

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 132**

**Representative Manning, D.**

**Cosponsors: Representatives Hood, Lipps, Lang, Vitale, Butler, Ingram, McClain**

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**A BILL**

To amend sections 3314.03 and 3326.11 and to enact  
section 3313.675 of the Revised Code regarding  
notice of school child immunization requirements  
and exemptions. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3314.03 and 3326.11 be amended  
and section 3313.675 of the Revised Code be enacted to read as  
follows: 5  
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**Sec. 3313.675.** (A) As used in this section, "school" means  
an elementary or high school for which the state board of  
education prescribes minimum standards pursuant to section  
3301.07 of the Revised Code. 8  
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(B) When a school, board of education, or governing  
authority of a school notifies a pupil or the pupil's parent or  
guardian of the immunization requirements described in section  
3313.671 of the Revised Code, the school, board, or governing  
authority also shall notify the pupil, parent, or guardian of  
the exemptions from immunization described in that section. The  
school, board, or governing authority shall provide notice of 12  
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the exemptions in the same manner as it provides notice of the 19  
requirements. 20

**Sec. 3314.03.** A copy of every contract entered into under 21  
this section shall be filed with the superintendent of public 22  
instruction. The department of education shall make available on 23  
its web site a copy of every approved, executed contract filed 24  
with the superintendent under this section. 25

(A) Each contract entered into between a sponsor and the 26  
governing authority of a community school shall specify the 27  
following: 28

(1) That the school shall be established as either of the 29  
following: 30

(a) A nonprofit corporation established under Chapter 31  
1702. of the Revised Code, if established prior to April 8, 32  
2003; 33

(b) A public benefit corporation established under Chapter 34  
1702. of the Revised Code, if established after April 8, 2003. 35

(2) The education program of the school, including the 36  
school's mission, the characteristics of the students the school 37  
is expected to attract, the ages and grades of students, and the 38  
focus of the curriculum; 39

(3) The academic goals to be achieved and the method of 40  
measurement that will be used to determine progress toward those 41  
goals, which shall include the statewide achievement 42  
assessments; 43

(4) Performance standards, including but not limited to 44  
all applicable report card measures set forth in section 3302.03 45  
or 3314.017 of the Revised Code, by which the success of the 46

school will be evaluated by the sponsor;	47
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	48 49 50
(6) (a) Dismissal procedures;	51
(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 seventy-two consecutive hours of the learning opportunities offered to the student.	52 53 54 55 56 57
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	58 59
(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.	60 61 62 63 64 65
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	66 67
(a) A detailed description of each facility used for instructional purposes;	68 69
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	70 71
(c) The annual mortgage principal and interest payments that are paid by the school;	72 73

(d) The name of the lender or landlord, identified as 74  
such, and the lender's or landlord's relationship to the 75  
operator, if any. 76

(10) Qualifications of teachers, including a requirement 77  
that the school's classroom teachers be licensed in accordance 78  
with sections 3319.22 to 3319.31 of the Revised Code, except 79  
that a community school may engage noncertificated persons to 80  
teach up to twelve hours per week pursuant to section 3319.301 81  
of the Revised Code. 82

(11) That the school will comply with the following 83  
requirements: 84

(a) The school will provide learning opportunities to a 85  
minimum of twenty-five students for a minimum of nine hundred 86  
twenty hours per school year. 87

(b) The governing authority will purchase liability 88  
insurance, or otherwise provide for the potential liability of 89  
the school. 90

(c) The school will be nonsectarian in its programs, 91  
admission policies, employment practices, and all other 92  
operations, and will not be operated by a sectarian school or 93  
religious institution. 94

(d) The school will comply with sections 9.90, 9.91, 95  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 96  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 97  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 98  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 99  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 100  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 101  
3313.675, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 102

3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 103  
3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 104  
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 105  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 106  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 107  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 108  
as if it were a school district and will comply with section 109  
3301.0714 of the Revised Code in the manner specified in section 110  
3314.17 of the Revised Code. 111

(e) The school shall comply with Chapter 102. and section 112  
2921.42 of the Revised Code. 113

