

I_135_1076-5

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 183

A BILL

To amend sections 3314.03 and 3326.11 and to enact 1
sections 3319.90 and 3345.90 of the Revised Code 2
to enact the Protect All Students Act regarding 3
single-sex bathroom access in primary and 4
secondary schools and institutions of higher 5
education and to amend the version of section 6
3314.03 of the Revised Code that is scheduled to 7
take effect January 1, 2025, to continue the 8
changes on and after that date. 9

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

Section 1. That sections 3314.03 and 3326.11 be amended 10
and sections 3319.90 and 3345.90 of the Revised Code be enacted 11
to read as follows: 12

Sec. 3314.03. A copy of every contract entered into under 13
this section shall be filed with the director of education and 14
workforce. The department of education and workforce shall make 15
available on its web site a copy of every approved, executed 16
contract filed with the director under this section. 17



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

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

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

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

(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;

(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;

(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;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(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 46
legitimate excuse fails to participate in seventy-two 47
consecutive hours of the learning opportunities offered to the 48
student. 49

(7) The ways by which the school will achieve racial and 50
ethnic balance reflective of the community it serves; 51

(8) Requirements for financial audits by the auditor of 52
state. The contract shall require financial records of the 53
school to be maintained in the same manner as are financial 54
records of school districts, pursuant to rules of the auditor of 55
state. Audits shall be conducted in accordance with section 56
117.10 of the Revised Code. 57

(9) An addendum to the contract outlining the facilities 58
to be used that contains at least the following information: 59

(a) A detailed description of each facility used for 60
instructional purposes; 61

(b) The annual costs associated with leasing each facility 62
that are paid by or on behalf of the school; 63

(c) The annual mortgage principal and interest payments 64
that are paid by the school; 65

(d) The name of the lender or landlord, identified as 66
such, and the lender's or landlord's relationship to the 67
operator, if any. 68

(10) Qualifications of employees, including both of the 69
following: 70

(a) A requirement that the school's classroom teachers be 71
licensed in accordance with sections 3319.22 to 3319.31 of the 72
Revised Code, except that a community school may engage 73

noncertificated persons to teach up to twelve hours or forty 74
hours per week pursuant to section 3319.301 of the Revised Code; 75

(b) A prohibition against the school employing an 76
individual described in section 3314.104 of the Revised Code in 77
any position. 78

(11) That the school will comply with the following 79
requirements: 80

(a) The school will provide learning opportunities to a 81
minimum of twenty-five students for a minimum of nine hundred 82
twenty hours per school year. 83

(b) The governing authority will purchase liability 84
insurance, or otherwise provide for the potential liability of 85
the school. 86

(c) The school will be nonsectarian in its programs, 87
admission policies, employment practices, and all other 88
operations, and will not be operated by a sectarian school or 89
religious institution. 90

(d) The school will comply with sections 9.90, 9.91, 91
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 92
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 93
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 94
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 95
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 96
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 97
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 98
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 99
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 100
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 101
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 102

3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 103
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3320.01, 104
3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 105
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 106
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 107
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 108
of the Revised Code as if it were a school district and will 109
comply with section 3301.0714 of the Revised Code in the manner 110
specified in section 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, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 115
Revised Code, except that for students who enter ninth grade for 116
the first time before July 1, 2010, the requirement in sections 117
3313.61 and 3313.611 of the Revised Code that a person must 118
successfully complete the curriculum in any high school prior to 119
receiving a high school diploma may be met by completing the 120
curriculum adopted by the governing authority of the community 121
school rather than the curriculum specified in Title XXXIII of 122
the Revised Code or any rules of the department. Beginning with 123
students who enter ninth grade for the first time on or after 124
July 1, 2010, the requirement in sections 3313.61 and 3313.611 125
of the 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 section 3313.6027 and division (C) of section 3313.603 of the 129
Revised Code, unless the person qualifies under division (D) or 130
(F) of that section. Each school shall comply with the plan for 131
awarding high school credit based on demonstration of subject 132
area competency, and beginning with the 2017-2018 school year, 133

