

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 47**

**Representative Bocchieri**

**Cosponsors: Representatives Rogers, Boggs, Cera, O'Brien, Craig, Sheehy, Seitz,  
Lepore-Hagan, West, Kent, Smith, K., Fedor, Miller, Ashford, Brenner, Bishoff,  
Romanchuk**

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**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 "Students 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.

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

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

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

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

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

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

(15) A financial plan detailing an estimated school budget	190
for each year of the period of the contract and specifying the	191
total estimated per pupil expenditure amount for each such year.	192
(16) Requirements and procedures regarding the disposition	193
of employees of the school in the event the contract is	194
terminated or not renewed pursuant to section 3314.07 of the	195
Revised Code;	196
(17) Whether the school is to be created by converting all	197
or part of an existing public school or educational service	198
center building or is to be a new start-up school, and if it is	199
a converted public school or service center building,	200
specification of any duties or responsibilities of an employer	201
that the board of education or service center governing board	202
that operated the school or building before conversion is	203
delegating to the governing authority of the community school	204
with respect to all or any specified group of employees provided	205
the delegation is not prohibited by a collective bargaining	206
agreement applicable to such employees;	207
(18) Provisions establishing procedures for resolving	208
disputes or differences of opinion between the sponsor and the	209
governing authority of the community school;	210
(19) A provision requiring the governing authority to	211
adopt a policy regarding the admission of students who reside	212
outside the district in which the school is located. That policy	213
shall comply with the admissions procedures specified in	214
sections 3314.06 and 3314.061 of the Revised Code and, at the	215
sole discretion of the authority, shall do one of the following:	216
(a) Prohibit the enrollment of students who reside outside	217
the district in which the school is located;	218

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	219 220 221
(c) Permit the enrollment of students who reside in any other district in the state.	222 223
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	224 225 226 227
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	228 229 230
(22) A provision recognizing both of the following:	231
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	232 233 234 235
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	236 237 238 239 240 241 242
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the	243 244 245 246 247

Revised Code;	248
(24) The school will comply with sections 3302.04 and	249
3302.041 of the Revised Code, except that any action required to	250
be taken by a school district pursuant to those sections shall	251
be taken by the sponsor of the school. However, the sponsor	252
shall not be required to take any action described in division	253
(F) of section 3302.04 of the Revised Code.	254
(25) Beginning in the 2006-2007 school year, the school	255
will open for operation not later than the thirtieth day of	256
September each school year, unless the mission of the school as	257
specified under division (A) (2) of this section is solely to	258
serve dropouts. In its initial year of operation, if the school	259
fails to open by the thirtieth day of September, or within one	260
year after the adoption of the contract pursuant to division (D)	261
of section 3314.02 of the Revised Code if the mission of the	262
school is solely to serve dropouts, the contract shall be void.	263
(26) Whether the school's governing authority is planning	264
to seek designation for the school as a STEM school equivalent	265
under section 3326.032 of the Revised Code;	266
(27) That the school's attendance and participation	267
policies will be available for public inspection;	268
(28) That the school's attendance and participation	269
records shall be made available to the department of education,	270
auditor of state, and school's sponsor to the extent permitted	271
under and in accordance with the "Family Educational Rights and	272
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	273
and any regulations promulgated under that act, and section	274
3319.321 of the Revised Code;	275
(29) If a school operates using the blended learning	276

model, as defined in section 3301.079 of the Revised Code, all	277
of the following information:	278
(a) An indication of what blended learning model or models will be used;	279 280
(b) A description of how student instructional needs will be determined and documented;	281 282
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	283 284
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	285 286 287
(e) A statement describing how student progress will be monitored;	288 289
(f) A statement describing how private student data will be protected;	290 291
(g) A description of the professional development activities that will be offered to teachers.	292 293
(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;	294 295 296 297
(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.	298 299 300 301 302
(B) The community school shall also submit to the sponsor	303

a comprehensive plan for the school. The plan shall specify the following: 304  
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(1) The process by which the governing authority of the school will be selected in the future; 306  
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(2) The management and administration of the school; 308

(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; 309  
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(4) The instructional program and educational philosophy of the school; 314  
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(5) Internal financial controls. 316