(f) The school will comply with sections 3313.61, 114  
3313.611, and 3313.614 of the Revised Code, except that for 115  
students who enter ninth grade for the first time before July 1, 116  
2010, the requirement in sections 3313.61 and 3313.611 of the 117  
Revised Code that a person must successfully complete the 118  
curriculum in any high school prior to receiving a high school 119  
diploma may be met by completing the curriculum adopted by the 120  
governing authority of the community school rather than the 121  
curriculum specified in Title XXXVIII of the Revised Code or any 122  
rules of the state board of education. Beginning with students 123  
who enter ninth grade for the first time on or after 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 of a high school prior to receiving a high school 127  
diploma shall be met by completing the requirements prescribed 128  
in division (C) of section 3313.603 of the Revised Code, unless 129  
the person qualifies under division (D) or (F) of that section. 130  
Each school shall comply with the plan for awarding high school 131  
credit based on demonstration of subject area competency, and 132  
beginning with the 2017-2018 school year, with the updated plan 133

that permits students enrolled in seventh and eighth grade to 134  
meet curriculum requirements based on subject area competency 135  
adopted by the state board of education under divisions (J) (1) 136  
and (2) of section 3313.603 of the Revised Code. Beginning with 137  
the 2018-2019 school year, the school shall comply with the 138  
framework for granting units of high school credit to students 139  
who demonstrate subject area competency through work-based 140  
learning experiences, internships, or cooperative education 141  
developed by the department under division (J) (3) of section 142  
3313.603 of the Revised Code. 143

(g) The school governing authority will submit within four 144  
months after the end of each school year a report of its 145  
activities and progress in meeting the goals and standards of 146  
divisions (A) (3) and (4) of this section and its financial 147  
status to the sponsor and the parents of all students enrolled 148  
in the school. 149

(h) The school, unless it is an internet- or computer- 150  
based community school, will comply with section 3313.801 of the 151  
Revised Code as if it were a school district. 152

(i) If the school is the recipient of moneys from a grant 153  
awarded under the federal race to the top program, Division (A), 154  
Title XIV, Sections 14005 and 14006 of the "American Recovery 155  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 156  
the school will pay teachers based upon performance in 157  
accordance with section 3317.141 and will comply with section 158  
3319.111 of the Revised Code as if it were a school district. 159

(j) If the school operates a preschool program that is 160  
licensed by the department of education under sections 3301.52 161  
to 3301.59 of the Revised Code, the school shall comply with 162  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 163

standards for preschool programs prescribed in rules adopted by	164
the state board under section 3301.53 of the Revised Code.	165
(k) The school will comply with sections 3313.6021 and	166
3313.6023 of the Revised Code as if it were a school district	167
unless it is either of the following:	168
(i) An internet- or computer-based community school;	169
(ii) A community school in which a majority of the	170
enrolled students are children with disabilities as described in	171
division (A) (4) (b) of section 3314.35 of the Revised Code.	172
(12) Arrangements for providing health and other benefits	173
to employees;	174
(13) The length of the contract, which shall begin at the	175
beginning of an academic year. No contract shall exceed five	176
years unless such contract has been renewed pursuant to division	177
(E) of this section.	178
(14) The governing authority of the school, which shall be	179
responsible for carrying out the provisions of the contract;	180
(15) A financial plan detailing an estimated school budget	181
for each year of the period of the contract and specifying the	182
total estimated per pupil expenditure amount for each such year.	183
(16) Requirements and procedures regarding the disposition	184
of employees of the school in the event the contract is	185
terminated or not renewed pursuant to section 3314.07 of the	186
Revised Code;	187
(17) Whether the school is to be created by converting all	188
or part of an existing public school or educational service	189
center building or is to be a new start-up school, and if it is	190
a converted public school or service center building,	191

specification of any duties or responsibilities of an employer 192  
that the board of education or service center governing board 193  
that operated the school or building before conversion is 194  
delegating to the governing authority of the community school 195  
with respect to all or any specified group of employees provided 196  
the delegation is not prohibited by a collective bargaining 197  
agreement applicable to such employees; 198

(18) Provisions establishing procedures for resolving 199  
disputes or differences of opinion between the sponsor and the 200  
governing authority of the community school; 201

