

As Introduced

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

H. B. No. 63

Representative Humphrey

**Cosponsors: Representatives McNally, Weinstein, Miller, A., Upchurch, Forhan,
Brewer, Isaacsohn, Skindell**

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3313.6030 of the Revised Code 2
to require public and chartered nonpublic 3
schools to provide conflict resolution 4
instruction to students in grades kindergarten 5
through twelve. 6

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 7
amended and section 3313.6030 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3313.6030. (A) Beginning with the first full school 10
year that begins after the effective date of this section, each 11
city, exempted village, and local school district and chartered 12
nonpublic school shall provide classroom instruction on conflict 13
resolution to students in grades kindergarten through twelve. 14
The instruction shall be integrated into an appropriate course 15
of study as determined by each school. 16

(B) The conflict resolution instruction provided under 17

<u>this section shall be age-appropriate and provide information,</u>	18
<u>including the following topics:</u>	19
<u>(1) Skills of conflict resolution, including methods of</u>	20
<u>diffusing conflict situations and resolving differences</u>	21
<u>amicably;</u>	22
<u>(2) The mediation process;</u>	23
<u>(3) Respect for and awareness of different cultures,</u>	24
<u>beliefs, religions, races, gender identities, and sexual</u>	25
<u>orientations, including empathy and compassion for others;</u>	26
<u>(4) Effective communication;</u>	27
<u>(5) Establishing and maintaining positive social</u>	28
<u>relationships;</u>	29
<u>(6) Effectively managing emotions;</u>	30
<u>(7) Making responsible decisions;</u>	31
<u>(8) The correlation between conflict and violence,</u>	32
<u>including gun violence.</u>	33
<u>(C) In developing and implementing the conflict resolution</u>	34
<u>instruction required under this section, districts and schools</u>	35
<u>may use available public-private partnerships, materials,</u>	36
<u>existing curricula or programs, or other resources.</u>	37
<u>(D) Not later than six months after the effective date of</u>	38
<u>this section, the department of education shall compile a list</u>	39
<u>of appropriate curricula and materials that districts and</u>	40
<u>schools may use to comply with the conflict resolution</u>	41
<u>instruction required under this section. The department shall</u>	42
<u>publish the list on its web site.</u>	43
<u>(E) Beginning with the first full school year that begins</u>	44

after the effective date of this section, the department shall 45
make available to all districts and schools in-service training 46
programs based on the conflict resolution instruction required 47
under this section. The department shall periodically review and 48
modify the in-service training programs to provide the most 49
current information. 50

(F) Beginning with the first day of July of the first full 51
school year that begins after the effective date of this section 52
and every three years thereafter, each district and school shall 53
provide, as part of the school's in-service training, programs 54
based on the conflict resolution instruction requirements 55
established under this section for all teachers whose teaching 56
responsibilities include courses of study in which the mandated 57
conflict resolution instruction is integrated. A school may use 58
the in-service training programs developed by the department 59
under this section or alternative programs that are consistent 60
with the provisions of this section. 61

Training completed under this division shall qualify as a 62
professional development activity for the renewal of educator 63
licenses, in addition to activities approved by local 64
professional development committees under division (F) of 65
section 3319.22 of the Revised Code. 66

Sec. 3314.03. A copy of every contract entered into under 67
this section shall be filed with the superintendent of public 68
instruction. The department of education shall make available on 69
its web site a copy of every approved, executed contract filed 70
with the superintendent under this section. 71

(A) Each contract entered into between a sponsor and the 72
governing authority of a community school shall specify the 73
following: 74

(1) That the school shall be established as either of the following:	75 76
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	77 78 79
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	80 81
(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;	82 83 84 85
(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;	86 87 88 89
(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;	90 91 92 93
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	94 95 96
(6) (a) Dismissal procedures;	97
(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	98 99 100 101 102

student.	103
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	104 105
(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.	106 107 108 109 110 111
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	112 113
(a) A detailed description of each facility used for instructional purposes;	114 115
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	116 117
(c) The annual mortgage principal and interest payments that are paid by the school;	118 119
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	120 121 122
(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.	123 124 125 126 127 128
(11) That the school will comply with the following requirements:	129 130