with the updated plan that permits students enrolled in seventh 134
and eighth grade to meet curriculum requirements based on 135
subject area competency adopted by the department under 136
divisions (J) (1) and (2) of section 3313.603 of the Revised 137
Code. Beginning with the 2018-2019 school year, the school shall 138
comply with the framework for granting units of high school 139
credit to students who demonstrate subject area competency 140
through work-based learning experiences, internships, or 141
cooperative education developed by the department under division 142
(J) (3) of section 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 under sections 3301.52 to 3301.59 of 161
the Revised Code, the school shall comply with sections 3301.50 162
to 3301.59 of the Revised Code and the minimum standards for 163

preschool programs prescribed in rules adopted by the department	164
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
(1) The school will comply with section 3321.191 of the	173
Revised Code, unless it is an internet- or computer-based	174
community school that is subject to section 3314.261 of the	175
Revised Code.	176
(12) Arrangements for providing health and other benefits	177
to employees;	178
(13) The length of the contract, which shall begin at the	179
beginning of an academic year. No contract shall exceed five	180
years unless such contract has been renewed pursuant to division	181
(E) of this section.	182
(14) The governing authority of the school, which shall be	183
responsible for carrying out the provisions of the contract;	184
(15) A financial plan detailing an estimated school budget	185
for each year of the period of the contract and specifying the	186
total estimated per pupil expenditure amount for each such year.	187
(16) Requirements and procedures regarding the disposition	188
of employees of the school in the event the contract is	189
terminated or not renewed pursuant to section 3314.07 of the	190
Revised Code;	191

(17) Whether the school is to be created by converting all 192
or part of an existing public school or educational service 193
center building or is to be a new start-up school, and if it is 194
a converted public school or service center building, 195
specification of any duties or responsibilities of an employer 196
that the board of education or service center governing board 197
that operated the school or building before conversion is 198
delegating to the governing authority of the community school 199
with respect to all or any specified group of employees provided 200
the delegation is not prohibited by a collective bargaining 201
agreement applicable to such employees; 202

(18) Provisions establishing procedures for resolving 203
disputes or differences of opinion between the sponsor and the 204
governing authority of the community school; 205

(19) A provision requiring the governing authority to 206
adopt a policy regarding the admission of students who reside 207
outside the district in which the school is located. That policy 208
shall comply with the admissions procedures specified in 209
sections 3314.06 and 3314.061 of the Revised Code and, at the 210
sole discretion of the authority, shall do one of the following: 211

(a) Prohibit the enrollment of students who reside outside 212
the district in which the school is located; 213

(b) Permit the enrollment of students who reside in 214
districts adjacent to the district in which the school is 215
located; 216

(c) Permit the enrollment of students who reside in any 217
other district in the state. 218

(20) A provision recognizing the authority of the 219
department to take over the sponsorship of the school in 220

accordance with the provisions of division (C) of section	221
3314.015 of the Revised Code;	222
(21) A provision recognizing the sponsor's authority to	223
assume the operation of a school under the conditions specified	224
in division (B) of section 3314.073 of the Revised Code;	225
(22) A provision recognizing both of the following:	226
(a) The authority of public health and safety officials to	227
inspect the facilities of the school and to order the facilities	228
closed if those officials find that the facilities are not in	229
compliance with health and safety laws and regulations;	230
(b) The authority of the department as the community	231
school oversight body to suspend the operation of the school	232
under section 3314.072 of the Revised Code if the department has	233
evidence of conditions or violations of law at the school that	234
pose an imminent danger to the health and safety of the school's	235
students and employees and the sponsor refuses to take such	236
action.	237
(23) A description of the learning opportunities that will	238
be offered to students including both classroom-based and non-	239
classroom-based learning opportunities that is in compliance	240
with criteria for student participation established by the	241
department under division (H) (2) of section 3314.08 of the	242
Revised Code;	243
(24) The school will comply with sections 3302.04 and	244
3302.041 of the Revised Code, except that any action required to	245
be taken by a school district pursuant to those sections shall	246
be taken by the sponsor of the school.	247
(25) Beginning in the 2006-2007 school year, the school	248
will open for operation not later than the thirtieth day of	249

