

As Introduced

136th General Assembly

Regular Session

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H. B. No. 190

Representatives Newman, Williams

Cosponsors: Representatives Dean, Gross, Click, Mullins

To amend sections 3313.473, 3314.03, 3326.11, and
3328.24 and to enact section 3313.475 of the
Revised Code to enact the Given Name Act
regarding the use of gender pronouns in public
schools.

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

Section 1. That sections 3313.473, 3314.03, 3326.11, and
3328.24 be amended and section 3313.475 of the Revised Code be
enacted to read as follows:

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

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(B) Not later than ~~the first day of July following the~~
~~effective date of this section~~ July 1, 2025, the board of
education of each city, local, exempted village, and joint
vocational school district shall develop and adopt a policy to
promote parental involvement in the public school system. The
policy shall require a school district to do all of the
following:

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(1) (a) Ensure that any sexuality content is age-

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appropriate and developmentally appropriate for the age of the 20
student receiving the instruction, regardless of the age or 21
grade level of the student. 22

(b) Prior to providing instruction that includes sexuality 23
content or permitting a third party to provide such instruction 24
on behalf of the district, provide parents the opportunity to 25
review any instructional material that includes sexuality 26
content. Upon request of the student's parent, a student shall 27
be excused from instruction that includes sexuality content and 28
be permitted to participate in an alternative assignment. 29

(2) Promptly notify a student's parent of any substantial 30
change in the student's services, including counseling services, 31
or monitoring related to the student's mental, emotional, or 32
physical health or well-being or the school's ability to provide 33
a safe and supportive learning environment for the student. The 34
policy shall specify in what manner a student's parent will be 35
notified of any substantial change in the student's services. 36

The policy shall specify that notice to parents shall 37
reinforce the fundamental right of parents to make decisions 38
regarding the upbringing and control of their children, and that 39
the school district shall not inhibit parental access to the 40
student's education and health records maintained by the school. 41

(3) Prohibit school district personnel from directly or 42
indirectly encouraging a student to withhold from a parent 43
information concerning the student's mental, emotional, or 44
physical health or well-being, or a change in related services 45
or monitoring. 46

The policy shall prohibit school district personnel from 47
discouraging or prohibiting parental notification of and 48

involvement in decisions affecting a student's mental, 49
emotional, or physical health or well-being. 50

(4) Adopt a procedure to obtain authorization from parents 51
prior to providing any type of health care service to the 52
student, including physical, mental, and behavioral health care 53
services. Under the procedure, a parent may choose whether to 54
authorize a district to provide a health care service to the 55
parent's child. The procedure shall require the school district 56
to do both of the following: 57

(a) At the beginning of the school year, notify parents of 58
each health care service offered at, or facilitated in 59
cooperation with, their student's school and their option to 60
withhold consent or decline any specified service. Parental 61
consent to health care services does not waive the parent's 62
right to access the parent's student's educational or health 63
records or to be notified about a change in the student's 64
services or monitoring as provided in this section. 65

(b) Prior to providing a health care service to a student, 66
notify a parent whether the service is required to be provided 67
by the school district under state law and if other options for 68
a student to access the service exist. This requirement may be 69
satisfied by an annual notice to parents at the beginning of the 70
school year. 71

Division (B) (4) of this section does not apply to 72
emergency situations, first aid, other unanticipated minor 73
health care services, or health care services provided pursuant 74
to a student's IEP or a school district's obligation under 75
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 76

(5) Permit a parent to file with a school principal or 77

assistant principal a written concern regarding a topic 78
addressed in this section. The policy shall establish a process 79
for a principal or assistant principal to resolve such concerns 80
within thirty days after their receipt. Under the policy, school 81
districts shall notify parents of their right to file a written 82
concern. A parent may appeal a principal's or assistant 83
principal's decision to the superintendent of that district. 84