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. 317  
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(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. 321  
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(D) The contract shall specify the duties of the sponsor 331

which shall be in accordance with the written agreement entered 332  
into with the department of education under division (B) of 333  
section 3314.015 of the Revised Code and shall include the 334  
following: 335

(1) Monitor the community school's compliance with all 336  
laws applicable to the school and with the terms of the 337  
contract; 338

(2) Monitor and evaluate the academic and fiscal 339  
performance and the organization and operation of the community 340  
school on at least an annual basis; 341

(3) Report on an annual basis the results of the 342  
evaluation conducted under division (D) (2) of this section to 343  
the department of education and to the parents of students 344  
enrolled in the community school; 345

(4) Provide technical assistance to the community school 346  
in complying with laws applicable to the school and terms of the 347  
contract; 348

(5) Take steps to intervene in the school's operation to 349  
correct problems in the school's overall performance, declare 350  
the school to be on probationary status pursuant to section 351  
3314.073 of the Revised Code, suspend the operation of the 352  
school pursuant to section 3314.072 of the Revised Code, or 353  
terminate the contract of the school pursuant to section 3314.07 354  
of the Revised Code as determined necessary by the sponsor; 355

(6) Have in place a plan of action to be undertaken in the 356  
event the community school experiences financial difficulties or 357  
closes prior to the end of a school year. 358

(E) Upon the expiration of a contract entered into under 359  
this section, the sponsor of a community school may, with the 360

approval of the governing authority of the school, renew that 361  
contract for a period of time determined by the sponsor, but not 362  
ending earlier than the end of any school year, if the sponsor 363  
finds that the school's compliance with applicable laws and 364  
terms of the contract and the school's progress in meeting the 365  
academic goals prescribed in the contract have been 366  
satisfactory. Any contract that is renewed under this division 367  
remains subject to the provisions of sections 3314.07, 3314.072, 368  
and 3314.073 of the Revised Code. 369

(F) If a community school fails to open for operation 370  
within one year after the contract entered into under this 371  
section is adopted pursuant to division (D) of section 3314.02 372  
of the Revised Code or permanently closes prior to the 373  
expiration of the contract, the contract shall be void and the 374  
school shall not enter into a contract with any other sponsor. A 375  
school shall not be considered permanently closed because the 376  
operations of the school have been suspended pursuant to section 377  
3314.072 of the Revised Code. 378

**Sec. 3326.11.** Each science, technology, engineering, and 379  
mathematics school established under this chapter and its 380  
governing body shall comply with sections 9.90, 9.91, 109.65, 381  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 382  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 383  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 384  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5315, 3313.608, 385  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 386  
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 387  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 388  
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 389  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3317.721, 390  
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 391

3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 392  
3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 393  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 394  
4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 395  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 396  
4167. of the Revised Code as if it were 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, 3301.948, 3313.536, 3313.5315, 3313.6013, 3313.6021, 401  
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 402  
3319.46 and Chapter 3365. of the Revised Code as if the school 403  
were a school district and the school's board of trustees were a 404  
district board of education. 405

**Sec. 3345.425.** (A) As used in this section: 406

(1) "Private college" has the same meaning as in section 407  
3365.01 of the Revised Code. 408

(2) "Public college" means a "state institution of higher 409  
education" as defined in section 3345.011 of the Revised Code. 410

(3) "Service in the uniformed services" means the 411  
performance of duty, on a voluntary or involuntary basis, in a 412  
uniformed service, under competent authority, and includes 413  
active duty, active duty for training, initial active duty for 414  
training, full-time national guard duty, and performance of duty 415  
or training by a member of the Ohio organized militia pursuant 416  
to Chapter 5923. of the Revised Code. "Service in the uniformed 417  
services" also includes the period of time during which a person 418  
is undergoing an examination to determine the fitness of the 419  
person to perform any duty described in this division. 420

(4) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency. 421  
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(B) No public or private college shall prohibit a student from participating in an extracurricular activity or any practice, competition, or other event related to that activity because of the student's absence from the activity due to service in the uniformed services, provided that permitting such participation does not conflict with the rules of the national collegiate athletic association. 427  
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**Section 2.** That existing sections 3314.03, 3326.11, and 3328.24 of the Revised Code are hereby repealed. 434  
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**Section 3.** This act shall be known as the "Students to Soldiers Support Act (S3A)." 436  
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