September each school year, unless the mission of the school as 250
specified under division (A) (2) of this section is solely to 251
serve dropouts. In its initial year of operation, if the school 252
fails to open by the thirtieth day of September, or within one 253
year after the adoption of the contract pursuant to division (D) 254
of section 3314.02 of the Revised Code if the mission of the 255
school is solely to serve dropouts, the contract shall be void. 256

(26) Whether the school's governing authority is planning 257
to seek designation for the school as a STEM school equivalent 258
under section 3326.032 of the Revised Code; 259

(27) That the school's attendance and participation 260
policies will be available for public inspection; 261

(28) That the school's attendance and participation 262
records shall be made available to the department, auditor of 263
state, and school's sponsor to the extent permitted under and in 264
accordance with the "Family Educational Rights and Privacy Act 265
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 266
regulations promulgated under that act, and section 3319.321 of 267
the Revised Code; 268

(29) If a school operates using the blended learning 269
model, as defined in section 3301.079 of the Revised Code, all 270
of the following information: 271

(a) An indication of what blended learning model or models 272
will be used; 273

(b) A description of how student instructional needs will 274
be determined and documented; 275

(c) The method to be used for determining competency, 276
granting credit, and promoting students to a higher grade level; 277

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	278 279 280
(e) A statement describing how student progress will be monitored;	281 282
(f) A statement describing how private student data will be protected;	283 284
(g) A description of the professional development activities that will be offered to teachers.	285 286
(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;	287 288 289 290
(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.	291 292 293 294 295
(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.	296 297 298 299 300
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	301 302 303
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	304 305

following:	306
(1) The process by which the governing authority of the school will be selected in the future;	307 308
(2) The management and administration of the school;	309
(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;	310 311 312 313 314
(4) The instructional program and educational philosophy of the school;	315 316
(5) Internal financial controls.	317
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.	318 319 320 321
(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.	322 323 324 325 326 327 328 329 330 331
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	332 333

into with the department under division (B) of section 3314.015 334
of the Revised Code and shall include the following: 335

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

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

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

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

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

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

(E) Upon the expiration of a contract entered into under 359
this section, the sponsor of a community school may, with the 360
approval of the governing authority of the school, renew that 361
contract for a period of time determined by the sponsor, but not 362

ending earlier than the end of any school year, if the sponsor 363
finds that the school's compliance with applicable laws and 364
terms of the contract and the school's progress in meeting the 365
academic goals prescribed in the contract have been 366
satisfactory. Any contract that is renewed under this division 367
remains subject to the provisions of sections 3314.07, 3314.072, 368
and 3314.073 of the Revised Code. 369

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

Sec. 3319.90. (A) As used in this section: 379

(1) "Biological sex" means the biological indication of 380
male and female, including sex chromosomes, naturally occurring 381
sex hormones, gonads, and nonambiguous internal and external 382
genitalia present at birth, without regard to an individual's 383
psychological, chosen, or subjective experience of gender. An 384
individual may use the individual's official birth record, as 385
defined in section 3705.01 of the Revised Code, to prove 386
biological sex if the birth record was issued at or near the 387
time of the individual's birth. 388

(2) "Family facility" means a family restroom or shower 389
room that does not have more than one toilet or shower. 390

(3) "Multi-occupancy facility" means a restroom, locker 391

room, changing room, or shower room that is accessible to 392
multiple individuals at the same time. "Multi-occupancy 393
facility" does not include a family facility. 394

(4) "School" includes the following: 395

(a) A school district or school district building; 396

(b) A community school established under Chapter 3314. of 397
the Revised Code; 398

(c) A science, technology, engineering, and mathematics 399
school established under Chapter 3326. of the Revised Code; 400

(d) A chartered nonpublic school; 401

(e) An educational service center. 402

(B)(1) A school shall designate each student restroom, 403
locker room, changing room, or shower room that is accessible by 404
multiple students at the same time, whether located in a school 405
building or located in a facility used by the school for a 406
school-sponsored activity, for the exclusive use by students of 407
the male biological sex only or by students of the female 408
biological sex only. 409