If a parent appeals the principal's or assistant 85
principal's decision, the superintendent, or a designee of the 86
superintendent, shall conduct a hearing on the decision. Based 87
on the findings of that hearing, the superintendent shall decide 88
whether to affirm the principal's or assistant principal's 89
decision. If the superintendent does not affirm the decision, 90
the superintendent shall determine a resolution to the parent's 91
concern. A parent may appeal the superintendent's decision to 92
the board of education of the school district. The board shall 93
review the superintendent's decision and, if the board 94
determines it necessary, hold a hearing on the decision and, 95
based on that hearing, either affirm the superintendent's 96
decision or determine a new resolution to the parent's concern. 97

Nothing in division (B) (5) of this section shall prevent a 98
parent from contacting a member of a board of education 99
regarding the parent's concerns with the operation of a school 100
under the supervision of that board. 101

(6) Ensure full compliance with the requirements 102
prescribed under section 3313.475 of the Revised Code and 103
describe a parent's or guardian's right to a cause of action 104
under division (G) of that section. 105

(C) Each school district shall make its policy adopted 106
under this section publicly available and post it prominently on 107

its publicly accessible web site, if it has one. 108

(D) This section does not prescribe all rights of parents 109
or preempt or foreclose claims or remedies in support of 110
parental rights that are available under the constitution, 111
statutes, or common law of this state. 112

(E) No school district or third party acting on behalf of 113
a district shall provide instruction that includes sexuality 114
content to students in grades kindergarten through three. 115

(F) (1) Nothing in this section shall require disclosure or 116
activity that is in conflict with or in violation of any of the 117
following: 118

(a) The HIPAA privacy rule; 119

(b) Chapter 3798. of the Revised Code; 120

(c) Section 2317.02, 4732.19, or 5122.04 of the Revised 121
Code; 122

(d) The "Family Educational Rights and Privacy Act of 123
1974," 20 U.S.C. 1232g; 124

(e) Ohio Constitution, Article I, Section 10a and any laws 125
enacted to implement that section, including sections 2930.07 126
and 2930.10 of the Revised Code. 127

(2) Nothing in this section requires disclosure or 128
activity in violation of any court order, including any of the 129
following: 130

(a) A condition of bond; 131

(b) A protection order or consent agreement issued 132
pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 133
3113.31 of the Revised Code; 134

(c) A condition of a community control sanction, post-release control sanction, or parole.	135 136
(3) Nothing in this section requires disclosure or activity in violation of a specific request for nondisclosure made pursuant to a criminal investigation or grand jury subpoena in which the student is the victim and a parent is the alleged perpetrator.	137 138 139 140 141
(4) Nothing in this section prohibits or prevents mandatory reporting under section 2151.421 of the Revised Code.	142 143
(5) Nothing in this section prohibits or limits the career and academic mentoring and counseling between teachers and students in the regular course of the school day.	144 145 146
(G) As used in this section:	147
(1) "Biological sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and unambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.	148 149 150 151 152
(2) "HIPAA privacy rule" has the same meaning as in section 3798.01 of the Revised Code.	153 154
(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	155 156
(4) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	157 158
(5) "Sexuality content" means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting.	159 160 161

"Sexuality content" does not mean any of the following:	162
(a) Instruction or presentations in sexually transmitted	163
infection education, child sexual abuse prevention, and sexual	164
violence prevention education provided under division (A) (5) of	165
section 3313.60 or section 3314.0310 or 3326.091 of the Revised	166
Code;	167
(b) Instruction or presentations in sexually transmitted	168
infection education emphasizing abstinence provided under	169
section 3313.6011 of the Revised Code;	170
(c) Incidental references to sexual concepts or gender	171
ideology occurring outside of formal instruction or	172
presentations on such topics, including references made during	173
class participation and in schoolwork.	174
(6) "Student's mental, emotional, or physical health or	175
well-being" includes, at a minimum, any of the following:	176
(a) A student's academic performance;	177
(b) Any significant sickness or physical injury, or any	178
psychological trauma suffered by a student;	179
(c) Any harassment, intimidation, or bullying, as defined	180
in section 3313.666 of the Revised Code, by or against a student	181
in violation of school district policy;	182
(d) Any request by a student to identify as a gender that	183
does not align with the student's biological sex;	184
(e) Exhibition of suicidal ideation or persistent symptoms	185
of depression, or severe anxiety, or other mental health issues.	186
(7) "Age-appropriate" and "developmentally appropriate"	187
content refers to activities or items that are generally	188

