

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 722

Representatives Swearingen, Carruthers

A BILL

To amend sections 3314.03 and 3326.11 and to enact 1
section 3313.473 of the Revised Code to enact 2
the "Parents' Bill of Rights" to require public 3
schools to adopt a prescribed policy on parental 4
notification on student health and well-being 5
and instructional materials with sexually 6
explicit content. 7

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

Section 1. That sections 3314.03 and 3326.11 be amended 8
and section 3313.473 of the Revised Code be enacted to read as 9
follows: 10

Sec. 3313.473. (A) The board of education of each city, 11
local, exempted village, and joint vocational school district 12
shall develop and adopt a policy to promote parental involvement 13
in the public school system. The policy shall require a school 14
district to do all of the following: 15

(1) (a) Notify the parents of students prior to instruction 16
involving materials that include sexually explicit content and 17
identify the specific instructional material and sexually 18
explicit subjects; 19

(b) Allow the parent of a student to review instructional material that includes sexually explicit content and, at the parent's request, provide that student with alternative instruction that does not include sexually explicit content. 20
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(2) Notify a student's parent of any change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being or the school's ability to provide a safe and supportive learning environment for the student. 24
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The policy shall specify that notice to parents shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the school district shall not inhibit parental access to the student's education and health records maintained by the school. 29
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(3) Prohibit school district personnel from directly or indirectly encouraging a student to withhold from a parent information concerning the student's mental, emotional, or physical health or well-being, or a change in related services or monitoring. 34
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The policy shall prohibit school district personnel from discouraging or prohibiting parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. However, the policy shall permit school district personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect; that belief shall not be based on a parent's religious or political beliefs. 39
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(4) At the beginning of the school year, notify parents of 48

each health care service offered at their student's school and 49
work with parents to create a health care plan for each student 50
that is approved by the student's parent. 51

(5) Permit a parent to file with the school district a 52
written concern regarding a topic addressed in this section. The 53
policy shall establish a process to resolve such concerns within 54
thirty days after their receipt. Under the policy, school 55
districts shall notify parents of their right to file a written 56
concern. 57

(B) As used in this section: 58

(1) "Parent" has the same meaning as in section 3313.98 of 59
the Revised Code. 60

(2) "Sexually explicit content" means any description of 61
or any picture, photograph, drawing, motion picture film, 62
digital image, or similar visual representation depicting sexual 63
conduct. 64

Sec. 3314.03. A copy of every contract entered into under 65
this section shall be filed with the superintendent of public 66
instruction. The department of education shall make available on 67
its web site a copy of every approved, executed contract filed 68
with the superintendent under this section. 69

(A) Each contract entered into between a sponsor and the 70
governing authority of a community school shall specify the 71
following: 72

(1) That the school shall be established as either of the 73
following: 74

(a) A nonprofit corporation established under Chapter 75
1702. of the Revised Code, if established prior to April 8, 76

2003;	77
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	78 79
(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;	80 81 82 83
(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;	84 85 86 87
(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;	88 89 90 91
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	92 93 94
(6) (a) Dismissal procedures;	95
(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.	96 97 98 99 100 101
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	102 103
(8) Requirements for financial audits by the auditor of	104

state. The contract shall require financial records of the 105
school to be maintained in the same manner as are financial 106
records of school districts, pursuant to rules of the auditor of 107
state. Audits shall be conducted in accordance with section 108
117.10 of the Revised Code. 109

(9) An addendum to the contract outlining the facilities 110
to be used that contains at least the following information: 111

(a) A detailed description of each facility used for 112
instructional purposes; 113

(b) The annual costs associated with leasing each facility 114
that are paid by or on behalf of the school; 115

(c) The annual mortgage principal and interest payments 116
that are paid by the school; 117

(d) The name of the lender or landlord, identified as 118
such, and the lender's or landlord's relationship to the 119
operator, if any. 120

(10) Qualifications of teachers, including a requirement 121
that the school's classroom teachers be licensed in accordance 122
with sections 3319.22 to 3319.31 of the Revised Code, except 123
that a community school may engage noncertificated persons to 124
teach up to twelve hours or forty hours per week pursuant to 125
section 3319.301 of the Revised Code. 126

