuant to section 3314.07	401
of the Revised Code as determined necessary by the sponsor;	402
(6) Have in place a plan of action to be undertaken in the	403
event the community school experiences financial difficulties or	404
closes prior to the end of a school year.	405
(E) Upon the expiration of a contract entered into under	406
this section, the sponsor of a community school may, with the	407
approval of the governing authority of the school, renew that	408
contract for a period of time determined by the sponsor, but not	409
ending earlier than the end of any school year, if the sponsor	410
finds that the school's compliance with applicable laws and	411
terms of the contract and the school's progress in meeting the	412
academic goals prescribed in the contract have been	413
satisfactory. Any contract that is renewed under this division	414
remains subject to the provisions of sections 3314.07, 3314.072,	415
and 3314.073 of the Revised Code.	416
(F) If a community school fails to open for operation	417
within one year after the contract entered into under this	418
section is adopted pursuant to division (D) of section 3314.02	419
of the Revised Code or permanently closes prior to the	420

expiration of the contract, the contract shall be void and the 421
school shall not enter into a contract with any other sponsor. A 422
school shall not be considered permanently closed because the 423
operations of the school have been suspended pursuant to section 424
3314.072 of the Revised Code. 425

Sec. 3326.11. Each science, technology, engineering, and 426
mathematics school established under this chapter and its 427
governing body shall comply with sections 9.90, 9.91, 109.65, 428
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 429
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 430
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 431
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 432
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 433
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 434
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 435
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 436
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 437
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 438
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 439
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 440
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 441
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 442
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 443
the Revised Code as if it were a school district. 444

Sec. 3707.58. (A) The department of health and the 445
department of education jointly shall develop and shall post on 446
their respective internet web sites guidelines and other 447
relevant materials to inform and educate students participating 448
in or desiring to participate in an athletic activity, their 449
parents, and their coaches about the nature and warning signs of 450
sudden cardiac arrest. These guidelines and materials shall 451

address the risks associated with continuing to participate in 452
an athletic event after experiencing one or more symptoms of 453
sudden cardiac arrest, such as fainting, difficulty breathing, 454
chest pains, dizziness, and an abnormal racing heart rate. 455

(B) In developing guidelines and materials under division 456
(A) of this section, the departments may utilize existing 457
materials developed by the parent heart watch organization, the 458
sudden arrhythmia death syndromes foundation, and any other 459
organizations deemed appropriate by the departments. 460

(C) For purposes of the training required for a coach of 461
an athletic activity under division (D) of section 3313.5310 of 462
the Revised Code, the department of health shall approve a 463
sudden cardiac training course offered by an outside entity. 464

Section 2. That existing sections 3314.03 and 3326.11 of 465
the Revised Code are hereby repealed. 466

Section 3314.03 of the Revised Code is presented in this 467
act as a composite of the section as amended by both Am. Sub. 468
H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly. The 469
General Assembly, applying the principle stated in division (B) 470
of section 1.52 of the Revised Code that amendments are to be 471
harmonized if reasonably capable of simultaneous operation, 472
finds that the composite is the resulting version of the section 473
in effect prior to the effective date of the section as 474
presented in this act. 475

Section 3. Section 3314.03 of the Revised Code is 476
presented in this act as a composite of the section as amended 477
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 478
General Assembly. The General Assembly, applying the principle 479
stated in division (B) of section 1.52 of the Revised Code that 480

amendments are to be harmonized if reasonably capable of	481
simultaneous operation, finds that the composite is the	482
resulting version of the section in effect prior to the	483
effective date of the section as presented in this act.	484