accepted as suitable for children of the same chronological age 189
or level of maturity or that are determined to be 190
developmentally appropriate for a child, based on the 191
development of cognitive, emotional, physical, and behavioral 192
capacities that are typical for an age or age group. 193

Sec. 3313.475. (A) As used in this section: 194

(1) "Biological sex" means the biological indication of 195
male and female in the context of reproductive potential or 196
capacity, such as sex chromosomes, naturally occurring sex 197
hormones, gonads, and nonambiguous internal and external 198
genitalia as listed on an individual's official birth 199
certificate or certificate of birth issued upon adoption, if the 200
certificate of birth was issued at or near the time of the 201
individual's birth. 202

(2) "Contractor" means any individual working in any 203
capacity for any public school through a contract between any 204
such school or board of education or employee or contractor of 205
or member of any school or board of education and that 206
individual or that individual's employer. 207

(3) "Employee" means any individual working in any 208
capacity, whether performance of such work is voluntary or paid, 209
including teachers, administrators, janitors, cafeteria workers, 210
or other individuals working at any public school. 211

(4) "Public school" means any of the following that offers 212
any of grades prekindergarten through twelve: 213

(a) A school district; 214

(b) A community school established under Chapter 3314. of 215
the Revised Code; 216

<u>(c) A STEM school established under Chapter 3326. of the</u>	217
<u>Revised Code;</u>	218
<u>(d) A college-preparatory boarding school established</u>	219
<u>under Chapter 3328.24 of the Revised Code.</u>	220
<u>(B) (1) A public school employee or contractor, regardless</u>	221
<u>of the scope of the employee's or contractor's official duties,</u>	222
<u>shall not knowingly and intentionally address an unemancipated</u>	223
<u>student under the age of eighteen by any of the following:</u>	224
<u>(a) A name other than the name listed on the student's</u>	225
<u>birth certificate, or a derivative of the name listed on the</u>	226
<u>student's birth certificate, without the written permission of</u>	227
<u>the student's parent, legal guardian, or custodian;</u>	228
<u>(b) A pronoun or title that is inconsistent with the</u>	229
<u>student's biological sex unless the employee or contractor has</u>	230
<u>the written permission of the student's parent, legal guardian,</u>	231
<u>or custodian.</u>	232
<u>(2) A public school employee or contractor, regardless of</u>	233
<u>the scope of the employee's or contractor's official duties,</u>	234
<u>shall not do any of the following:</u>	235
<u>(a) Inform students of the employee's or contractor's</u>	236
<u>pronouns or title if the pronouns or title are inconsistent with</u>	237
<u>the employee's or contractor's biological sex;</u>	238
<u>(b) Request that a student provide preferred pronouns or a</u>	239
<u>title that are inconsistent with the student's biological sex;</u>	240
<u>(c) Penalize or otherwise subject a student to adverse or</u>	241
<u>discriminatory treatment for failing to respond to a request to</u>	242
<u>provide the student's preferred name, pronoun, or title.</u>	243
<u>(C) If a student requests an accommodation from a public</u>	244

school employee or contractor that is intended to affirm the 245
student's gender identity, including a request that the employee 246
or contractor address the student by a name, pronoun, or title 247
that is inconsistent with the student's biological sex, the 248
employee or contractor shall report that request to a school 249
administrator, and the school administrator shall report the 250
student's request to the student's parent. 251

