

**As Reported by the Senate Education Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 8**

**Representatives Swearingen, Carruthers**

**Cosponsors: Representatives Bird, Fowler Arthur, Click, Jones, Lear, Williams, Abrams, Barhorst, Creech, Cross, Cutrona, Demetriou, Dobos, Edwards, Ghanbari, Gross, Hall, Holmes, John, Kick, Lorenz, Mathews, McClain, Miller, M., Richardson, Robb Blasdel, Schmidt, Stein, Stewart, Wiggam, Willis, Young, B.**

**Senator Brenner**

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**A BILL**

To amend sections 3313.6022, 3314.03, and 3326.11 1  
and to enact sections 3313.473 and 3313.6030 of 2  
the Revised Code to enact the Parents' Bill of 3  
Rights to require public schools to adopt a 4  
policy on parental notification on student 5  
health and well-being and instructional 6  
materials with sexuality content and regarding 7  
school district policies for released time 8  
courses in religious instruction. 9

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

**Section 1.** That sections 3313.6022, 3314.03, and 3326.11 10  
be amended and sections 3313.473 and 3313.6030 of the Revised 11  
Code be enacted to read as follows: 12

**Sec. 3313.473.** (A) The general assembly maintains that a 13  
parent has a fundamental right to make decisions concerning the 14  
upbringing, education, and care of the parent's child. 15

(B) Not later than the first day of July following the 16  
effective date of this section, the board of education of each 17  
city, local, exempted village, and joint vocational school 18  
district shall develop and adopt a policy to promote parental 19  
involvement in the public school system. The policy shall 20  
require a school district to do all of the following: 21

(1) (a) Ensure that any sexuality content is age- 22  
appropriate and developmentally appropriate for the age of the 23  
student receiving the instruction, regardless of the age or 24  
grade level of the student. 25

(b) Prior to providing instruction that includes sexuality 26  
content or permitting a third party to provide such instruction 27  
on behalf of the district, provide parents the opportunity to 28  
review any instructional material that includes sexuality 29  
content. Upon request of the student's parent, a student shall 30  
be excused from instruction that includes sexuality content and 31  
be permitted to participate in an alternative assignment. 32

(2) Promptly notify a student's parent of any substantial 33  
change in the student's services, including counseling services, 34  
or monitoring related to the student's mental, emotional, or 35  
physical health or well-being or the school's ability to provide 36  
a safe and supportive learning environment for the student. The 37  
policy shall specify in what manner a student's parent will be 38  
notified of any substantial change in the student's services. 39

The policy shall specify that notice to parents shall 40  
reinforce the fundamental right of parents to make decisions 41  
regarding the upbringing and control of their children, and that 42  
the school district shall not inhibit parental access to the 43  
student's education and health records maintained by the school. 44

(3) Prohibit school district personnel from directly or 45  
indirectly encouraging a student to withhold from a parent 46  
information concerning the student's mental, emotional, or 47  
physical health or well-being, or a change in related services 48  
or monitoring. 49

The policy shall prohibit school district personnel from 50  
discouraging or prohibiting parental notification of and 51  
involvement in decisions affecting a student's mental, 52  
emotional, or physical health or well-being. 53

(4) Adopt a procedure to obtain authorization from parents 54  
prior to providing any type of health care service to the 55  
student, including physical, mental, and behavioral health care 56  
services. Under the procedure, a parent may choose whether to 57  
authorize a district to provide a health care service to the 58  
parent's child. The procedure shall require the school district 59  
to do both of the following: 60

(a) At the beginning of the school year, notify parents of 61  
each health care service offered at, or facilitated in 62  
cooperation with, their student's school and their option to 63  
withhold consent or decline any specified service. Parental 64  
consent to health care services does not waive the parent's 65  
right to access the parent's student's educational or health 66  
records or to be notified about a change in the student's 67  
services or monitoring as provided in this section. 68

(b) Prior to providing a health care service to a student, 69  
notify a parent whether the service is required to be provided 70  
by the school district under state law and if other options for 71  
a student to access the service exist. This requirement may be 72  
satisfied by an annual notice to parents at the beginning of the 73  
school year. 74

