

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 240

Representative Stoltzfus

**Cosponsors: Representatives Click, Dean, Fowler Arthur, Gross, Johnson, Kick,
King, Klopfenstein, Willis**

A BILL

To amend sections 3314.03 and 3326.11 and to enact 1
section 3313.473 of the Revised Code to permit 2
public schools to employ chaplains to provide 3
support services. 4

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

Section 1. That sections 3314.03 and 3326.11 be amended 5
and section 3313.473 of the Revised Code be enacted to read as 6
follows: 7

Sec. 3313.473. (A) A school district, community school 8
established pursuant to Chapter 3314. of the Revised Code, or 9
STEM school established pursuant to Chapter 3326. of the Revised 10
Code may employ or accept as a volunteer a chaplain to provide 11
support, services, and programs for students. A chaplain 12
employed or volunteering in accordance with this section shall 13
not be required to apply for a license or certification with the 14
state board of education. 15

(B) (1) As a condition of employment or volunteerism, each 16
employee or volunteer described in division (A) of this section 17

shall be subject to a criminal records check as prescribed by 18
section 3319.391 of the Revised Code. In the manner prescribed 19
by the department of education, the individual shall submit the 20
criminal records check to the department and shall register with 21
the department during the period in which the individual is 22
employed by or volunteers at the school district or school. 23

(2) If the department receives notification of the arrest 24
or conviction of an individual subject to this section, the 25
department shall promptly notify the school district or school 26
and may take any action authorized under sections 3319.31 and 27
3319.311 of the Revised Code that the department considers 28
appropriate. 29

(3) The department shall not accept the application of any 30
individual under this division if the department learns that the 31
individual has pleaded guilty to, has been found guilty by a 32
jury or court of, or has been convicted of any of the offenses 33
listed in division (C) of section 3319.31 of the Revised Code. 34

(C) Chaplain services may be offered in addition to, but 35
not in lieu of, school counselor services. 36

(D) Each school district or school may establish 37
requirements and procedures as necessary to implement this 38
section. 39

Sec. 3314.03. A copy of every contract entered into under 40
this section shall be filed with the superintendent of public 41
instruction. The department of education shall make available on 42
its web site a copy of every approved, executed contract filed 43
with the superintendent under this section. 44

(A) Each contract entered into between a sponsor and the 45
governing authority of a community school shall specify the 46

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| following: | 47 |
| (1) That the school shall be established as either of the | 48 |
| following: | 49 |
| (a) A nonprofit corporation established under Chapter | 50 |
| 1702. of the Revised Code, if established prior to April 8, | 51 |
| 2003; | 52 |
| (b) A public benefit corporation established under Chapter | 53 |
| 1702. of the Revised Code, if established after April 8, 2003. | 54 |
| (2) The education program of the school, including the | 55 |
| school's mission, the characteristics of the students the school | 56 |
| is expected to attract, the ages and grades of students, and the | 57 |
| focus of the curriculum; | 58 |
| (3) The academic goals to be achieved and the method of | 59 |
| measurement that will be used to determine progress toward those | 60 |
| goals, which shall include the statewide achievement | 61 |
| assessments; | 62 |
| (4) Performance standards, including but not limited to | 63 |
| all applicable report card measures set forth in section 3302.03 | 64 |
| or 3314.017 of the Revised Code, by which the success of the | 65 |
| school will be evaluated by the sponsor; | 66 |
| (5) The admission standards of section 3314.06 of the | 67 |
| Revised Code and, if applicable, section 3314.061 of the Revised | 68 |
| Code; | 69 |
| (6) (a) Dismissal procedures; | 70 |
| (b) A requirement that the governing authority adopt an | 71 |
| attendance policy that includes a procedure for automatically | 72 |
| withdrawing a student from the school if the student without a | 73 |
| legitimate excuse fails to participate in seventy-two | 74 |

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| consecutive hours of the learning opportunities offered to the student. | 75 76 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; | 77 78 |
| (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. | 79 80 81 82 83 84 |
| (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: | 85 86 |
| (a) A detailed description of each facility used for instructional purposes; | 87 88 |
| (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; | 89 90 |
| (c) The annual mortgage principal and interest payments that are paid by the school; | 91 92 |
| (d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. | 93 94 95 |
| (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. | 96 97 98 99 100 101 |
| (11) That the school will comply with the following | 102 |

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| requirements: | 103 |
| (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. | 104 105 106 |
| (b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. | 107 108 109 |
| (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. | 110 111 112 113 |
| (d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, <u>3313.473</u> , 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. | 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 |

(e) The school shall comply with Chapter 102. and section 133
2921.42 of the Revised Code. 134