(2) No school shall permit a member of the female 410
biological sex to use a student restroom, locker room, changing 411
room, or shower room that has been designated by the school for 412
the exclusive use of the male biological sex. No school shall 413
permit a member of the male biological sex to use a student 414
restroom, locker room, changing room, or shower room that has 415
been designated by the school for the exclusive use of the 416
female biological sex. 417

(3) No school shall construct, establish, or maintain a 418
multi-occupancy facility that is designated as nongendered, 419

multigendered, or open to all genders. 420

Nothing in division (B) (3) of this section shall be 421
construed to prohibit a school from constructing, establishing, 422
or maintaining a family facility. 423

(C) No school shall permit a member of the female 424
biological sex to share overnight accommodations with a member 425
of the male biological sex. No school shall permit a member of 426
the male biological sex to share overnight accommodations with a 427
member of the female biological sex. 428

(D) Nothing in this section shall be construed to prohibit 429
a school from establishing a policy providing accommodation such 430
as single-occupancy facilities or controlled use of faculty 431
facilities at the request of a student due to special 432
circumstances. 433

(E) The prohibitions described in divisions (B) and (C) of 434
this section do not apply to any of the following: 435

(1) A child under the age of ten who is being assisted by 436
a parent, guardian, or family member, as well as the parent, 437
guardian, or family member who is assisting the child; 438

(2) A person with a disability who is being assisted by 439
another person, as well as the person providing assistance to 440
the person with a disability; 441

(3) A school employee whose job duties require the 442
employee to enter a restroom, locker room, changing room, or 443
shower room that is designated for a biological sex that is 444
different than the employee's biological sex; 445

(4) A person who enters a restroom, locker room, changing 446
room, or shower room that is designated for a biological sex 447

that is different than the person's biological sex because the 448
person reasonably believes the person is responding to a 449
legitimate emergency. 450

Sec. 3326.11. Each science, technology, engineering, and 451
mathematics school established under this chapter and its 452
governing body shall comply with sections 9.90, 9.91, 109.65, 453
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 454
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 455
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 456
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 457
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 458
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 459
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 460
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 461
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 462
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 463
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 464
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 3313.814, 465
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 466
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 467
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 468
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 469
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 470
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 471
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 472
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 473
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 474
the Revised Code as if it were a school district. 475

Sec. 3345.90. (A) As used in this section: 476

(1) "Biological sex," "family facility," and "multi- 477

occupancy facility" have the same meanings as in section 3319.90 478
of the Revised Code. 479

(2) "Institution of higher education" has the same meaning 480
as in section 3345.19 of the Revised Code. 481

(B) (1) Each institution of higher education shall 482
designate with clear signage each student restroom, locker room, 483
changing room, or shower room accessible by multiple students at 484
the same time for the exclusive use by students of the male 485
biological sex only or by students of the female biological sex 486
only. 487

(2) No institution of higher education shall knowingly 488
permit a member of the female biological sex to use a student 489
restroom, locker room, changing room, or shower room that has 490
been designated by the school for the exclusive use of the male 491
biological sex. No institution of higher education shall 492
knowingly permit a member of the male biological sex to use a 493
student restroom, locker room, changing room, or shower room 494
that has been designated by the school for the exclusive use of 495
the female biological sex. 496

(3) No institution of higher education shall construct, 497
establish, or maintain a multi-occupancy facility that is 498
designated as nongendered, multigendered, or open to all 499
genders. 500

Nothing in division (B) (3) of this section shall be 501
construed to prohibit an institution of higher education from 502
constructing, establishing, or maintaining a family facility. 503

(C) Nothing in this section shall be construed to prohibit 504
an institution of higher education from establishing and 505
enforcing a policy on the use of a multi-occupancy facility. Any 506

policy adopted by an institution of higher education in 507
accordance with this section shall provide an option for 508
alternative accommodations, including, but not limited to, the 509
use of single-occupancy facilities or faculty facilities. 510

(D) The prohibition described in division (B) of this 511
section does not apply to any of the following: 512