Division (B) (4) of this section does not apply to 75  
emergency situations, first aid, other unanticipated minor 76  
health care services, or health care services provided pursuant 77  
to a student's IEP or a school district's obligation under 78  
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 79

(5) Permit a parent to file with a school principal or 80  
assistant principal a written concern regarding a topic 81  
addressed in this section. The policy shall establish a process 82  
for a principal or assistant principal to resolve such concerns 83  
within thirty days after their receipt. Under the policy, school 84  
districts shall notify parents of their right to file a written 85  
concern. A parent may appeal a principal's or assistant 86  
principal's decision to the superintendent of that district. 87

If a parent appeals the principal's or assistant 88  
principal's decision, the superintendent, or a designee of the 89  
superintendent, shall conduct a hearing on the decision. Based 90  
on the findings of that hearing, the superintendent shall decide 91  
whether to affirm the principal's or assistant principal's 92  
decision. If the superintendent does not affirm the decision, 93  
the superintendent shall determine a resolution to the parent's 94  
concern. A parent may appeal the superintendent's decision to 95  
the board of education of the school district. The board shall 96  
review the superintendent's decision and, if the board 97  
determines it necessary, hold a hearing on the decision and, 98  
based on that hearing, either affirm the superintendent's 99  
decision or determine a new resolution to the parent's concern. 100

Nothing in division (B) (5) of this section shall prevent a 101  
parent from contacting a member of a board of education 102  
regarding the parent's concerns with the operation of a school 103  
under the supervision of that board. 104

(C) Each school district shall make its policy adopted 105  
under this section publicly available and post it prominently on 106  
its publicly accessible web site, if it has one. 107

(D) This section does not prescribe all rights of parents 108  
or preempt or foreclose claims or remedies in support of 109  
parental rights that are available under the constitution, 110  
statutes, or common law of this state. 111

(E) No school district or third party acting on behalf of 112  
a district shall provide instruction that includes sexuality 113  
content to students in grades kindergarten through three. 114

(F) (1) Nothing in this section shall require disclosure or 115  
activity that is in conflict with or in violation of any of the 116  
following: 117

(a) The HIPAA privacy rule; 118

(b) Chapter 3798. of the Revised Code; 119

(c) Section 2317.02, 4732.19, or 5122.04 of the Revised 120  
Code; 121

(d) The "Family Educational Rights and Privacy Act of 122  
1974," 20 U.S.C. 1232g; 123

(e) Ohio Constitution, Article I, Section 10a and any laws 124  
enacted to implement that section, including sections 2930.07 125  
and 2930.10 of the Revised Code. 126

(2) Nothing in this section requires disclosure or 127  
activity in violation of any court order, including any of the 128  
following: 129

(a) A condition of bond; 130

(b) A protection order or consent agreement issued 131

<u>pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or</u>	132
<u>3113.31 of the Revised Code;</u>	133
<u>(c) A condition of a community control sanction, post-</u>	134
<u>release control sanction, or parole.</u>	135
<u>(3) Nothing in this section requires disclosure or</u>	136
<u>activity in violation of a specific request for nondisclosure</u>	137
<u>made pursuant to a criminal investigation or grand jury subpoena</u>	138
<u>in which the student is the victim and a parent is the alleged</u>	139
<u>perpetrator.</u>	140
<u>(4) Nothing in this section prohibits or prevents</u>	141
<u>mandatory reporting under section 2151.421 of the Revised Code.</u>	142
<u>(5) Nothing in this section prohibits or limits the career</u>	143
<u>and academic mentoring and counseling between teachers and</u>	144
<u>students in the regular course of the school day.</u>	145
<u>(G) As used in this section:</u>	146
<u>(1) "Biological sex" means the biological indication of</u>	147
<u>male and female, including sex chromosomes, naturally occurring</u>	148
<u>sex hormones, gonads, and unambiguous internal and external</u>	149
<u>genitalia present at birth, without regard to an individual's</u>	150
<u>psychological, chosen, or subjective experience of gender.</u>	151
<u>(2) "HIPAA privacy rule" has the same meaning as in</u>	152
<u>section 3798.01 of the Revised Code.</u>	153
<u>(3) "IEP" has the same meaning as in section 3323.01 of</u>	154
<u>the Revised Code.</u>	155
<u>(4) "Parent" has the same meaning as in section 3313.98 of</u>	156
<u>the Revised Code.</u>	157
<u>(5) "Sexuality content" means any oral or written</u>	158

