

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 322**

**Representative Jones**

**Cosponsors: Representatives Schmidt, John, McClain, Holmes, Plummer, Zeltwanger, Riedel, Cutrona, Hall, Merrin, Gross, Edwards, Stoltzfus, Stewart, Carruthers, Stein, Dean, Jordan, Hoops, Cross, Baldrige, Ferguson, Kick, Wiggam, Abrams, Richardson, Fowler Arthur**

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**A BILL**

To amend sections 3301.079, 3314.03, and 3326.11 1  
and to enact sections 3313.6027, 3313.6028, and 2  
3313.6029 of the Revised Code regarding the 3  
teaching of certain current events and certain 4  
concepts regarding race and sex in public 5  
schools. 6

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

**Section 1.** That sections 3301.079, 3314.03, and 3326.11 be 7  
amended and sections 3313.6027, 3313.6028, and 3313.6029 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 3301.079.** (A) (1) The state board of education 10  
periodically shall adopt statewide academic standards with 11  
emphasis on coherence, focus, and essential knowledge and that 12  
are more challenging and demanding when compared to 13  
international standards for each of grades kindergarten through 14  
twelve in English language arts, mathematics, science, and 15  
social studies. 16

(a) The state board shall ensure that the standards do all 17  
of the following: 18

(i) Include the essential academic content and skills that 19  
students are expected to know and be able to do at each grade 20  
level that will allow each student to be prepared for 21  
postsecondary instruction and the workplace for success in the 22  
twenty-first century; 23

(ii) Include the development of skill sets that promote 24  
information, media, and technological literacy; 25

(iii) Include interdisciplinary, project-based, real-world 26  
learning opportunities; 27

(iv) Instill life-long learning by providing essential 28  
knowledge and skills based in the liberal arts tradition, as 29  
well as science, technology, engineering, mathematics, and 30  
career-technical education; 31

(v) Be clearly written, transparent, and understandable by 32  
parents, educators, and the general public. 33

(b) Not later than July 1, 2012, the state board shall 34  
incorporate into the social studies standards for grades four to 35  
twelve academic content regarding the original texts of the 36  
Declaration of Independence, the Northwest Ordinance, the 37  
Constitution of the United States and its amendments, with 38  
emphasis on the Bill of Rights, and the Ohio Constitution, and 39  
their original context. The state board shall revise the model 40  
curricula and achievement assessments adopted under divisions 41  
(B) and (C) of this section as necessary to reflect the 42  
additional American history and American government content. The 43  
state board shall make available a list of suggested grade- 44  
appropriate supplemental readings that place the documents 45

prescribed by this division in their historical context, which 46  
teachers may use as a resource to assist students in reading the 47  
documents within that context. 48

(c) When the state board adopts or revises academic 49  
content standards in social studies, American history, American 50  
government, or science under division (A) (1) of this section, 51  
the state board shall develop such standards independently and 52  
not as part of a multistate consortium. 53

(2) After completing the standards required by division 54  
(A) (1) of this section, the state board shall adopt standards 55  
and model curricula for instruction in technology, financial 56  
literacy and entrepreneurship, fine arts, and foreign language 57  
for grades kindergarten through twelve. The standards shall meet 58  
the same requirements prescribed in division (A) (1) (a) of this 59  
section. 60

(3) The state board shall adopt the most recent standards 61  
developed by the national association for sport and physical 62  
education for physical education in grades kindergarten through 63  
twelve or shall adopt its own standards for physical education 64  
in those grades and revise and update them periodically. 65

The department of education shall employ a full-time 66  
physical education coordinator to provide guidance and technical 67  
assistance to districts, community schools, and STEM schools in 68  
implementing the physical education standards adopted under this 69  
division. The superintendent of public instruction shall 70  
determine that the person employed as coordinator is qualified 71  
for the position, as demonstrated by possessing an adequate 72  
combination of education, license, and experience. 73

(4) Not later than December 31, 2018, the state board 74

shall adopt standards and a model curriculum for instruction in 75  
computer science in grades kindergarten through twelve, which 76  
shall include standards for introductory and advanced computer 77  
science courses in grades nine through twelve. When developing 78  
the standards and curriculum, the state board shall consider 79  
recommendations from computer science education stakeholder 80  
groups, including teachers and representatives from higher 81  
education, industry, computer science organizations in Ohio, and 82  
national computer science organizations. 83