(1) A child under the age of ten who is being assisted by 513
a parent, guardian, or family member, as well as the parent, 514
guardian, or family member who is assisting the child; 515

(2) A person with a disability who is being assisted by 516
another person, as well as the person providing assistance to 517
the person with a disability; 518

(3) An employee of the institution of higher education 519
whose job duties require the employee to enter a restroom, 520
locker room, changing room, or shower room that is designated 521
for a biological sex that is different than the employee's 522
biological sex; 523

(4) A person who enters a restroom, locker room, changing 524
room, or shower room that is designated for a biological sex 525
that is different than the person's biological sex because the 526
person reasonably believes the person is responding to a 527
legitimate emergency. 528

Section 2. That existing sections 3314.03 and 3326.11 of 529
the Revised Code are hereby repealed. 530

Section 3. That the version of section 3314.03 of the 531
Revised Code that is scheduled to take effect January 1, 2025, 532
be amended to read as follows: 533

Sec. 3314.03. A copy of every contract entered into under 534

this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section.

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

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

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

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

(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;

(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;

(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;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised

Code;	563
(6) (a) Dismissal procedures;	564
(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.	565 566 567 568 569 570
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	571 572
(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.	573 574 575 576 577 578
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	579 580
(a) A detailed description of each facility used for instructional purposes;	581 582
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	583 584
(c) The annual mortgage principal and interest payments that are paid by the school;	585 586
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	587 588 589

(10) Qualifications of employees, including both of the	590
following:	591
(a) A requirement that the school's classroom teachers be	592
licensed in accordance with sections 3319.22 to 3319.31 of the	593
Revised Code, except that a community school may engage	594
noncertificated persons to teach up to twelve hours or forty	595
hours per week pursuant to section 3319.301 of the Revised Code;	596
(b) A prohibition against the school employing an	597
individual described in section 3314.104 of the Revised Code in	598
any position.	599
(11) That the school will comply with the following	600
requirements:	601
(a) The school will provide learning opportunities to a	602
minimum of twenty-five students for a minimum of nine hundred	603
twenty hours per school year.	604
(b) The governing authority will purchase liability	605
insurance, or otherwise provide for the potential liability of	606
the school.	607
(c) The school will be nonsectarian in its programs,	608
admission policies, employment practices, and all other	609
operations, and will not be operated by a sectarian school or	610
religious institution.	611
(d) The school will comply with sections 9.90, 9.91,	612
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	613
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037,	614
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319,	615
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015,	616
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028,	617
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66,	618

3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 619
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 620
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 621
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 622
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 623
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 624
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3320.01, 625
3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 626
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 627
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 628
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 629
of the Revised Code as if it were a school district and will 630
comply with section 3301.0714 of the Revised Code in the manner 631
specified in section 3314.17 of the Revised Code. 632

(e) The school shall comply with Chapter 102. and section 633
2921.42 of the Revised Code. 634

(f) The school will comply with sections 3313.61, 635
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 636
Revised Code, except that for students who enter ninth grade for 637
the first time before July 1, 2010, the requirement in sections 638
3313.61 and 3313.611 of the Revised Code that a person must 639
successfully complete the curriculum in any high school prior to 640
receiving a high school diploma may be met by completing the 641
curriculum adopted by the governing authority of the community 642
school rather than the curriculum specified in Title XXXIII of 643
the Revised Code or any rules of the department. Beginning with 644
students who enter ninth grade for the first time on or after 645
July 1, 2010, the requirement in sections 3313.61 and 3313.611 646
of the Revised Code that a person must successfully complete the 647
curriculum of a high school prior to receiving a high school 648
diploma shall be met by completing the requirements prescribed 649

in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

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

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section

3319.111 of the Revised Code as if it were a school district. 680

(j) If the school operates a preschool program that is 681
licensed by the department under sections 3301.52 to 3301.59 of 682
the Revised Code, the school shall comply with sections 3301.50 683
to 3301.59 of the Revised Code and the minimum standards for 684
preschool programs prescribed in rules adopted by the department 685
of children and youth under section 3301.53 of the Revised Code. 686