<u>instruction, presentation, image, or description of sexual</u>	159
<u>concepts or gender ideology provided in a classroom setting.</u>	160
<u>"Sexuality content" does not mean any of the following:</u>	161
<u>(a) Instruction or presentations in sexually transmitted</u>	162
<u>infection education, child sexual abuse prevention, and sexual</u>	163
<u>violence prevention education provided under division (A) (5) of</u>	164
<u>section 3313.60 or section 3314.0310 or 3326.091 of the Revised</u>	165
<u>Code;</u>	166
<u>(b) Instruction or presentations in sexually transmitted</u>	167
<u>infection education emphasizing abstinence provided under</u>	168
<u>section 3313.6011 of the Revised Code;</u>	169
<u>(c) Incidental references to sexual concepts or gender</u>	170
<u>ideology occurring outside of formal instruction or</u>	171
<u>presentations on such topics, including references made during</u>	172
<u>class participation and in schoolwork.</u>	173
<u>(6) "Student's mental, emotional, or physical health or</u>	174
<u>well-being" includes, at a minimum, any of the following:</u>	175
<u>(a) A student's academic performance;</u>	176
<u>(b) Any significant sickness or physical injury, or any</u>	177
<u>psychological trauma suffered by a student;</u>	178
<u>(c) Any harassment, intimidation, or bullying, as defined</u>	179
<u>in section 3313.666 of the Revised Code, by or against a student</u>	180
<u>in violation of school district policy;</u>	181
<u>(d) Any request by a student to identify as a gender that</u>	182
<u>does not align with the student's biological sex;</u>	183
<u>(e) Exhibition of suicidal ideation or persistent symptoms</u>	184
<u>of depression, or severe anxiety, or other mental health issues.</u>	185

<u>(7) "Age-appropriate" and "developmentally appropriate"</u>	186
<u>content refers to activities or items that are generally</u>	187
<u>accepted as suitable for children of the same chronological age</u>	188
<u>or level of maturity or that are determined to be</u>	189
<u>developmentally appropriate for a child, based on the</u>	190
<u>development of cognitive, emotional, physical, and behavioral</u>	191
<u>capacities that are typical for an age or age group.</u>	192
<b>Sec. 3313.6022.</b> (A) As used in this section, "released	193
time" means a period of time during which a student is excused	194
from school to attend a course in religious instruction	195
conducted by a private entity off school district property.	196
(B) A school district board of education <del>may</del> <u>shall</u> adopt a	197
policy that authorizes a student to be excused from school to	198
attend a released time course in religious instruction, provided	199
that each of the following applies:	200
(1) The student's parent or guardian gives written	201
consent.	202
(2) The sponsoring entity maintains attendance records and	203
makes them available to the school district the student attends.	204
(3) Transportation to and from the place of instruction,	205
including transportation for students with disabilities, is the	206
complete responsibility of the sponsoring entity, parent,	207
guardian, or student.	208
(4) The sponsoring entity makes provisions for and assumes	209
liability for the student.	210
(5) No public funds are expended and no public school	211
personnel are involved in providing the religious instruction.	212
(6) The student assumes responsibility for any missed	213