(D) A public school shall not do any of the following: 252

(1) Require a public school employee or contractor to 253
address any individual using a name other than the individual's 254
legal name, or a derivative of that name, or by a pronoun or 255
title that is inconsistent with the individual's biological sex; 256

(2) Subject an employee or contractor to adverse 257
employment action for declining to provide the employee's or 258
contractor's pronouns or to address any individual using a name 259
other than the individual's legal name, or a derivative of that 260
name, or by a pronoun or title that is inconsistent with the 261
individual's biological sex; 262

(3) Penalize or otherwise subject a student to adverse or 263
discriminatory treatment for declining to identify the student's 264
pronouns or to address any individual using a name other than 265
the individual's legal name, or a derivative of that name, or by 266
a pronoun or title that is inconsistent with the individual's 267
biological sex. 268

(E) Nothing in this section shall be construed to prohibit 269
employees or contractors from discussing any matters of public 270
concern outside the context of their official duties. 271

(F) The department of education and workforce shall 272
establish a procedure under which an individual may submit a 273

complaint about an alleged violation of this section by a public 274
school or its employee or contractor. The department shall 275
conduct an investigation regarding the complaint and submit a 276
report of its findings to the director of education and 277
workforce. If the director determines the school or its employee 278
violated this section, the department shall withhold ten per 279
cent of the school's state foundation aid under Chapter 3317. of 280
the Revised Code each month until such time that the school is 281
confirmed by the director to be in compliance with this section. 282
A school in violation of this section shall report back to the 283
director within forty-five days after the department determines 284
the school or it's employee violated the section to affirm it is 285
in compliance with this section. 286

(G) When a school or its employee knowingly violates 287
division (B) of this section a parent or guardian may bring a 288
cause of action for the following: 289

(1) Injunctive relief; 290

(2) Reasonable attorney's fees and costs. 291

Sec. 3314.03. A copy of every contract entered into under 292
this section shall be filed with the director of education and 293
workforce. The department of education and workforce shall make 294
available on its web site a copy of every approved, executed 295
contract filed with the director under this section. 296

(A) Each contract entered into between a sponsor and the 297
governing authority of a community school shall specify the 298
following: 299

(1) That the school shall be established as either of the 300
following: 301

(a) A nonprofit corporation established under Chapter 302

1702. of the Revised Code, if established prior to April 8, 303
2003; 304

(b) A public benefit corporation established under Chapter 305
1702. of the Revised Code, if established after April 8, 2003. 306

(2) The education program of the school, including the 307
school's mission, the characteristics of the students the school 308
is expected to attract, the ages and grades of students, and the 309
focus of the curriculum; 310

(3) The academic goals to be achieved and the method of 311
measurement that will be used to determine progress toward those 312
goals, which shall include the statewide achievement 313
assessments; 314

(4) Performance standards, including but not limited to 315
all applicable report card measures set forth in section 3302.03 316
or 3314.017 of the Revised Code, by which the success of the 317
school will be evaluated by the sponsor; 318

(5) The admission standards of section 3314.06 of the 319
Revised Code and, if applicable, section 3314.061 of the Revised 320
Code; 321

(6) (a) Dismissal procedures; 322

(b) A requirement that the governing authority adopt an 323
attendance policy that includes a procedure for automatically 324
withdrawing a student from the school if the student without a 325
legitimate excuse fails to participate in seventy-two 326
consecutive hours of the learning opportunities offered to the 327
student. 328

(7) The ways by which the school will achieve racial and 329
ethnic balance reflective of the community it serves; 330

(8) Requirements for financial audits by the auditor of 331
state. The contract shall require financial records of the 332
school to be maintained in the same manner as are financial 333
records of school districts, pursuant to rules of the auditor of 334
state. Audits shall be conducted in accordance with section 335
117.10 of the Revised Code. 336

(9) An addendum to the contract outlining the facilities 337
to be used that contains at least the following information: 338

(a) A detailed description of each facility used for 339
instructional purposes; 340