(k) The school will comply with sections 3313.6021 and 687
3313.6023 of the Revised Code as if it were a school district 688
unless it is either of the following: 689

(i) An internet- or computer-based community school; 690

(ii) A community school in which a majority of the 691
enrolled students are children with disabilities as described in 692
division (A) (4) (b) of section 3314.35 of the Revised Code. 693

(l) The school will comply with section 3321.191 of the 694
Revised Code, unless it is an internet- or computer-based 695
community school that is subject to section 3314.261 of the 696
Revised Code. 697

(12) Arrangements for providing health and other benefits 698
to employees; 699

(13) The length of the contract, which shall begin at the 700
beginning of an academic year. No contract shall exceed five 701
years unless such contract has been renewed pursuant to division 702
(E) of this section. 703

(14) The governing authority of the school, which shall be 704
responsible for carrying out the provisions of the contract; 705

(15) A financial plan detailing an estimated school budget 706
for each year of the period of the contract and specifying the 707

total estimated per pupil expenditure amount for each such year.	708
(16) Requirements and procedures regarding the disposition	709
of employees of the school in the event the contract is	710
terminated or not renewed pursuant to section 3314.07 of the	711
Revised Code;	712
(17) Whether the school is to be created by converting all	713
or part of an existing public school or educational service	714
center building or is to be a new start-up school, and if it is	715
a converted public school or service center building,	716
specification of any duties or responsibilities of an employer	717
that the board of education or service center governing board	718
that operated the school or building before conversion is	719
delegating to the governing authority of the community school	720
with respect to all or any specified group of employees provided	721
the delegation is not prohibited by a collective bargaining	722
agreement applicable to such employees;	723
(18) Provisions establishing procedures for resolving	724
disputes or differences of opinion between the sponsor and the	725
governing authority of the community school;	726
(19) A provision requiring the governing authority to	727
adopt a policy regarding the admission of students who reside	728
outside the district in which the school is located. That policy	729
shall comply with the admissions procedures specified in	730
sections 3314.06 and 3314.061 of the Revised Code and, at the	731
sole discretion of the authority, shall do one of the following:	732
(a) Prohibit the enrollment of students who reside outside	733
the district in which the school is located;	734
(b) Permit the enrollment of students who reside in	735
districts adjacent to the district in which the school is	736

located;	737
(c) Permit the enrollment of students who reside in any other district in the state.	738 739
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	740 741 742 743
(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;	744 745 746
(22) A provision recognizing both of the following:	747
(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;	748 749 750 751
(b) The authority of the department 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.	752 753 754 755 756 757 758
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	759 760 761 762 763 764

(24) The school will comply with sections 3302.04 and 765
3302.041 of the Revised Code, except that any action required to 766
be taken by a school district pursuant to those sections shall 767
be taken by the sponsor of the school. 768

(25) Beginning in the 2006-2007 school year, the school 769
will open for operation not later than the thirtieth day of 770
September each school year, unless the mission of the school as 771
specified under division (A) (2) of this section is solely to 772
serve dropouts. In its initial year of operation, if the school 773
fails to open by the thirtieth day of September, or within one 774
year after the adoption of the contract pursuant to division (D) 775
of section 3314.02 of the Revised Code if the mission of the 776
school is solely to serve dropouts, the contract shall be void. 777

(26) Whether the school's governing authority is planning 778
to seek designation for the school as a STEM school equivalent 779
under section 3326.032 of the Revised Code; 780

(27) That the school's attendance and participation 781
policies will be available for public inspection; 782

(28) That the school's attendance and participation 783
records shall be made available to the department, auditor of 784
state, and school's sponsor to the extent permitted under and in 785
accordance with the "Family Educational Rights and Privacy Act 786
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 787
regulations promulgated under that act, and section 3319.321 of 788
the Revised Code; 789

(29) If a school operates using the blended learning 790
model, as defined in section 3301.079 of the Revised Code, all 791
of the following information: 792