schoolwork.	214
While in attendance in a released time course in religious instruction, a student shall not be considered absent from school. No student may be released from a core curriculum subject course to attend a religious instruction course.	215 216 217 218
<u>(C)-A school district board of education shall collaborate with a sponsoring entity of a released time course in religious instruction to identify a time to offer the course during the school day.</u>	219 220 221 222
<u>(D)</u> A policy adopted under division (B) of this section may authorize high school students to earn up to two units of high school credit for the completion of a released time course in religious instruction. In determining whether to award credit for completion of such a course, the board shall evaluate the course based on purely secular criteria that are substantially the same criteria used to evaluate similar nonpublic high school courses for purposes of determining whether to award credit for such courses to a student transferring from a nonpublic high school to a public high school. However, there shall be no criteria requiring that released time courses be completed only at a nonpublic school. The decision to award credit for a released time course of religious instruction shall be neutral to, and shall not involve any test for, religious content or denominational affiliation.	223 224 225 226 227 228 229 230 231 232 233 234 235 236 237
For purposes of this division, secular criteria may include, but are not limited to, the following:	238 239
(1) The number of hours of classroom instruction time;	240
(2) A review of the course syllabus that reflects course requirements and materials used;	241 242

(3) The methods of assessment used in the course;	243
(4) The qualifications of the course instructor, which shall be similar to the qualifications of other teachers within the district.	244 245 246
Notwithstanding division (C) (8) of section 3313.603 of the Revised Code, high school credit awarded to a student for a released time course in religious instruction may substitute for the same amount of credit in subjects listed in that division.	247 248 249 250
<del>(D)</del> (E) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury allegedly arising during a student's transportation to or from a place of instruction when private transportation is used under a released time policy adopted under this section. This division does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	251 252 253 254 255 256 257 258 259 260 261
<u>Sec. 3313.6030. A school district board of education may include in its policy adopted under section 3313.6022 of the Revised Code a requirement for a criminal records check of any instructors or volunteers of a private sponsoring entity providing a released time course in religious instruction to the board's students under that policy.</u>	262 263 264 265 266 267
<u>The school district board of education shall determine the manner in which criminal records checks of instructors and volunteers of the private entity are conducted.</u>	268 269 270
<b>Sec. 3314.03.</b> A copy of every contract entered into under	271

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;	300
(6) (a) Dismissal procedures;	301
(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.	302 303 304 305 306 307
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	308 309
(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.	310 311 312 313 314 315
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	316 317
(a) A detailed description of each facility used for instructional purposes;	318 319
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	320 321
(c) The annual mortgage principal and interest payments that are paid by the school;	322 323
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	324 325 326

(10) Qualifications of employees, including both of the following:	327 328
(a) 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;	329 330 331 332 333
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	334 335 336
(11) That the school will comply with the following requirements:	337 338
(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.	339 340 341
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	342 343 344
(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.	345 346 347 348
(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, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66,	349 350 351 352 353 354 355

3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 356  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 357  
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3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 361  
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 362  
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 363  
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 364  
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 365  
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 366  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 367  
it were a school district and will comply with section 3301.0714 368  
of the Revised Code in the manner specified in section 3314.17 369  
of the Revised Code. 370

(e) The school shall comply with Chapter 102. and section 371  
2921.42 of the Revised Code. 372

(f) The school will comply with sections 3313.61, 373  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 374  
Revised Code, except that for students who enter ninth grade for 375  
the first time before July 1, 2010, the requirement in sections 376  
3313.61 and 3313.611 of the Revised Code that a person must 377  
successfully complete the curriculum in any high school prior to 378  
receiving a high school diploma may be met by completing the 379  
curriculum adopted by the governing authority of the community 380  
school rather than the curriculum specified in Title XXXIII of 381  
the Revised Code or any rules of the department. Beginning with 382  
students who enter ninth grade for the first time on or after 383  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 384  
of the Revised Code that a person must successfully complete the 385  
curriculum of a high school prior to receiving a high school 386

diploma shall be met by completing the requirements prescribed 387  
in section 3313.6027 and division (C) of section 3313.603 of the 388  
Revised Code, unless the person qualifies under division (D) or 389  
(F) of that section. Each school shall comply with the plan for 390  
awarding high school credit based on demonstration of subject 391  
area competency, and beginning with the 2017-2018 school year, 392  
with the updated plan that permits students enrolled in seventh 393  
and eighth grade to meet curriculum requirements based on 394  
subject area competency adopted by the department under 395  
divisions (J) (1) and (2) of section 3313.603 of the Revised 396  
Code. Beginning with the 2018-2019 school year, the school shall 397  
comply with the framework for granting units of high school 398  
credit to students who demonstrate subject area competency 399  
through work-based learning experiences, internships, or 400  
cooperative education developed by the department under division 401  
(J) (3) of section 3313.603 of the Revised Code. 402