Any district or school may utilize the computer science 84  
standards or model curriculum or any part thereof adopted 85  
pursuant to division (A) (4) of this section. However, no 86  
district or school shall be required to utilize all or any part 87  
of the standards or curriculum. 88

(5) When academic standards have been completed for any 89  
subject area required by this section, the state board shall 90  
inform all school districts, all community schools established 91  
under Chapter 3314. of the Revised Code, all STEM schools 92  
established under Chapter 3326. of the Revised Code, and all 93  
nonpublic schools required to administer the assessments 94  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 95  
Code of the content of those standards. Additionally, upon 96  
completion of any academic standards under this section, the 97  
department shall post those standards on the department's web 98  
site. 99

(B) (1) The state board shall adopt a model curriculum for 100  
instruction in each subject area for which updated academic 101  
standards are required by division (A) (1) of this section and 102  
for each of grades kindergarten through twelve that is 103  
sufficient to meet the needs of students in every community. The 104

model curriculum shall be aligned with the standards, to ensure 105  
that the academic content and skills specified for each grade 106  
level are taught to students, and shall demonstrate vertical 107  
articulation and emphasize coherence, focus, and rigor. When any 108  
model curriculum has been completed, the state board shall 109  
inform all school districts, community schools, and STEM schools 110  
of the content of that model curriculum. 111

At no time shall the state board adopt any model 112  
curriculum under this section regarding the concepts described 113  
in divisions (A) (1) to (11) of section 3313.6028 of the Revised 114  
Code. 115

(2) Not later than June 30, 2013, the state board, in 116  
consultation with any office housed in the governor's office 117  
that deals with workforce development, shall adopt model 118  
curricula for grades kindergarten through twelve that embed 119  
career connection learning strategies into regular classroom 120  
instruction. 121

(3) All school districts, community schools, and STEM 122  
schools may utilize the state standards and the model curriculum 123  
established by the state board, together with other relevant 124  
resources, examples, or models to ensure that students have the 125  
opportunity to attain the academic standards. Upon request, the 126  
department shall provide technical assistance to any district, 127  
community school, or STEM school in implementing the model 128  
curriculum. 129

Nothing in this section requires any school district to 130  
utilize all or any part of a model curriculum developed under 131  
this section. 132

(C) The state board shall develop achievement assessments 133

aligned with the academic standards and model curriculum for 134  
each of the subject areas and grade levels required by divisions 135  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 136

When any achievement assessment has been completed, the 137  
state board shall inform all school districts, community 138  
schools, STEM schools, and nonpublic schools required to 139  
administer the assessment of its completion, and the department 140  
shall make the achievement assessment available to the districts 141  
and schools. 142

(D) (1) The state board shall adopt a diagnostic assessment 143  
aligned with the academic standards and model curriculum for 144  
each of grades kindergarten through two in reading, writing, and 145  
mathematics and for grade three in reading and writing. The 146  
diagnostic assessment shall be designed to measure student 147  
comprehension of academic content and mastery of related skills 148  
for the relevant subject area and grade level. Any diagnostic 149  
assessment shall not include components to identify gifted 150  
students. Blank copies of diagnostic assessments shall be public 151  
records. 152

(2) When each diagnostic assessment has been completed, 153  
the state board shall inform all school districts of its 154  
completion and the department shall make the diagnostic 155  
assessment available to the districts at no cost to the 156  
district. 157

(3) School districts shall administer the diagnostic 158  
assessment pursuant to section 3301.0715 of the Revised Code 159  
beginning the first school year following the development of the 160  
assessment. 161

However, beginning with the 2017-2018 school year, both of 162

the following shall apply: 163

(a) In the case of the diagnostic assessments for grades 164  
one or two in writing or mathematics or for grade three in 165  
writing, a school district shall not be required to administer 166  
any such assessment, but may do so at the discretion of the 167  
district board; 168

(b) In the case of any diagnostic assessment that is not 169  
for the grade levels and subject areas specified in division (D) 170  
(3)(a) of this section, each school district shall administer 171  
the assessment in the manner prescribed by section 3301.0715 of 172  
the Revised Code. 173

(E) The state board shall not adopt a diagnostic or 174  
achievement assessment for any grade level or subject area other 175  
than those specified in this section. 176