(19) A provision requiring the governing authority to 202  
adopt a policy regarding the admission of students who reside 203  
outside the district in which the school is located. That policy 204  
shall comply with the admissions procedures specified in 205  
sections 3314.06 and 3314.061 of the Revised Code and, at the 206  
sole discretion of the authority, shall do one of the following: 207

(a) Prohibit the enrollment of students who reside outside 208  
the district in which the school is located; 209

(b) Permit the enrollment of students who reside in 210  
districts adjacent to the district in which the school is 211  
located; 212

(c) Permit the enrollment of students who reside in any 213  
other district in the state. 214

(20) A provision recognizing the authority of the 215  
department of education to take over the sponsorship of the 216  
school in accordance with the provisions of division (C) of 217  
section 3314.015 of the Revised Code; 218

(21) A provision recognizing the sponsor's authority to 219  
assume the operation of a school under the conditions specified 220

in division (B) of section 3314.073 of the Revised Code;	221
(22) A provision recognizing both of the following:	222
(a) The authority of public health and safety officials to	223
inspect the facilities of the school and to order the facilities	224
closed if those officials find that the facilities are not in	225
compliance with health and safety laws and regulations;	226
(b) The authority of the department of education as the	227
community school oversight body to suspend the operation of the	228
school under section 3314.072 of the Revised Code if the	229
department has evidence of conditions or violations of law at	230
the school that pose an imminent danger to the health and safety	231
of the school's students and employees and the sponsor refuses	232
to take such action.	233
(23) A description of the learning opportunities that will	234
be offered to students including both classroom-based and non-	235
classroom-based learning opportunities that is in compliance	236
with criteria for student participation established by the	237
department under division (H) (2) of section 3314.08 of the	238
Revised Code;	239
(24) The school will comply with sections 3302.04 and	240
3302.041 of the Revised Code, except that any action required to	241
be taken by a school district pursuant to those sections shall	242
be taken by the sponsor of the school. However, the sponsor	243
shall not be required to take any action described in division	244
(F) of section 3302.04 of the Revised Code.	245
(25) Beginning in the 2006-2007 school year, the school	246
will open for operation not later than the thirtieth day of	247
September each school year, unless the mission of the school as	248
specified under division (A) (2) of this section is solely to	249

serve dropouts. In its initial year of operation, if the school 250  
fails to open by the thirtieth day of September, or within one 251  
year after the adoption of the contract pursuant to division (D) 252  
of section 3314.02 of the Revised Code if the mission of the 253  
school is solely to serve dropouts, the contract shall be void. 254

(26) Whether the school's governing authority is planning 255  
to seek designation for the school as a STEM school equivalent 256  
under section 3326.032 of the Revised Code; 257

(27) That the school's attendance and participation 258  
policies will be available for public inspection; 259

(28) That the school's attendance and participation 260  
records shall be made available to the department of education, 261  
auditor of state, and school's sponsor to the extent permitted 262  
under and in accordance with the "Family Educational Rights and 263  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 264  
and any regulations promulgated under that act, and section 265  
3319.321 of the Revised Code; 266

(29) If a school operates using the blended learning 267  
model, as defined in section 3301.079 of the Revised Code, all 268  
of the following information: 269

(a) An indication of what blended learning model or models 270  
will be used; 271

(b) A description of how student instructional needs will 272  
be determined and documented; 273

(c) The method to be used for determining competency, 274  
granting credit, and promoting students to a higher grade level; 275

(d) The school's attendance requirements, including how 276  
the school will document participation in learning 277

opportunities;	278
(e) A statement describing how student progress will be monitored;	279 280
(f) A statement describing how private student data will be protected;	281 282
(g) A description of the professional development activities that will be offered to teachers.	283 284
(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;	285 286 287 288
(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.	289 290 291 292 293
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	294 295 296 297 298
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	299 300 301
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	302 303 304
(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  
3313.675, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 389  
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 390  
3313.817, 3313.86, 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, 3321.141, 3321.17, 393  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 394

5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 395  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 396  
as if it were a school district. 397

**Section 2.** That existing sections 3314.03 and 3326.11 of 398  
the Revised Code are hereby repealed. 399