(g) The school governing authority will submit within four 403  
months after the end of each school year a report of its 404  
activities and progress in meeting the goals and standards of 405  
divisions (A) (3) and (4) of this section and its financial 406  
status to the sponsor and the parents of all students enrolled 407  
in the school. 408

(h) The school, unless it is an internet- or computer- 409  
based community school, will comply with section 3313.801 of the 410  
Revised Code as if it were a school district. 411

(i) If the school is the recipient of moneys from a grant 412  
awarded under the federal race to the top program, Division (A), 413  
Title XIV, Sections 14005 and 14006 of the "American Recovery 414  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 415  
the school will pay teachers based upon performance in 416

accordance with section 3317.141 and will comply with section 417  
3319.111 of the Revised Code as if it were a school district. 418

(j) If the school operates a preschool program that is 419  
licensed by the department under sections 3301.52 to 3301.59 of 420  
the Revised Code, the school shall comply with sections 3301.50 421  
to 3301.59 of the Revised Code and the minimum standards for 422  
preschool programs prescribed in rules adopted by the department 423  
of children and youth under section 3301.53 of the Revised Code. 424

(k) The school will comply with sections 3313.6021 and 425  
3313.6023 of the Revised Code as if it were a school district 426  
unless it is either of the following: 427

(i) An internet- or computer-based community school; 428

(ii) A community school in which a majority of the 429  
enrolled students are children with disabilities as described in 430  
division (B) (2) of section 3314.35 of the Revised Code. 431

(l) The school will comply with section 3321.191 of the 432  
Revised Code, unless it is an internet- or computer-based 433  
community school that is subject to section 3314.261 of the 434  
Revised Code. 435

(12) Arrangements for providing health and other benefits 436  
to employees; 437

(13) The length of the contract, which shall begin at the 438  
beginning of an academic year. No contract shall exceed five 439  
years unless such contract has been renewed pursuant to division 440  
(E) of this section. 441

(14) The governing authority of the school, which shall be 442  
responsible for carrying out the provisions of the contract; 443

(15) A financial plan detailing an estimated school budget 444

for each year of the period of the contract and specifying the 445  
total estimated per pupil expenditure amount for each such year. 446

(16) Requirements and procedures regarding the disposition 447  
of employees of the school in the event the contract is 448  
terminated or not renewed pursuant to section 3314.07 of the 449  
Revised Code; 450

(17) Whether the school is to be created by converting all 451  
or part of an existing public school or educational service 452  
center building or is to be a new start-up school, and if it is 453  
a converted public school or service center building, 454  
specification of any duties or responsibilities of an employer 455  
that the board of education or service center governing board 456  
that operated the school or building before conversion is 457  
delegating to the governing authority of the community school 458  
with respect to all or any specified group of employees provided 459  
the delegation is not prohibited by a collective bargaining 460  
agreement applicable to such employees; 461

(18) Provisions establishing procedures for resolving 462  
disputes or differences of opinion between the sponsor and the 463  
governing authority of the community school; 464

(19) A provision requiring the governing authority to 465  
adopt a policy regarding the admission of students who reside 466  
outside the district in which the school is located. That policy 467  
shall comply with the admissions procedures specified in 468  
sections 3314.06 and 3314.061 of the Revised Code and, at the 469  
sole discretion of the authority, shall do one of the following: 470

(a) Prohibit the enrollment of students who reside outside 471  
the district in which the school is located; 472