(F) Whenever the state board or the department consults 177  
with persons for the purpose of drafting or reviewing any 178  
standards, diagnostic assessments, achievement assessments, or 179  
model curriculum required under this section, the state board or 180  
the department shall first consult with parents of students in 181  
kindergarten through twelfth grade and with active Ohio 182  
classroom teachers, other school personnel, and administrators 183  
with expertise in the appropriate subject area. Whenever 184  
practicable, the state board and department shall consult with 185  
teachers recognized as outstanding in their fields. 186

If the department contracts with more than one outside 187  
entity for the development of the achievement assessments 188  
required by this section, the department shall ensure the 189  
interchangeability of those assessments. 190

(G) Whenever the state board adopts standards or model 191

curricula under this section, the department also shall provide 192  
information on the use of blended or digital learning in the 193  
delivery of the standards or curricula to students in accordance 194  
with division (A) (5) of this section. 195

(H) The fairness sensitivity review committee, established 196  
by rule of the state board of education, shall not allow any 197  
question on any achievement or diagnostic assessment developed 198  
under this section or any proficiency test prescribed by former 199  
section 3301.0710 of the Revised Code, as it existed prior to 200  
September 11, 2001, to include, be written to promote, or 201  
inquire as to individual moral or social values or beliefs. The 202  
decision of the committee shall be final. This section does not 203  
create a private cause of action. 204

(I) Not later than sixty days prior to the adoption by the 205  
state board of updated academic standards under division (A) (1) 206  
of this section or updated model curricula under division (B) (1) 207  
of this section, the superintendent of public instruction shall 208  
present the academic standards or model curricula, as 209  
applicable, in person at a public hearing of the respective 210  
committees of the house of representatives and senate that 211  
consider education legislation. 212

(J) As used in this section: 213

(1) "Blended learning" means the delivery of instruction 214  
in a combination of time in a supervised physical location away 215  
from home and online delivery whereby the student has some 216  
element of control over time, place, path, or pace of learning. 217

(2) "Coherence" means a reflection of the structure of the 218  
discipline being taught. 219

(3) "Digital learning" means learning facilitated by 220

technology that gives students some element of control over 221  
time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in 223  
a curriculum to allow for deeper exploration of the subject 224  
matter. 225

(5) "Vertical articulation" means key academic concepts 226  
and skills associated with mastery in particular content areas 227  
should be articulated and reinforced in a developmentally 228  
appropriate manner at each grade level so that over time 229  
students acquire a depth of knowledge and understanding in the 230  
core academic disciplines. 231

Sec. 3313.6027. (A) No state agency, school district, or 232  
school administration shall require a teacher of history, 233  
civics, United States government and politics, social studies, 234  
or similar subject areas who is employed by the board of 235  
education of a school district to discuss current events or 236  
widely debated and currently controversial issues of public 237  
policy or social affairs. 238

It is the policy of this state that teachers who choose to 239  
discuss current events or widely debated and currently 240  
controversial issues of public policy or social affairs, to the 241  
best of their abilities, shall strive to explore such issues 242  
from diverse and contending perspectives. 243

(B) In any course on history, civics, United States 244  
government and politics, social studies, or a similar subject 245  
area, no school district shall require, make part of such a 246  
course, or award course grading or credit for any of the 247  
following: 248

(1) Student work for, affiliation with, or service 249

learning in association with any organization engaged in 250  
lobbying for legislation at the local, state, or federal level 251  
or in social or public policy advocacy; 252

(2) Lobbying for legislation at the local, state, or 253  
federal level; 254

(3) Any practicum, action project, or similar activity 255  
that involves social or public policy advocacy. 256

(C) No state agency or school district shall accept 257  
private funding for curriculum development, purchase or 258  
selection of curricular materials, teacher training, 259  
professional development, or continuing teacher education 260  
pertaining to courses on history, civics, United States 261  
government and politics, social studies, or similar subject 262  
areas. 263

**Sec. 3313.6028.** (A) No state agency, school district, or 264  
school shall teach, instruct, or train any administrator, 265  
teacher, staff, member, or employee to adopt or believe any of 266  
the following concepts: 267

(1) One race or sex is inherently superior to another race 268  
or sex; 269

(2) An individual, by virtue of the individual's race or 270  
sex, is inherently racist, sexist, or oppressive, whether 271  
consciously or unconsciously; 272

(3) An individual should be discriminated against or 273  
receive adverse treatment solely or partly because of the 274  
individual's race; 275

(4) Members of one race cannot or should not attempt to 276  
treat others without respect to race; 277