(f) The school will comply with sections 3313.61, 135
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 136
Revised Code, except that for students who enter ninth grade for 137
the first time before July 1, 2010, the requirement in sections 138
3313.61 and 3313.611 of the Revised Code that a person must 139
successfully complete the curriculum in any high school prior to 140
receiving a high school diploma may be met by completing the 141
curriculum adopted by the governing authority of the community 142
school rather than the curriculum specified in Title XXXVIII of 143
the Revised Code or any rules of the state board of education. 144
Beginning with students who enter ninth grade for the first time 145
on or after July 1, 2010, the requirement in sections 3313.61 146
and 3313.611 of the Revised Code that a person must successfully 147
complete the curriculum of a high school prior to receiving a 148
high school diploma shall be met by completing the requirements 149
prescribed in section 3313.6027 and division (C) of section 150
3313.603 of the Revised Code, unless the person qualifies under 151
division (D) or (F) of that section. Each school shall comply 152
with the plan for awarding high school credit based on 153
demonstration of subject area competency, and beginning with the 154
2017-2018 school year, with the updated plan that permits 155
students enrolled in seventh and eighth grade to meet curriculum 156
requirements based on subject area competency adopted by the 157
state board of education under divisions (J) (1) and (2) of 158
section 3313.603 of the Revised Code. Beginning with the 2018- 159
2019 school year, the school shall comply with the framework for 160
granting units of high school credit to students who demonstrate 161
subject area competency through work-based learning experiences, 162
internships, or cooperative education developed by the 163

department under division (J) (3) of section 3313.603 of the Revised Code. 164
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(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. 166
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(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. 172
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(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. 175
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(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 182
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 188
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(i) An internet- or computer-based community school; 191

(ii) A community school in which a majority of the 192

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| enrolled students are children with disabilities as described in | 193 |
| division (A) (4) (b) of section 3314.35 of the Revised Code. | 194 |
| (1) The school will comply with section 3321.191 of the | 195 |
| Revised Code, unless it is an internet- or computer-based | 196 |
| community school that is subject to section 3314.261 of the | 197 |
| Revised Code. | 198 |
| (12) Arrangements for providing health and other benefits | 199 |
| to employees; | 200 |
| (13) The length of the contract, which shall begin at the | 201 |
| beginning of an academic year. No contract shall exceed five | 202 |
| years unless such contract has been renewed pursuant to division | 203 |
| (E) of this section. | 204 |
| (14) The governing authority of the school, which shall be | 205 |
| responsible for carrying out the provisions of the contract; | 206 |
| (15) A financial plan detailing an estimated school budget | 207 |
| for each year of the period of the contract and specifying the | 208 |
| total estimated per pupil expenditure amount for each such year. | 209 |
| (16) Requirements and procedures regarding the disposition | 210 |
| of employees of the school in the event the contract is | 211 |
| terminated or not renewed pursuant to section 3314.07 of the | 212 |
| Revised Code; | 213 |
| (17) Whether the school is to be created by converting all | 214 |
| or part of an existing public school or educational service | 215 |
| center building or is to be a new start-up school, and if it is | 216 |
| a converted public school or service center building, | 217 |
| specification of any duties or responsibilities of an employer | 218 |
| that the board of education or service center governing board | 219 |
| that operated the school or building before conversion is | 220 |
| delegating to the governing authority of the community school | 221 |

with respect to all or any specified group of employees provided 222
the delegation is not prohibited by a collective bargaining 223
agreement applicable to such employees; 224

(18) Provisions establishing procedures for resolving 225
disputes or differences of opinion between the sponsor and the 226
governing authority of the community school; 227

(19) A provision requiring the governing authority to 228
adopt a policy regarding the admission of students who reside 229
outside the district in which the school is located. That policy 230
shall comply with the admissions procedures specified in 231
sections 3314.06 and 3314.061 of the Revised Code and, at the 232
sole discretion of the authority, shall do one of the following: 233

(a) Prohibit the enrollment of students who reside outside 234
the district in which the school is located; 235

(b) Permit the enrollment of students who reside in 236
districts adjacent to the district in which the school is 237
located; 238

(c) Permit the enrollment of students who reside in any 239
other district in the state. 240

(20) A provision recognizing the authority of the 241
department of education to take over the sponsorship of the 242
school in accordance with the provisions of division (C) of 243
section 3314.015 of the Revised Code; 244

(21) A provision recognizing the sponsor's authority to 245
assume the operation of a school under the conditions specified 246
in division (B) of section 3314.073 of the Revised Code; 247

(22) A provision recognizing both of the following: 248

(a) The authority of public health and safety officials to 249

inspect the facilities of the school and to order the facilities 250
closed if those officials find that the facilities are not in 251
compliance with health and safety laws and regulations; 252

(b) The authority of the department of education as the 253
community school oversight body to suspend the operation of the 254
school under section 3314.072 of the Revised Code if the 255
department has evidence of conditions or violations of law at 256
the school that pose an imminent danger to the health and safety 257
of the school's students and employees and the sponsor refuses 258
to take such action. 259

(23) A description of the learning opportunities that will 260
be offered to students including both classroom-based and non- 261
classroom-based learning opportunities that is in compliance 262
with criteria for student participation established by the 263
department under division (H) (2) of section 3314.08 of the 264
Revised Code; 265