(b) The annual costs associated with leasing each facility 341
that are paid by or on behalf of the school; 342

(c) The annual mortgage principal and interest payments 343
that are paid by the school; 344

(d) The name of the lender or landlord, identified as 345
such, and the lender's or landlord's relationship to the 346
operator, if any. 347

(10) Qualifications of employees, including both of the 348
following: 349

(a) A requirement that the school's classroom teachers be 350
licensed in accordance with sections 3319.22 to 3319.31 of the 351
Revised Code, except that a community school may engage 352
noncertificated persons to teach up to twelve hours or forty 353
hours per week pursuant to section 3319.301 of the Revised Code; 354

(b) A prohibition against the school employing an 355
individual described in section 3314.104 of the Revised Code in 356
any position. 357

(11) That the school will comply with the following 358

requirements: 359

(a) The school will provide learning opportunities to a 360
minimum of twenty-five students for a minimum of nine hundred 361
twenty hours per school year. 362

(b) The governing authority will purchase liability 363
insurance, or otherwise provide for the potential liability of 364
the school. 365

(c) The school will be nonsectarian in its programs, 366
admission policies, employment practices, and all other 367
operations, and will not be operated by a sectarian school or 368
religious institution. 369

(d) The school will comply with sections 9.90, 9.91, 370
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 371
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 372
3313.472, 3313.473, 3313.474, 3313.475, 3313.50, 3313.539, 373
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 374
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 375
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 376
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 377
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 378
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 379
3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 380
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 381
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 382
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 383
3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 384
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 385
3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 386
5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 387
2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the 388

Revised Code as if it were a school district and will comply 389
with section 3301.0714 of the Revised Code in the manner 390
specified in section 3314.17 of the Revised Code. 391

(e) The school shall comply with Chapter 102. and section 392
2921.42 of the Revised Code. 393

(f) The school will comply with sections 3313.61, 394
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 395
Revised Code, except that for students who enter ninth grade for 396
the first time before July 1, 2010, the requirement in sections 397
3313.61 and 3313.611 of the Revised Code that a person must 398
successfully complete the curriculum in any high school prior to 399
receiving a high school diploma may be met by completing the 400
curriculum adopted by the governing authority of the community 401
school rather than the curriculum specified in Title XXXIII of 402
the Revised Code or any rules of the department. Beginning with 403
students who enter ninth grade for the first time on or after 404
July 1, 2010, the requirement in sections 3313.61 and 3313.611 405
of the Revised Code that a person must successfully complete the 406
curriculum of a high school prior to receiving a high school 407
diploma shall be met by completing the requirements prescribed 408
in section 3313.6027 and division (C) of section 3313.603 of the 409
Revised Code, unless the person qualifies under division (D) or 410
(F) of that section. Each school shall comply with the plan for 411
awarding high school credit based on demonstration of subject 412
area competency, and beginning with the 2017-2018 school year, 413
with the updated plan that permits students enrolled in seventh 414
and eighth grade to meet curriculum requirements based on 415
subject area competency adopted by the department under 416
divisions (J) (1) and (2) of section 3313.603 of the Revised 417
Code. Beginning with the 2018-2019 school year, the school shall 418
comply with the framework for granting units of high school 419

credit to students who demonstrate subject area competency 420
through work-based learning experiences, internships, or 421
cooperative education developed by the department under division 422
(J) (3) of section 3313.603 of the Revised Code. 423

(g) The school governing authority will submit within four 424
months after the end of each school year a report of its 425
activities and progress in meeting the goals and standards of 426
divisions (A) (3) and (4) of this section and its financial 427
status to the sponsor and the parents of all students enrolled 428
in the school. 429

(h) The school, unless it is an internet- or computer- 430
based community school, will comply with section 3313.801 of the 431
Revised Code as if it were a school district. 432