(11) That the school will comply with the following 127
requirements: 128

(a) The school will provide learning opportunities to a 129
minimum of twenty-five students for a minimum of nine hundred 130
twenty hours per school year. 131

(b) The governing authority will purchase liability 132

insurance, or otherwise provide for the potential liability of 133
the school. 134

(c) The school will be nonsectarian in its programs, 135
admission policies, employment practices, and all other 136
operations, and will not be operated by a sectarian school or 137
religious institution. 138

(d) The school will comply with sections 9.90, 9.91, 139
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 140
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 141
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.608, 142
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 143
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 144
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 145
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 146
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 147
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 148
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 149
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 150
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 151
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 152
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 153
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 154
and 4167. of the Revised Code as if it were a school district 155
and will comply with section 3301.0714 of the Revised Code in 156
the manner specified in section 3314.17 of the Revised Code. 157

(e) The school shall comply with Chapter 102. and section 158
2921.42 of the Revised Code. 159

(f) The school will comply with sections 3313.61, 160
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 161
Revised Code, except that for students who enter ninth grade for 162

the first time before July 1, 2010, the requirement in sections 163
3313.61 and 3313.611 of the Revised Code that a person must 164
successfully complete the curriculum in any high school prior to 165
receiving a high school diploma may be met by completing the 166
curriculum adopted by the governing authority of the community 167
school rather than the curriculum specified in Title XXXIII of 168
the Revised Code or any rules of the state board of education. 169
Beginning with students who enter ninth grade for the first time 170
on or after July 1, 2010, the requirement in sections 3313.61 171
and 3313.611 of the Revised Code that a person must successfully 172
complete the curriculum of a high school prior to receiving a 173
high school diploma shall be met by completing the requirements 174
prescribed in section 3313.6027 and division (C) of section 175
3313.603 of the Revised Code, unless the person qualifies under 176
division (D) or (F) of that section. Each school shall comply 177
with the plan for awarding high school credit based on 178
demonstration of subject area competency, and beginning with the 179
2017-2018 school year, with the updated plan that permits 180
students enrolled in seventh and eighth grade to meet curriculum 181
requirements based on subject area competency adopted by the 182
state board of education under divisions (J) (1) and (2) of 183
section 3313.603 of the Revised Code. Beginning with the 2018- 184
2019 school year, the school shall comply with the framework for 185
granting units of high school credit to students who demonstrate 186
subject area competency through work-based learning experiences, 187
internships, or cooperative education developed by the 188
department under division (J) (3) of section 3313.603 of the 189
Revised Code. 190

(g) The school governing authority will submit within four 191
months after the end of each school year a report of its 192
activities and progress in meeting the goals and standards of 193

divisions (A) (3) and (4) of this section and its financial 194
status to the sponsor and the parents of all students enrolled 195
in the school. 196

(h) The school, unless it is an internet- or computer- 197
based community school, will comply with section 3313.801 of the 198
Revised Code as if it were a school district. 199

(i) If the school is the recipient of moneys from a grant 200
awarded under the federal race to the top program, Division (A), 201
Title XIV, Sections 14005 and 14006 of the "American Recovery 202
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 203
the school will pay teachers based upon performance in 204
accordance with section 3317.141 and will comply with section 205
3319.111 of the Revised Code as if it were a school district. 206

(j) If the school operates a preschool program that is 207
licensed by the department of education under sections 3301.52 208
to 3301.59 of the Revised Code, the school shall comply with 209
sections 3301.50 to 3301.59 of the Revised Code and the minimum 210
standards for preschool programs prescribed in rules adopted by 211
the state board under section 3301.53 of the Revised Code. 212

(k) The school will comply with sections 3313.6021 and 213
3313.6023 of the Revised Code as if it were a school district 214
unless it is either of the following: 215

(i) An internet- or computer-based community school; 216

(ii) A community school in which a majority of the 217
enrolled students are children with disabilities as described in 218
division (A) (4) (b) of section 3314.35 of the Revised Code. 219