<u>(5) An individual's moral standing or worth is necessarily</u>	278
<u>determined by the individual's race or sex;</u>	279
<u>(6) An individual, by virtue of the individual's race or</u>	280
<u>sex, bears responsibility for actions committed in the past by</u>	281
<u>other members of the same race or sex;</u>	282
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	283
<u>or any other form of psychological distress on account of the</u>	284
<u>individual's race or sex;</u>	285
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	286
<u>racist or sexist or were created by members of a particular race</u>	287
<u>or sex to oppress members of another race or sex;</u>	288
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	289
<u>sex or to members of that race or sex because of their race or</u>	290
<u>sex;</u>	291
<u>(10) The advent of slavery in the territory that is now</u>	292
<u>the United States constituted the true founding of the United</u>	293
<u>States;</u>	294
<u>(11) With respect to their relationship to American</u>	295
<u>values, slavery and racism are anything other than deviations</u>	296
<u>from, betrayals of, or failures to live up to the authentic</u>	297
<u>founding principles of the United States, which include liberty</u>	298
<u>and equality.</u>	299
<u>(B) No teacher or school administrator employed by a</u>	300
<u>school district or employee of a state agency shall approve for</u>	301
<u>use, make use of, or carry out standards, curricula, lesson</u>	302
<u>plans, textbooks, instructional materials, or instructional</u>	303
<u>practices that serve to inculcate the concepts described in</u>	304
<u>divisions (A) (1) to (11) of this section.</u>	305

(C) If a student completes a course that includes any of 306  
the concepts described in divisions (A) (1) to (11) of this 307  
section, that course shall not count towards the requirements 308  
for high school graduation specified in section 3313.603 of the 309  
Revised Code. 310

**Sec. 3313.6029.** No teacher shall be required by a policy 311  
of any state agency, school district, or school administration 312  
to affirm a belief in the systemic nature of racism, or like 313  
ideas, or in the multiplicity or fluidity of gender identities, 314  
or like ideas, against the teacher's sincerely held religious or 315  
philosophical convictions. 316

**Sec. 3314.03.** A copy of every contract entered into under 317  
this section shall be filed with the superintendent of public 318  
instruction. The department of education shall make available on 319  
its web site a copy of every approved, executed contract filed 320  
with the superintendent under this section. 321

(A) Each contract entered into between a sponsor and the 322  
governing authority of a community school shall specify the 323  
following: 324

(1) That the school shall be established as either of the 325  
following: 326

(a) A nonprofit corporation established under Chapter 327  
1702. of the Revised Code, if established prior to April 8, 328  
2003; 329

(b) A public benefit corporation established under Chapter 330  
1702. of the Revised Code, if established after April 8, 2003. 331

(2) The education program of the school, including the 332  
school's mission, the characteristics of the students the school 333  
is expected to attract, the ages and grades of students, and the 334

focus of the curriculum;	335
(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;	336 337 338 339
(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;	340 341 342 343
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	344 345 346
(6) (a) Dismissal procedures;	347
(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.	348 349 350 351 352 353
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	354 355
(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.	356 357 358 359 360 361
(9) An addendum to the contract outlining the facilities	362

to be used that contains at least the following information:	363
(a) A detailed description of each facility used for instructional purposes;	364 365
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	366 367
(c) The annual mortgage principal and interest payments that are paid by the school;	368 369
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	370 371 372
(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 or forty hours per week pursuant to section 3319.301 of the Revised Code.	373 374 375 376 377 378
(11) That the school will comply with the following requirements:	379 380
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	381 382 383
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	384 385 386
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	387 388 389 390

(d) The school will comply with sections 9.90, 9.91, 391  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 392  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 393  
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 394  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 395  
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 396  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 397  
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 398  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 399  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 400  
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 401  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 402  
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 403  
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 404  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 405  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 406  
a school district and will comply with section 3301.0714 of the 407  
Revised Code in the manner specified in section 3314.17 of the 408  
Revised Code. 409

(e) The school shall comply with Chapter 102. and section 410  
2921.42 of the Revised Code. 411

(f) The school will comply with sections 3313.61, 412  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 413  
Revised Code, except that for students who enter ninth grade for 414  
the first time before July 1, 2010, the requirement in sections 415  
3313.61 and 3313.611 of the Revised Code that a person must 416  
successfully complete the curriculum in any high school prior to 417  
receiving a high school diploma may be met by completing the 418  
curriculum adopted by the governing authority of the community 419  
school rather than the curriculum specified in Title XXXIII of 420  
the Revised Code or any rules of the state board of education. 421