(a) An indication of what blended learning model or models 793

will be used;	794
(b) A description of how student instructional needs will be determined and documented;	795 796
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	797 798
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	799 800 801
(e) A statement describing how student progress will be monitored;	802 803
(f) A statement describing how private student data will be protected;	804 805
(g) A description of the professional development activities that will be offered to teachers.	806 807
(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;	808 809 810 811
(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.	812 813 814 815 816
(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.	817 818 819 820 821

(33) A provision requiring the governing authority to 822
adopt a student residence and address verification policy for 823
students enrolling in or attending the school. 824

(B) The community school shall also submit to the sponsor 825
a comprehensive plan for the school. The plan shall specify the 826
following: 827

(1) The process by which the governing authority of the 828
school will be selected in the future; 829

(2) The management and administration of the school; 830

(3) If the community school is a currently existing public 831
school or educational service center building, alternative 832
arrangements for current public school students who choose not 833
to attend the converted school and for teachers who choose not 834
to teach in the school or building after conversion; 835

(4) The instructional program and educational philosophy 836
of the school; 837

(5) Internal financial controls. 838

When submitting the plan under this division, the school 839
shall also submit copies of all policies and procedures 840
regarding internal financial controls adopted by the governing 841
authority of the school. 842

(C) A contract entered into under section 3314.02 of the 843
Revised Code between a sponsor and the governing authority of a 844
community school may provide for the community school governing 845
authority to make payments to the sponsor, which is hereby 846
authorized to receive such payments as set forth in the contract 847
between the governing authority and the sponsor. The total 848
amount of such payments for monitoring, oversight, and technical 849

assistance of the school shall not exceed three per cent of the 850
total amount of payments for operating expenses that the school 851
receives from the state. 852

(D) The contract shall specify the duties of the sponsor 853
which shall be in accordance with the written agreement entered 854
into with the department under division (B) of section 3314.015 855
of the Revised Code and shall include the following: 856

(1) Monitor the community school's compliance with all 857
laws applicable to the school and with the terms of the 858
contract; 859

(2) Monitor and evaluate the academic and fiscal 860
performance and the organization and operation of the community 861
school on at least an annual basis; 862

(3) Report on an annual basis the results of the 863
evaluation conducted under division (D) (2) of this section to 864
the department and to the parents of students enrolled in the 865
community school; 866

(4) Provide technical assistance to the community school 867
in complying with laws applicable to the school and terms of the 868
contract; 869

(5) Take steps to intervene in the school's operation to 870
correct problems in the school's overall performance, declare 871
the school to be on probationary status pursuant to section 872
3314.073 of the Revised Code, suspend the operation of the 873
school pursuant to section 3314.072 of the Revised Code, or 874
terminate the contract of the school pursuant to section 3314.07 875
of the Revised Code as determined necessary by the sponsor; 876

(6) Have in place a plan of action to be undertaken in the 877
event the community school experiences financial difficulties or 878

closes prior to the end of a school year. 879

(E) Upon the expiration of a contract entered into under 880
this section, the sponsor of a community school may, with the 881
approval of the governing authority of the school, renew that 882
contract for a period of time determined by the sponsor, but not 883
ending earlier than the end of any school year, if the sponsor 884
finds that the school's compliance with applicable laws and 885
terms of the contract and the school's progress in meeting the 886
academic goals prescribed in the contract have been 887
satisfactory. Any contract that is renewed under this division 888
remains subject to the provisions of sections 3314.07, 3314.072, 889
and 3314.073 of the Revised Code. 890

(F) If a community school fails to open for operation 891
within one year after the contract entered into under this 892
section is adopted pursuant to division (D) of section 3314.02 893
of the Revised Code or permanently closes prior to the 894
expiration of the contract, the contract shall be void and the 895
school shall not enter into a contract with any other sponsor. A 896
school shall not be considered permanently closed because the 897
operations of the school have been suspended pursuant to section 898
3314.072 of the Revised Code. 899

Section 4. That the existing version of section 3314.03 of 900
the Revised Code that is scheduled to take effect January 1, 901
2025, is hereby repealed. 902

Section 5. Sections 3 and 4 of this act take effect 903
January 1, 2025. 904

Section 6. This act shall be known as the Protect All 905
Students Act. 906