(l) The school will comply with section 3321.191 of the 220
Revised Code, unless it is an internet- or computer-based 221
community school that is subject to section 3314.261 of the 222

Revised Code.	223
(12) Arrangements for providing health and other benefits	224
to employees;	225
(13) The length of the contract, which shall begin at the	226
beginning of an academic year. No contract shall exceed five	227
years unless such contract has been renewed pursuant to division	228
(E) of this section.	229
(14) The governing authority of the school, which shall be	230
responsible for carrying out the provisions of the contract;	231
(15) A financial plan detailing an estimated school budget	232
for each year of the period of the contract and specifying the	233
total estimated per pupil expenditure amount for each such year.	234
(16) Requirements and procedures regarding the disposition	235
of employees of the school in the event the contract is	236
terminated or not renewed pursuant to section 3314.07 of the	237
Revised Code;	238
(17) Whether the school is to be created by converting all	239
or part of an existing public school or educational service	240
center building or is to be a new start-up school, and if it is	241
a converted public school or service center building,	242
specification of any duties or responsibilities of an employer	243
that the board of education or service center governing board	244
that operated the school or building before conversion is	245
delegating to the governing authority of the community school	246
with respect to all or any specified group of employees provided	247
the delegation is not prohibited by a collective bargaining	248
agreement applicable to such employees;	249
(18) Provisions establishing procedures for resolving	250
disputes or differences of opinion between the sponsor and the	251

governing authority of the community school;	252
(19) A provision requiring the governing authority to	253
adopt a policy regarding the admission of students who reside	254
outside the district in which the school is located. That policy	255
shall comply with the admissions procedures specified in	256
sections 3314.06 and 3314.061 of the Revised Code and, at the	257
sole discretion of the authority, shall do one of the following:	258
(a) Prohibit the enrollment of students who reside outside	259
the district in which the school is located;	260
(b) Permit the enrollment of students who reside in	261
districts adjacent to the district in which the school is	262
located;	263
(c) Permit the enrollment of students who reside in any	264
other district in the state.	265
(20) A provision recognizing the authority of the	266
department of education to take over the sponsorship of the	267
school in accordance with the provisions of division (C) of	268
section 3314.015 of the Revised Code;	269
(21) A provision recognizing the sponsor's authority to	270
assume the operation of a school under the conditions specified	271
in division (B) of section 3314.073 of the Revised Code;	272
(22) A provision recognizing both of the following:	273
(a) The authority of public health and safety officials to	274
inspect the facilities of the school and to order the facilities	275
closed if those officials find that the facilities are not in	276
compliance with health and safety laws and regulations;	277
(b) The authority of the department of education as the	278
community school oversight body to suspend the operation of the	279

school under section 3314.072 of the Revised Code if the 280
department has evidence of conditions or violations of law at 281
the school that pose an imminent danger to the health and safety 282
of the school's students and employees and the sponsor refuses 283
to take such action. 284

(23) A description of the learning opportunities that will 285
be offered to students including both classroom-based and non- 286
classroom-based learning opportunities that is in compliance 287
with criteria for student participation established by the 288
department under division (H) (2) of section 3314.08 of the 289
Revised Code; 290

(24) The school will comply with sections 3302.04 and 291
3302.041 of the Revised Code, except that any action required to 292
be taken by a school district pursuant to those sections shall 293
be taken by the sponsor of the school. However, the sponsor 294
shall not be required to take any action described in division 295
(F) of section 3302.04 of the Revised Code. 296

(25) Beginning in the 2006-2007 school year, the school 297
will open for operation not later than the thirtieth day of 298
September each school year, unless the mission of the school as 299
specified under division (A) (2) of this section is solely to 300
serve dropouts. In its initial year of operation, if the school 301
fails to open by the thirtieth day of September, or within one 302
year after the adoption of the contract pursuant to division (D) 303
of section 3314.02 of the Revised Code if the mission of the 304
school is solely to serve dropouts, the contract shall be void. 305

(26) Whether the school's governing authority is planning 306
to seek designation for the school as a STEM school equivalent 307
under section 3326.032 of the Revised Code; 308

(27) That the school's attendance and participation policies will be available for public inspection;	309 310
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	311 312 313 314 315 316 317
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	318 319 320
(a) An indication of what blended learning model or models will be used;	321 322
(b) A description of how student instructional needs will be determined and documented;	323 324
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	325 326
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	327 328 329
(e) A statement describing how student progress will be monitored;	330 331
(f) A statement describing how private student data will be protected;	332 333
(g) A description of the professional development activities that will be offered to teachers.	334 335

(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;

(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.