(a) The school will provide learning opportunities to a 131
minimum of twenty-five students for a minimum of nine hundred 132
twenty hours per school year. 133

(b) The governing authority will purchase liability 134
insurance, or otherwise provide for the potential liability of 135
the school. 136

(c) The school will be nonsectarian in its programs, 137
admission policies, employment practices, and all other 138
operations, and will not be operated by a sectarian school or 139
religious institution. 140

(d) The school will comply with sections 9.90, 9.91, 141
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 142
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 143
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 144
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 145
3313.6024, 3313.6025, 3313.6026, 3313.6030, 3313.643, 3313.648, 146
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 147
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 148
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 149
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 150
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 151
3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 152
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 153
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 154
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 155
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 156
4123., 4141., and 4167. of the Revised Code as if it were a 157
school district and will comply with section 3301.0714 of the 158
Revised Code in the manner specified in section 3314.17 of the 159
Revised Code. 160

(e) The school shall comply with Chapter 102. and section 161
2921.42 of the Revised Code. 162

(f) The school will comply with sections 3313.61, 163
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 164
Revised Code, except that for students who enter ninth grade for 165
the first time before July 1, 2010, the requirement in sections 166
3313.61 and 3313.611 of the Revised Code that a person must 167
successfully complete the curriculum in any high school prior to 168
receiving a high school diploma may be met by completing the 169
curriculum adopted by the governing authority of the community 170
school rather than the curriculum specified in Title XXXVIII of 171
the Revised Code or any rules of the state board of education. 172
Beginning with students who enter ninth grade for the first time 173
on or after July 1, 2010, the requirement in sections 3313.61 174
and 3313.611 of the Revised Code that a person must successfully 175
complete the curriculum of a high school prior to receiving a 176
high school diploma shall be met by completing the requirements 177
prescribed in section 3313.6027 and division (C) of section 178
3313.603 of the Revised Code, unless the person qualifies under 179
division (D) or (F) of that section. Each school shall comply 180
with the plan for awarding high school credit based on 181
demonstration of subject area competency, and beginning with the 182
2017-2018 school year, with the updated plan that permits 183
students enrolled in seventh and eighth grade to meet curriculum 184
requirements based on subject area competency adopted by the 185
state board of education under divisions (J) (1) and (2) of 186
section 3313.603 of the Revised Code. Beginning with the 2018- 187
2019 school year, the school shall comply with the framework for 188
granting units of high school credit to students who demonstrate 189
subject area competency through work-based learning experiences, 190
internships, or cooperative education developed by the 191

department under division (J) (3) of section 3313.603 of the Revised Code. 192
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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. 194
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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. 200
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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. 203
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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. 210
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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: 216
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(i) An internet- or computer-based community school; 219

(ii) A community school in which a majority of the 220

enrolled students are children with disabilities as described in	221
division (A) (4) (b) of section 3314.35 of the Revised Code.	222
(1) The school will comply with section 3321.191 of the	223
Revised Code, unless it is an internet- or computer-based	224
community school that is subject to section 3314.261 of the	225
Revised Code.	226
(12) Arrangements for providing health and other benefits	227
to employees;	228
(13) The length of the contract, which shall begin at the	229
beginning of an academic year. No contract shall exceed five	230
years unless such contract has been renewed pursuant to division	231
(E) of this section.	232
(14) The governing authority of the school, which shall be	233
responsible for carrying out the provisions of the contract;	234
(15) A financial plan detailing an estimated school budget	235
for each year of the period of the contract and specifying the	236
total estimated per pupil expenditure amount for each such year.	237
(16) Requirements and procedures regarding the disposition	238
of employees of the school in the event the contract is	239
terminated or not renewed pursuant to section 3314.07 of the	240
Revised Code;	241
(17) Whether the school is to be created by converting all	242
or part of an existing public school or educational service	243
center building or is to be a new start-up school, and if it is	244
a converted public school or service center building,	245
specification of any duties or responsibilities of an employer	246
that the board of education or service center governing board	247
that operated the school or building before conversion is	248
delegating to the governing authority of the community school	249

with respect to all or any specified group of employees provided 250
the delegation is not prohibited by a collective bargaining 251
agreement applicable to such employees; 252