(i) If the school is the recipient of moneys from a grant 433
awarded under the federal race to the top program, Division (A), 434
Title XIV, Sections 14005 and 14006 of the "American Recovery 435
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 436
the school will pay teachers based upon performance in 437
accordance with section 3317.141 and will comply with section 438
3319.111 of the Revised Code as if it were a school district. 439

(j) If the school operates a preschool program that is 440
licensed by the department under sections 3301.52 to 3301.59 of 441
the Revised Code, the school shall comply with sections 3301.50 442
to 3301.59 of the Revised Code and the minimum standards for 443
preschool programs prescribed in rules adopted by the department 444
of children and youth under section 3301.53 of the Revised Code. 445

(k) The school will comply with sections 3313.6021 and 446
3313.6023 of the Revised Code as if it were a school district 447
unless it is either of the following: 448

- (i) An internet- or computer-based community school; 449
- (ii) A community school in which a majority of the 450
enrolled students are children with disabilities as described in 451
division (B) (2) of section 3314.35 of the Revised Code. 452
- (1) The school will comply with section 3321.191 of the 453
Revised Code, unless it is an internet- or computer-based 454
community school that is subject to section 3314.261 of the 455
Revised Code. 456
- (12) Arrangements for providing health and other benefits 457
to employees; 458
- (13) The length of the contract, which shall begin at the 459
beginning of an academic year. No contract shall exceed five 460
years unless such contract has been renewed pursuant to division 461
(E) of this section. 462
- (14) The governing authority of the school, which shall be 463
responsible for carrying out the provisions of the contract; 464
- (15) A financial plan detailing an estimated school budget 465
for each year of the period of the contract and specifying the 466
total estimated per pupil expenditure amount for each such year. 467
- (16) Requirements and procedures regarding the disposition 468
of employees of the school in the event the contract is 469
terminated or not renewed pursuant to section 3314.07 of the 470
Revised Code; 471
- (17) Whether the school is to be created by converting all 472
or part of an existing public school or educational service 473
center building or is to be a new start-up school, and if it is 474
a converted public school or service center building, 475
specification of any duties or responsibilities of an employer 476

that the board of education or service center governing board 477
that operated the school or building before conversion is 478
delegating to the governing authority of the community school 479
with respect to all or any specified group of employees provided 480
the delegation is not prohibited by a collective bargaining 481
agreement applicable to such employees; 482

(18) Provisions establishing procedures for resolving 483
disputes or differences of opinion between the sponsor and the 484
governing authority of the community school; 485

(19) A provision requiring the governing authority to 486
adopt a policy regarding the admission of students who reside 487
outside the district in which the school is located. That policy 488
shall comply with the admissions procedures specified in 489
sections 3314.06 and 3314.061 of the Revised Code and, at the 490
sole discretion of the authority, shall do one of the following: 491

(a) Prohibit the enrollment of students who reside outside 492
the district in which the school is located; 493

(b) Permit the enrollment of students who reside in 494
districts adjacent to the district in which the school is 495
located; 496

(c) Permit the enrollment of students who reside in any 497
other district in the state. 498

(20) A provision recognizing the authority of the 499
department to take over the sponsorship of the school in 500
accordance with the provisions of division (C) of section 501
3314.015 of the Revised Code; 502

(21) A provision recognizing the sponsor's authority to 503
assume the operation of a school under the conditions specified 504
in division (B) of section 3314.073 of the Revised Code; 505

(22) A provision recognizing both of the following: 506

(a) The authority of public health and safety officials to 507
inspect the facilities of the school and to order the facilities 508
closed if those officials find that the facilities are not in 509
compliance with health and safety laws and regulations; 510

(b) The authority of the department as the community 511
school oversight body to suspend the operation of the school 512
under section 3314.072 of the Revised Code if the department has 513
evidence of conditions or violations of law at the school that 514
pose an imminent danger to the health and safety of the school's 515
students and employees and the sponsor refuses to take such 516
action. 517