(24) The school will comply with sections 3302.04 and 266
3302.041 of the Revised Code, except that any action required to 267
be taken by a school district pursuant to those sections shall 268
be taken by the sponsor of the school. However, the sponsor 269
shall not be required to take any action described in division 270
(F) of section 3302.04 of the Revised Code. 271

(25) Beginning in the 2006-2007 school year, the school 272
will open for operation not later than the thirtieth day of 273
September each school year, unless the mission of the school as 274
specified under division (A) (2) of this section is solely to 275
serve dropouts. In its initial year of operation, if the school 276
fails to open by the thirtieth day of September, or within one 277
year after the adoption of the contract pursuant to division (D) 278
of section 3314.02 of the Revised Code if the mission of the 279

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| school is solely to serve dropouts, the contract shall be void. | 280 |
| (26) Whether the school's governing authority is planning | 281 |
| to seek designation for the school as a STEM school equivalent | 282 |
| under section 3326.032 of the Revised Code; | 283 |
| (27) That the school's attendance and participation | 284 |
| policies will be available for public inspection; | 285 |
| (28) That the school's attendance and participation | 286 |
| records shall be made available to the department of education, | 287 |
| auditor of state, and school's sponsor to the extent permitted | 288 |
| under and in accordance with the "Family Educational Rights and | 289 |
| Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, | 290 |
| and any regulations promulgated under that act, and section | 291 |
| 3319.321 of the Revised Code; | 292 |
| (29) If a school operates using the blended learning | 293 |
| model, as defined in section 3301.079 of the Revised Code, all | 294 |
| of the following information: | 295 |
| (a) An indication of what blended learning model or models | 296 |
| will be used; | 297 |
| (b) A description of how student instructional needs will | 298 |
| be determined and documented; | 299 |
| (c) The method to be used for determining competency, | 300 |
| granting credit, and promoting students to a higher grade level; | 301 |
| (d) The school's attendance requirements, including how | 302 |
| the school will document participation in learning | 303 |
| opportunities; | 304 |
| (e) A statement describing how student progress will be | 305 |
| monitored; | 306 |

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| (f) A statement describing how private student data will be protected; | 307 308 |
| (g) A description of the professional development activities that will be offered to teachers. | 309 310 |
| (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; | 311 312 313 314 |
| (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. | 315 316 317 318 319 |
| (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. | 320 321 322 323 324 |
| (33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. | 325 326 327 |
| (B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: | 328 329 330 |
| (1) The process by which the governing authority of the school will be selected in the future; | 331 332 |
| (2) The management and administration of the school; | 333 |
| (3) If the community school is a currently existing public | 334 |

school or educational service center building, alternative 335
arrangements for current public school students who choose not 336
to attend the converted school and for teachers who choose not 337
to teach in the school or building after conversion; 338

(4) The instructional program and educational philosophy 339
of the school; 340

(5) Internal financial controls. 341

When submitting the plan under this division, the school 342
shall also submit copies of all policies and procedures 343
regarding internal financial controls adopted by the governing 344
authority of the school. 345

(C) A contract entered into under section 3314.02 of the 346
Revised Code between a sponsor and the governing authority of a 347
community school may provide for the community school governing 348
authority to make payments to the sponsor, which is hereby 349
authorized to receive such payments as set forth in the contract 350
between the governing authority and the sponsor. The total 351
amount of such payments for monitoring, oversight, and technical 352
assistance of the school shall not exceed three per cent of the 353
total amount of payments for operating expenses that the school 354
receives from the state. 355

(D) The contract shall specify the duties of the sponsor 356
which shall be in accordance with the written agreement entered 357
into with the department of education under division (B) of 358
section 3314.015 of the Revised Code and shall include the 359
following: 360

(1) Monitor the community school's compliance with all 361
laws applicable to the school and with the terms of the 362
contract; 363

(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 the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division

remains subject to the provisions of sections 3314.07, 3314.072, 393
and 3314.073 of the Revised Code. 394

(F) If a community school fails to open for operation 395
within one year after the contract entered into under this 396
section is adopted pursuant to division (D) of section 3314.02 397
of the Revised Code or permanently closes prior to the 398
expiration of the contract, the contract shall be void and the 399
school shall not enter into a contract with any other sponsor. A 400
school shall not be considered permanently closed because the 401
operations of the school have been suspended pursuant to section 402
3314.072 of the Revised Code. 403

Sec. 3326.11. Each science, technology, engineering, and 404
mathematics school established under this chapter and its 405
governing body shall comply with sections 9.90, 9.91, 109.65, 406
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 407
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 408
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 409
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 410
3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 411
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3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 422
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 423

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| 5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., | 424 |
| 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and | 425 |
| 4167. of the Revised Code as if it were a school district. | 426 |
| Section 2. That existing sections 3314.03 and 3326.11 of | 427 |
| the Revised Code are hereby repealed. | 428 |