Beginning with students who enter ninth grade for the first time 422  
on or after July 1, 2010, the requirement in sections 3313.61 423  
and 3313.611 of the Revised Code that a person must successfully 424  
complete the curriculum of a high school prior to receiving a 425  
high school diploma shall be met by completing the requirements 426  
prescribed in division (C) of section 3313.603 of the Revised 427  
Code, unless the person qualifies under division (D) or (F) of 428  
that section. Each school shall comply with the plan for 429  
awarding high school credit based on demonstration of subject 430  
area competency, and beginning with the 2017-2018 school year, 431  
with the updated plan that permits students enrolled in seventh 432  
and eighth grade to meet curriculum requirements based on 433  
subject area competency adopted by the state board of education 434  
under divisions (J) (1) and (2) of section 3313.603 of the 435  
Revised Code. Beginning with the 2018-2019 school year, the 436  
school shall comply with the framework for granting units of 437  
high school credit to students who demonstrate subject area 438  
competency through work-based learning experiences, internships, 439  
or cooperative education developed by the department under 440  
division (J) (3) of section 3313.603 of the Revised Code. 441

(g) The school governing authority will submit within four 442  
months after the end of each school year a report of its 443  
activities and progress in meeting the goals and standards of 444  
divisions (A) (3) and (4) of this section and its financial 445  
status to the sponsor and the parents of all students enrolled 446  
in the school. 447

(h) The school, unless it is an internet- or computer- 448  
based community school, will comply with section 3313.801 of the 449  
Revised Code as if it were a school district. 450

(i) If the school is the recipient of moneys from a grant 451

awarded under the federal race to the top program, Division (A), 452  
Title XIV, Sections 14005 and 14006 of the "American Recovery 453  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 454  
the school will pay teachers based upon performance in 455  
accordance with section 3317.141 and will comply with section 456  
3319.111 of the Revised Code as if it were a school district. 457

(j) If the school operates a preschool program that is 458  
licensed by the department of education under sections 3301.52 459  
to 3301.59 of the Revised Code, the school shall comply with 460  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 461  
standards for preschool programs prescribed in rules adopted by 462  
the state board under section 3301.53 of the Revised Code. 463

(k) The school will comply with sections 3313.6021 and 464  
3313.6023 of the Revised Code as if it were a school district 465  
unless it is either of the following: 466

(i) An internet- or computer-based community school; 467

(ii) A community school in which a majority of the 468  
enrolled students are children with disabilities as described in 469  
division (A) (4) (b) of section 3314.35 of the Revised Code. 470

(l) The school will comply with section 3321.191 of the 471  
Revised Code, unless it is an internet- or computer-based 472  
community school that is subject to section 3314.261 of the 473  
Revised Code. 474

(12) Arrangements for providing health and other benefits 475  
to employees; 476

(13) The length of the contract, which shall begin at the 477  
beginning of an academic year. No contract shall exceed five 478  
years unless such contract has been renewed pursuant to division 479  
(E) of this section. 480

- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 481  
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- (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. 483  
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- (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; 486  
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 490  
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 501  
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 504  
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	510 511
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	512 513 514
(c) Permit the enrollment of students who reside in any other district in the state.	515 516
(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;	517 518 519 520
(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;	521 522 523
(22) A provision recognizing both of the following:	524
(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;	525 526 527 528
(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.	529 530 531 532 533 534 535
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	536 537

classroom-based learning opportunities that is in compliance 538  
with criteria for student participation established by the 539  
department under division (H) (2) of section 3314.08 of the 540  
Revised Code; 541

(24) The school will comply with sections 3302.04 and 542  
3302.041 of the Revised Code, except that any action required to 543  
be taken by a school district pursuant to those sections shall 544  
be taken by the sponsor of the school. However, the sponsor 545  
shall not be required to take any action described in division 546  
(F) of section 3302.04 of the Revised Code. 547

(25) Beginning in the 2006-2007 school year, the school 548  
will open for operation not later than the thirtieth day of 549  
September each school year, unless the mission of the school as 550  
specified under division (A) (2) of this section is solely to 551  
serve dropouts. In its initial year of operation, if the school 552  
fails to open by the thirtieth day of September, or within one 553  
year after the adoption of the contract pursuant to division (D) 554  
of section 3314.02 of the Revised Code if the mission of the 555  
school is solely to serve dropouts, the contract shall be void. 556