(23) A description of the learning opportunities that will 518
be offered to students including both classroom-based and non- 519
classroom-based learning opportunities that is in compliance 520
with criteria for student participation established by the 521
department under division (H) (2) of section 3314.08 of the 522
Revised Code; 523

(24) The school will comply with sections 3302.04 and 524
3302.041 of the Revised Code, except that any action required to 525
be taken by a school district pursuant to those sections shall 526
be taken by the sponsor of the school. 527

(25) Beginning in the 2006-2007 school year, the school 528
will open for operation not later than the thirtieth day of 529
September each school year, unless the mission of the school as 530
specified under division (A) (2) of this section is solely to 531
serve dropouts. In its initial year of operation, if the school 532
fails to open by the thirtieth day of September, or within one 533
year after the adoption of the contract pursuant to division (D) 534

of section 3314.02 of the Revised Code if the mission of the 535
school is solely to serve dropouts, the contract shall be void. 536

(26) Whether the school's governing authority is planning 537
to seek designation for the school as a STEM school equivalent 538
under section 3326.032 of the Revised Code; 539

(27) That the school's attendance and participation 540
policies will be available for public inspection; 541

(28) That the school's attendance and participation 542
records shall be made available to the department, auditor of 543
state, and school's sponsor to the extent permitted under and in 544
accordance with the "Family Educational Rights and Privacy Act 545
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 546
regulations promulgated under that act, and section 3319.321 of 547
the Revised Code; 548

(29) If a school operates using the blended learning 549
model, as defined in section 3301.079 of the Revised Code, all 550
of the following information: 551

(a) An indication of what blended learning model or models 552
will be used; 553

(b) A description of how student instructional needs will 554
be determined and documented; 555

(c) The method to be used for determining competency, 556
granting credit, and promoting students to a higher grade level; 557

(d) The school's attendance requirements, including how 558
the school will document participation in learning 559
opportunities; 560

(e) A statement describing how student progress will be 561
monitored; 562

(f) A statement describing how private student data will 563
be protected; 564

(g) A description of the professional development 565
activities that will be offered to teachers. 566

(30) A provision requiring that all moneys the school's 567
operator loans to the school, including facilities loans or cash 568
flow assistance, must be accounted for, documented, and bear 569
interest at a fair market rate; 570

(31) A provision requiring that, if the governing 571
authority contracts with an attorney, accountant, or entity 572
specializing in audits, the attorney, accountant, or entity 573
shall be independent from the operator with which the school has 574
contracted. 575

(32) A provision requiring the governing authority to 576
adopt an enrollment and attendance policy that requires a 577
student's parent to notify the community school in which the 578
student is enrolled when there is a change in the location of 579
the parent's or student's primary residence. 580

(33) A provision requiring the governing authority to 581
adopt a student residence and address verification policy for 582
students enrolling in or attending the school. 583

(B) The community school shall also submit to the sponsor 584
a comprehensive plan for the school. The plan shall specify the 585
following: 586

(1) The process by which the governing authority of the 587
school will be selected in the future; 588

(2) The management and administration of the school; 589

(3) If the community school is a currently existing public 590

school or educational service center building, alternative 591
arrangements for current public school students who choose not 592
to attend the converted school and for teachers who choose not 593
to teach in the school or building after conversion; 594

(4) The instructional program and educational philosophy 595
of the school; 596

(5) Internal financial controls. 597

When submitting the plan under this division, the school 598
shall also submit copies of all policies and procedures 599
regarding internal financial controls adopted by the governing 600
authority of the school. 601

(C) A contract entered into under section 3314.02 of the 602
Revised Code between a sponsor and the governing authority of a 603
community school may provide for the community school governing 604
authority to make payments to the sponsor, which is hereby 605
authorized to receive such payments as set forth in the contract 606
between the governing authority and the sponsor. The total 607
amount of such payments for monitoring, oversight, and technical 608
assistance of the school shall not exceed three per cent of the 609
total amount of payments for operating expenses that the school 610
receives from the state. 611