(b) Permit the enrollment of students who reside in 473

districts adjacent to the district in which the school is	474
located;	475
(c) Permit the enrollment of students who reside in any	476
other district in the state.	477
(20) A provision recognizing the authority of the	478
department to take over the sponsorship of the school in	479
accordance with the provisions of division (C) of section	480
3314.015 of the Revised Code;	481
(21) A provision recognizing the sponsor's authority to	482
assume the operation of a school under the conditions specified	483
in division (B) of section 3314.073 of the Revised Code;	484
(22) A provision recognizing both of the following:	485
(a) The authority of public health and safety officials to	486
inspect the facilities of the school and to order the facilities	487
closed if those officials find that the facilities are not in	488
compliance with health and safety laws and regulations;	489
(b) The authority of the department as the community	490
school oversight body to suspend the operation of the school	491
under section 3314.072 of the Revised Code if the department has	492
evidence of conditions or violations of law at the school that	493
pose an imminent danger to the health and safety of the school's	494
students and employees and the sponsor refuses to take such	495
action.	496
(23) A description of the learning opportunities that will	497
be offered to students including both classroom-based and non-	498
classroom-based learning opportunities that is in compliance	499
with criteria for student participation established by the	500
department under division (H) (2) of section 3314.08 of the	501
Revised Code;	502

(24) The school will comply with sections 3302.04 and 503  
3302.041 of the Revised Code, except that any action required to 504  
be taken by a school district pursuant to those sections shall 505  
be taken by the sponsor of the school. 506

(25) Beginning in the 2006-2007 school year, the school 507  
will open for operation not later than the thirtieth day of 508  
September each school year, unless the mission of the school as 509  
specified under division (A) (2) of this section is solely to 510  
serve dropouts. In its initial year of operation, if the school 511  
fails to open by the thirtieth day of September, or within one 512  
year after the adoption of the contract pursuant to division (D) 513  
of section 3314.02 of the Revised Code if the mission of the 514  
school is solely to serve dropouts, the contract shall be void. 515

(26) Whether the school's governing authority is planning 516  
to seek designation for the school as a STEM school equivalent 517  
under section 3326.032 of the Revised Code; 518

(27) That the school's attendance and participation 519  
policies will be available for public inspection; 520

(28) That the school's attendance and participation 521  
records shall be made available to the department, auditor of 522  
state, and school's sponsor to the extent permitted under and in 523  
accordance with the "Family Educational Rights and Privacy Act 524  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 525  
regulations promulgated under that act, and section 3319.321 of 526  
the Revised Code; 527

(29) If a school operates using the blended learning 528  
model, as defined in section 3301.079 of the Revised Code, all 529  
of the following information: 530

(a) An indication of what blended learning model or models 531

will be used;	532
(b) A description of how student instructional needs will be determined and documented;	533 534
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	535 536
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	537 538 539
(e) A statement describing how student progress will be monitored;	540 541
(f) A statement describing how private student data will be protected;	542 543
(g) A description of the professional development activities that will be offered to teachers.	544 545
(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;	546 547 548 549
(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.	550 551 552 553 554
(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.	555 556 557 558 559

(33) A provision requiring the governing authority to 560  
adopt a student residence and address verification policy for 561  
students enrolling in or attending the school. 562

(B) The community school shall also submit to the sponsor 563  
a comprehensive plan for the school. The plan shall specify the 564  
following: 565

(1) The process by which the governing authority of the 566  
school will be selected in the future; 567

(2) The management and administration of the school; 568

(3) If the community school is a currently existing public 569  
school or educational service center building, alternative 570  
arrangements for current public school students who choose not 571  
to attend the converted school and for teachers who choose not 572  
to teach in the school or building after conversion; 573

(4) The instructional program and educational philosophy 574  
of the school; 575

(5) Internal financial controls. 576

When submitting the plan under this division, the school 577  
shall also submit copies of all policies and procedures 578  
regarding internal financial controls adopted by the governing 579  
authority of the school. 580