(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.

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

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

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

(2) The management and administration of the school;

(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;

(4) The instructional program and educational philosophy	364
of the school;	365
(5) Internal financial controls.	366
When submitting the plan under this division, the school	367
shall also submit copies of all policies and procedures	368
regarding internal financial controls adopted by the governing	369
authority of the school.	370
(C) A contract entered into under section 3314.02 of the	371
Revised Code between a sponsor and the governing authority of a	372
community school may provide for the community school governing	373
authority to make payments to the sponsor, which is hereby	374
authorized to receive such payments as set forth in the contract	375
between the governing authority and the sponsor. The total	376
amount of such payments for monitoring, oversight, and technical	377
assistance of the school shall not exceed three per cent of the	378
total amount of payments for operating expenses that the school	379
receives from the state.	380
(D) The contract shall specify the duties of the sponsor	381
which shall be in accordance with the written agreement entered	382
into with the department of education under division (B) of	383
section 3314.015 of the Revised Code and shall include the	384
following:	385
(1) Monitor the community school's compliance with all	386
laws applicable to the school and with the terms of the	387
contract;	388
(2) Monitor and evaluate the academic and fiscal	389
performance and the organization and operation of the community	390
school on at least an annual basis;	391
(3) Report on an annual basis the results of the	392

evaluation conducted under division (D) (2) of this section to 393
the department of education and to the parents of students 394
enrolled in the community school; 395

(4) Provide technical assistance to the community school 396
in complying with laws applicable to the school and terms of the 397
contract; 398

(5) Take steps to intervene in the school's operation to 399
correct problems in the school's overall performance, declare 400
the school to be on probationary status pursuant to section 401
3314.073 of the Revised Code, suspend the operation of the 402
school pursuant to section 3314.072 of the Revised Code, or 403
terminate the contract of the school pursuant to section 3314.07 404
of the Revised Code as determined necessary by the sponsor; 405

(6) Have in place a plan of action to be undertaken in the 406
event the community school experiences financial difficulties or 407
closes prior to the end of a school year. 408

(E) Upon the expiration of a contract entered into under 409
this section, the sponsor of a community school may, with the 410
approval of the governing authority of the school, renew that 411
contract for a period of time determined by the sponsor, but not 412
ending earlier than the end of any school year, if the sponsor 413
finds that the school's compliance with applicable laws and 414
terms of the contract and the school's progress in meeting the 415
academic goals prescribed in the contract have been 416
satisfactory. Any contract that is renewed under this division 417
remains subject to the provisions of sections 3314.07, 3314.072, 418
and 3314.073 of the Revised Code. 419

(F) If a community school fails to open for operation 420
within one year after the contract entered into under this 421

section is adopted pursuant to division (D) of section 3314.02 422
of the Revised Code or permanently closes prior to the 423
expiration of the contract, the contract shall be void and the 424
school shall not enter into a contract with any other sponsor. A 425
school shall not be considered permanently closed because the 426
operations of the school have been suspended pursuant to section 427
3314.072 of the Revised Code. 428

Sec. 3326.11. Each science, technology, engineering, and 429
mathematics school established under this chapter and its 430
governing body shall comply with sections 9.90, 9.91, 109.65, 431
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 432
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 433
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 434
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 435
3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 436
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 437
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 438
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 439
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 440
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 441
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 442
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 443
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.238, 444
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 445
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 446
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 447
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 448
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 449
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 450
4167. of the Revised Code as if it were a school district. 451

Section 2. That existing sections 3314.03 and 3326.11 of 452

the Revised Code are hereby repealed. 453

Section 3. This act shall be known as the "Parents' Bill 454
of Rights." 455