(18) Provisions establishing procedures for resolving 253
disputes or differences of opinion between the sponsor and the 254
governing authority of the community school; 255

(19) A provision requiring the governing authority to 256
adopt a policy regarding the admission of students who reside 257
outside the district in which the school is located. That policy 258
shall comply with the admissions procedures specified in 259
sections 3314.06 and 3314.061 of the Revised Code and, at the 260
sole discretion of the authority, shall do one of the following: 261

(a) Prohibit the enrollment of students who reside outside 262
the district in which the school is located; 263

(b) Permit the enrollment of students who reside in 264
districts adjacent to the district in which the school is 265
located; 266

(c) Permit the enrollment of students who reside in any 267
other district in the state. 268

(20) A provision recognizing the authority of the 269
department of education to take over the sponsorship of the 270
school in accordance with the provisions of division (C) of 271
section 3314.015 of the Revised Code; 272

(21) A provision recognizing the sponsor's authority to 273
assume the operation of a school under the conditions specified 274
in division (B) of section 3314.073 of the Revised Code; 275

(22) A provision recognizing both of the following: 276

(a) The authority of public health and safety officials to 277

inspect the facilities of the school and to order the facilities 278
closed if those officials find that the facilities are not in 279
compliance with health and safety laws and regulations; 280

(b) The authority of the department of education as the 281
community school oversight body to suspend the operation of the 282
school under section 3314.072 of the Revised Code if the 283
department has evidence of conditions or violations of law at 284
the school that pose an imminent danger to the health and safety 285
of the school's students and employees and the sponsor refuses 286
to take such action. 287

(23) A description of the learning opportunities that will 288
be offered to students including both classroom-based and non- 289
classroom-based learning opportunities that is in compliance 290
with criteria for student participation established by the 291
department under division (H) (2) of section 3314.08 of the 292
Revised Code; 293

(24) The school will comply with sections 3302.04 and 294
3302.041 of the Revised Code, except that any action required to 295
be taken by a school district pursuant to those sections shall 296
be taken by the sponsor of the school. However, the sponsor 297
shall not be required to take any action described in division 298
(F) of section 3302.04 of the Revised Code. 299

(25) Beginning in the 2006-2007 school year, the school 300
will open for operation not later than the thirtieth day of 301
September each school year, unless the mission of the school as 302
specified under division (A) (2) of this section is solely to 303
serve dropouts. In its initial year of operation, if the school 304
fails to open by the thirtieth day of September, or within one 305
year after the adoption of the contract pursuant to division (D) 306
of section 3314.02 of the Revised Code if the mission of the 307

school is solely to serve dropouts, the contract shall be void.	308
(26) Whether the school's governing authority is planning	309
to seek designation for the school as a STEM school equivalent	310
under section 3326.032 of the Revised Code;	311
(27) That the school's attendance and participation	312
policies will be available for public inspection;	313
(28) That the school's attendance and participation	314
records shall be made available to the department of education,	315
auditor of state, and school's sponsor to the extent permitted	316
under and in accordance with the "Family Educational Rights and	317
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	318
and any regulations promulgated under that act, and section	319
3319.321 of the Revised Code;	320
(29) If a school operates using the blended learning	321
model, as defined in section 3301.079 of the Revised Code, all	322
of the following information:	323
(a) An indication of what blended learning model or models	324
will be used;	325
(b) A description of how student instructional needs will	326
be determined and documented;	327
(c) The method to be used for determining competency,	328
granting credit, and promoting students to a higher grade level;	329
(d) The school's attendance requirements, including how	330
the school will document participation in learning	331
opportunities;	332
(e) A statement describing how student progress will be	333
monitored;	334