(C) A contract entered into under section 3314.02 of the 581  
Revised Code between a sponsor and the governing authority of a 582  
community school may provide for the community school governing 583  
authority to make payments to the sponsor, which is hereby 584  
authorized to receive such payments as set forth in the contract 585  
between the governing authority and the sponsor. The total 586  
amount of such payments for monitoring, oversight, and technical 587

assistance of the school shall not exceed three per cent of the 588  
total amount of payments for operating expenses that the school 589  
receives from the state. 590

(D) The contract shall specify the duties of the sponsor 591  
which shall be in accordance with the written agreement entered 592  
into with the department under division (B) of section 3314.015 593  
of the Revised Code and shall include the following: 594

(1) Monitor the community school's compliance with all 595  
laws applicable to the school and with the terms of the 596  
contract; 597

(2) Monitor and evaluate the academic and fiscal 598  
performance and the organization and operation of the community 599  
school on at least an annual basis; 600

(3) Provide technical assistance to the community school 601  
in complying with laws applicable to the school and terms of the 602  
contract; 603

(4) Take steps to intervene in the school's operation to 604  
correct problems in the school's overall performance, declare 605  
the school to be on probationary status pursuant to section 606  
3314.073 of the Revised Code, suspend the operation of the 607  
school pursuant to section 3314.072 of the Revised Code, or 608  
terminate the contract of the school pursuant to section 3314.07 609  
of the Revised Code as determined necessary by the sponsor; 610

(5) Have in place a plan of action to be undertaken in the 611  
event the community school experiences financial difficulties or 612  
closes prior to the end of a school year. 613

(E) Upon the expiration of a contract entered into under 614  
this section, the sponsor of a community school may, with the 615  
approval of the governing authority of the school, renew that 616

contract for a period of time determined by the sponsor, but not 617  
ending earlier than the end of any school year, if the sponsor 618  
finds that the school's compliance with applicable laws and 619  
terms of the contract and the school's progress in meeting the 620  
academic goals prescribed in the contract have been 621  
satisfactory. Any contract that is renewed under this division 622  
remains subject to the provisions of sections 3314.07, 3314.072, 623  
and 3314.073 of the Revised Code. 624

(F) If a community school fails to open for operation 625  
within one year after the contract entered into under this 626  
section is adopted pursuant to division (D) of section 3314.02 627  
of the Revised Code or permanently closes prior to the 628  
expiration of the contract, the contract shall be void and the 629  
school shall not enter into a contract with any other sponsor. A 630  
school shall not be considered permanently closed because the 631  
operations of the school have been suspended pursuant to section 632  
3314.072 of the Revised Code. 633

**Sec. 3326.11.** Each science, technology, engineering, and 634  
mathematics school established under this chapter and its 635  
governing body shall comply with sections 9.90, 9.91, 109.65, 636  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 637  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 638  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 639  
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 640  
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 641  
3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 642  
3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.61, 3313.611, 643  
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 644  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 645  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 646  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 647

3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 648  
3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 649  
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 650  
3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 651  
3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 652  
3319.393, 3319.41, 3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 653  
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 654  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 655  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 656  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 657  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 658  
as if it were a school district. 659

**Section 2.** That existing sections 3313.6022, 3314.03, and 660  
3326.11 of the Revised Code are hereby repealed. 661

**Section 3.** Sections 3313.473, 3314.03, and 3326.11 of the 662  
Revised Code, as amended or enacted by this act, shall be known 663  
as the Parents' Bill of Rights. 664

**Section 4.** The General Assembly, applying the principle 665  
stated in division (B) of section 1.52 of the Revised Code that 666  
amendments are to be harmonized if reasonably capable of 667  
simultaneous operation, finds that the following sections, 668  
presented in this act as composites of the sections as amended 669  
by the acts indicated, are the resulting versions of the 670  
sections in effect prior to the effective date of the sections 671  
as presented in this act: 672

Section 3314.03 of the Revised Code as amended by H.B. 673  
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 674

Section 3326.11 of the Revised Code as amended by H.B. 47, 675  
H.B. 214, and S.B. 168, all of the 135th General Assembly. 676