(D) The contract shall specify the duties of the sponsor 612
which shall be in accordance with the written agreement entered 613
into with the department under division (B) of section 3314.015 614
of the Revised Code and shall include the following: 615

(1) Monitor the community school's compliance with all 616
laws applicable to the school and with the terms of the 617
contract; 618

(2) Monitor and evaluate the academic and fiscal 619

performance and the organization and operation of the community 620
school on at least an annual basis; 621

(3) Provide technical assistance to the community school 622
in complying with laws applicable to the school and terms of the 623
contract; 624

(4) Take steps to intervene in the school's operation to 625
correct problems in the school's overall performance, declare 626
the school to be on probationary status pursuant to section 627
3314.073 of the Revised Code, suspend the operation of the 628
school pursuant to section 3314.072 of the Revised Code, or 629
terminate the contract of the school pursuant to section 3314.07 630
of the Revised Code as determined necessary by the sponsor; 631

(5) Have in place a plan of action to be undertaken in the 632
event the community school experiences financial difficulties or 633
closes prior to the end of a school year. 634

(E) Upon the expiration of a contract entered into under 635
this section, the sponsor of a community school may, with the 636
approval of the governing authority of the school, renew that 637
contract for a period of time determined by the sponsor, but not 638
ending earlier than the end of any school year, if the sponsor 639
finds that the school's compliance with applicable laws and 640
terms of the contract and the school's progress in meeting the 641
academic goals prescribed in the contract have been 642
satisfactory. Any contract that is renewed under this division 643
remains subject to the provisions of sections 3314.07, 3314.072, 644
and 3314.073 of the Revised Code. 645

(F) If a community school fails to open for operation 646
within one year after the contract entered into under this 647
section is adopted pursuant to division (D) of section 3314.02 648

of the Revised Code or permanently closes prior to the 649
expiration of the contract, the contract shall be void and the 650
school shall not enter into a contract with any other sponsor. A 651
school shall not be considered permanently closed because the 652
operations of the school have been suspended pursuant to section 653
3314.072 of the Revised Code. 654

Sec. 3326.11. Each science, technology, engineering, and 655
mathematics school established under this chapter and its 656
governing body shall comply with sections 9.90, 9.91, 109.65, 657
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 658
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 659
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 660
3313.473, 3313.474, 3313.475, 3313.48, 3313.481, 3313.482, 661
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 662
3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 663
3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.61, 664
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 665
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 666
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 667
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 668
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 669
3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 670
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 671
3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 672
3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 673
3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 674
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 675
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 676
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 677
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 678
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 679

4167. of the Revised Code as if it were a school district. 680

Sec. 3328.24. A college-preparatory boarding school 681
established under this chapter and its board of trustees shall 682
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 683
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.475, 684
3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 685
3313.6024, 3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 686
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 687
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 688
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 689
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 690
and 5502.262, and Chapter 3365. of the Revised Code as if the 691
school were a school district and the school's board of trustees 692
were a district board of education. 693

Section 2. That existing sections 3313.473, 3314.03, 694
3326.11, and 3328.24 of the Revised Code are hereby repealed. 695

Section 3. This act shall be known as The Given Name Act. 696

Section 4. The General Assembly, applying the principle 697
stated in division (B) of section 1.52 of the Revised Code that 698
amendments are to be harmonized if reasonably capable of 699
simultaneous operation, finds that the following sections, 700
presented in this act as composites of the sections as amended 701
by the acts indicated, are the resulting versions of the 702
sections in effect prior to the effective date of the sections 703
as presented in this act: 704

Section 3314.03 of the Revised Code as amended by H.B. 8, 705
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, 706
all of the 135th General Assembly. 707

Section 3326.11 of the Revised Code as amended by H.B. 8, 708

H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	709
all of the 135th General Assembly.	710
Section 3328.24 of the Revised Code as amended by both	711
S.B. 208 and S.B. 234 of the 135th General Assembly.	712