(26) Whether the school's governing authority is planning 557  
to seek designation for the school as a STEM school equivalent 558  
under section 3326.032 of the Revised Code; 559

(27) That the school's attendance and participation 560  
policies will be available for public inspection; 561

(28) That the school's attendance and participation 562  
records shall be made available to the department of education, 563  
auditor of state, and school's sponsor to the extent permitted 564  
under and in accordance with the "Family Educational Rights and 565  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 566

and any regulations promulgated under that act, and section	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

shall be independent from the operator with which the school has 594  
contracted. 595

(32) A provision requiring the governing authority to 596  
adopt an enrollment and attendance policy that requires a 597  
student's parent to notify the community school in which the 598  
student is enrolled when there is a change in the location of 599  
the parent's or student's primary residence. 600

(33) A provision requiring the governing authority to 601  
adopt a student residence and address verification policy for 602  
students enrolling in or attending the school. 603

(B) The community school shall also submit to the sponsor 604  
a comprehensive plan for the school. The plan shall specify the 605  
following: 606

(1) The process by which the governing authority of the 607  
school will be selected in the future; 608

(2) The management and administration of the school; 609

(3) If the community school is a currently existing public 610  
school or educational service center building, alternative 611  
arrangements for current public school students who choose not 612  
to attend the converted school and for teachers who choose not 613  
to teach in the school or building after conversion; 614

(4) The instructional program and educational philosophy 615  
of the school; 616

(5) Internal financial controls. 617

When submitting the plan under this division, the school 618  
shall also submit copies of all policies and procedures 619  
regarding internal financial controls adopted by the governing 620  
authority of the school. 621

(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.

(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:

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

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

(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 enrolled in the community school;

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

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 651  
the school to be on probationary status pursuant to section 652  
3314.073 of the Revised Code, suspend the operation of the 653  
school pursuant to section 3314.072 of the Revised Code, or 654  
terminate the contract of the school pursuant to section 3314.07 655  
of the Revised Code as determined necessary by the sponsor; 656

(6) Have in place a plan of action to be undertaken in the 657  
event the community school experiences financial difficulties or 658  
closes prior to the end of a school year. 659

(E) Upon the expiration of a contract entered into under 660  
this section, the sponsor of a community school may, with the 661  
approval of the governing authority of the school, renew that 662  
contract for a period of time determined by the sponsor, but not 663  
ending earlier than the end of any school year, if the sponsor 664  
finds that the school's compliance with applicable laws and 665  
terms of the contract and the school's progress in meeting the 666  
academic goals prescribed in the contract have been 667  
satisfactory. Any contract that is renewed under this division 668  
remains subject to the provisions of sections 3314.07, 3314.072, 669  
and 3314.073 of the Revised Code. 670

(F) If a community school fails to open for operation 671  
within one year after the contract entered into under this 672  
section is adopted pursuant to division (D) of section 3314.02 673  
of the Revised Code or permanently closes prior to the 674  
expiration of the contract, the contract shall be void and the 675  
school shall not enter into a contract with any other sponsor. A 676  
school shall not be considered permanently closed because the 677  
operations of the school have been suspended pursuant to section 678  
3314.072 of the Revised Code. 679

**Sec. 3326.11.** Each science, technology, engineering, and 680

mathematics school established under this chapter and its 681  
governing body shall comply with sections 9.90, 9.91, 109.65, 682  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 683  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 684  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687  
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688  
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693  
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694  
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696  
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699  
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701  
a school district. 702

**Section 2.** That existing sections 3301.079, 3314.03, and 703  
3326.11 of the Revised Code are hereby repealed. 704

**Section 3.** The General Assembly, applying the principle 705  
stated in division (B) of section 1.52 of the Revised Code that 706  
amendments are to be harmonized if reasonably capable of 707  
simultaneous operation, finds that the following sections, 708  
presented in this act as composites of the sections as amended 709  
by the acts indicated, are the resulting versions of the 710  
sections in effect prior to the effective date of the sections 711

as presented in this act:	712
Section 3314.03 of the Revised Code as amended by H.B.	713
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	714
89, all of the 133rd General Assembly.	715
Section 3326.11 of the Revised Code as amended by H.B.	716
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	717
General Assembly.	718