(f) A statement describing how private student data will be protected;	335 336
(g) A description of the professional development activities that will be offered to teachers.	337 338
(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;	339 340 341 342
(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.	343 344 345 346 347
(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.	348 349 350 351 352
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	353 354 355
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	356 357 358
(1) The process by which the governing authority of the school will be selected in the future;	359 360
(2) The management and administration of the school;	361
(3) If the community school is a currently existing public	362

school or educational service center building, alternative 363
arrangements for current public school students who choose not 364
to attend the converted school and for teachers who choose not 365
to teach in the school or building after conversion; 366

(4) The instructional program and educational philosophy 367
of the school; 368

(5) Internal financial controls. 369

When submitting the plan under this division, the school 370
shall also submit copies of all policies and procedures 371
regarding internal financial controls adopted by the governing 372
authority of the school. 373

(C) A contract entered into under section 3314.02 of the 374
Revised Code between a sponsor and the governing authority of a 375
community school may provide for the community school governing 376
authority to make payments to the sponsor, which is hereby 377
authorized to receive such payments as set forth in the contract 378
between the governing authority and the sponsor. The total 379
amount of such payments for monitoring, oversight, and technical 380
assistance of the school shall not exceed three per cent of the 381
total amount of payments for operating expenses that the school 382
receives from the state. 383

(D) The contract shall specify the duties of the sponsor 384
which shall be in accordance with the written agreement entered 385
into with the department of education under division (B) of 386
section 3314.015 of the Revised Code and shall include the 387
following: 388

(1) Monitor the community school's compliance with all 389
laws applicable to the school and with the terms of the 390
contract; 391

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	392 393 394
(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;	395 396 397 398
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	399 400 401
(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;	402 403 404 405 406 407 408
(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.	409 410 411
(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	412 413 414 415 416 417 418 419 420

remains subject to the provisions of sections 3314.07, 3314.072, 421
and 3314.073 of the Revised Code. 422

(F) If a community school fails to open for operation 423
within one year after the contract entered into under this 424
section is adopted pursuant to division (D) of section 3314.02 425
of the Revised Code or permanently closes prior to the 426
expiration of the contract, the contract shall be void and the 427
school shall not enter into a contract with any other sponsor. A 428
school shall not be considered permanently closed because the 429
operations of the school have been suspended pursuant to section 430
3314.072 of the Revised Code. 431

Sec. 3326.11. Each science, technology, engineering, and 432
mathematics school established under this chapter and its 433
governing body shall comply with sections 9.90, 9.91, 109.65, 434
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 435
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 436
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 437
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 438
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 439
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6030, 3313.61, 440
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 441
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 442
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 443
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 444
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 445
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 446
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.238, 447
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 448
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 449
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 450
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 451

5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 452
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 453
4167. of the Revised Code as if it were a school district. 454

Sec. 3328.24. A college-preparatory boarding school 455
established under this chapter and its board of trustees shall 456
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 457
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.6013, 3313.6021, 458
3313.6024, 3313.6025, 3313.6026, 3313.6030, 3313.617, 3313.618, 459
3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 460
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 461
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 462
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 463
if the school were a school district and the school's board of 464
trustees were a district board of education. 465

Section 2. That existing sections 3314.03, 3326.11, and 466
3328.24 of the Revised Code are hereby repealed. 467

Section 3. Section 3328.24 of the Revised Code is 468
presented in this act as a composite of the section as amended 469
by both H.B. 82 and H.B. 110 of the 134th General Assembly. The 470
General Assembly, applying the principle stated in division (B) 471
of section 1.52 of the Revised Code that amendments are to be 472
harmonized if reasonably capable of simultaneous operation, 473
finds that the composite is the resulting version of the section 474
in effect prior to the effective date of the section as 475
presented in this act. 476