

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 322

Representatives Lorenz, Rogers

Cosponsors: Representatives Hall, T., Miller, K., Sigrist, Dovilla

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3313.6031 of the Revised Code
to require schools to administer the
Presidential Fitness Test and to name this act
the Ohio Fitness Test Act.

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be
amended and section 3313.6031 of the Revised Code be enacted to
read as follows:

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Sec. 3313.6031. (A) The department of education and
workforce shall establish an Ohio fitness test that is aligned
with the most recent iteration of the presidential physical
fitness test to assess the overall fitness of students in grades
one through twelve.

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The department shall provide an award for students that
meet or exceed the fiftieth and eighty-fifth percentiles in the
state on all test events and provide a participant award to
students who fall below the fiftieth percentile in the state on
one or more test events.

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(B) Each school district, community school established

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under Chapter 3314. of the Revised Code, STEM school established 20
under Chapter 3326. of the Revised Code, and college-preparatory 21
boarding school established under Chapter 3328. of the Revised 22
Code shall annually administer the Ohio fitness test established 23
by the department under this section to each student enrolled in 24
grades one through twelve. 25

Sec. 3314.03. A copy of every contract entered into under 26
this section shall be filed with the director of education and 27
workforce. The department of education and workforce shall make 28
available on its web site a copy of every approved, executed 29
contract filed with the director under this section. 30

(A) Each contract entered into between a sponsor and the 31
governing authority of a community school shall specify the 32
following: 33

(1) That the school shall be established as either of the 34
following: 35

(a) A nonprofit corporation established under Chapter 36
1702. of the Revised Code, if established prior to April 8, 37
2003; 38

(b) A public benefit corporation established under Chapter 39
1702. of the Revised Code, if established after April 8, 2003. 40

(2) The education program of the school, including the 41
school's mission, the characteristics of the students the school 42
is expected to attract, the ages and grades of students, and the 43
focus of the curriculum; 44

(3) The academic goals to be achieved and the method of 45
measurement that will be used to determine progress toward those 46
goals, which shall include the statewide achievement 47
assessments; 48

(4) Performance standards, including but not limited to 49
all applicable report card measures set forth in section 3302.03 50
or 3314.017 of the Revised Code, by which the success of the 51
school will be evaluated by the sponsor; 52

(5) The admission standards of section 3314.06 of the 53
Revised Code and, if applicable, section 3314.061 of the Revised 54
Code; 55

(6) (a) Dismissal procedures; 56

(b) A requirement that the governing authority adopt an 57
attendance policy that includes a procedure for automatically 58
withdrawing a student from the school if the student without a 59
legitimate excuse fails to participate in seventy-two 60
consecutive hours of the learning opportunities offered to the 61
student. 62

(7) The ways by which the school will achieve racial and 63
ethnic balance reflective of the community it serves; 64

(8) Requirements for financial audits by the auditor of 65
state. The contract shall require financial records of the 66
school to be maintained in the same manner as are financial 67
records of school districts, pursuant to rules of the auditor of 68
state. Audits shall be conducted in accordance with section 69
117.10 of the Revised Code. 70

(9) An addendum to the contract outlining the facilities 71
to be used that contains at least the following information: 72

(a) A detailed description of each facility used for 73
instructional purposes; 74

(b) The annual costs associated with leasing each facility 75
that are paid by or on behalf of the school; 76

(c) The annual mortgage principal and interest payments	77
that are paid by the school;	78
(d) The name of the lender or landlord, identified as	79
such, and the lender's or landlord's relationship to the	80
operator, if any.	81
(10) Qualifications of employees, including both of the	82
following:	83
(a) A requirement that the school's classroom teachers be	84
licensed in accordance with sections 3319.22 to 3319.31 of the	85
Revised Code, except that a community school may engage	86
noncertificated persons to teach up to twelve hours or forty	87
hours per week pursuant to section 3319.301 of the Revised Code;	88
(b) A prohibition against the school employing an	89
individual described in section 3314.104 of the Revised Code in	90
any position.	91
(11) That the school will comply with the following	92
requirements:	93
(a) The school will provide learning opportunities to a	94
minimum of twenty-five students for a minimum of nine hundred	95
twenty hours per school year.	96
(b) The governing authority will purchase liability	97
insurance, or otherwise provide for the potential liability of	98
the school.	99
(c) The school will be nonsectarian in its programs,	100
admission policies, employment practices, and all other	101
operations, and will not be operated by a sectarian school or	102
religious institution.	103
(d) The school will comply with sections 9.90, 9.91,	104

109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 105
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 106
3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 107
3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 108
3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 109
3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 3313.6413, 110
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 111
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 112
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 113
3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 114
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 115
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 116
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 117
3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 118
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 119
3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 120
5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 121
2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the 122
Revised Code as if it were a school district and will comply 123
with section 3301.0714 of the Revised Code in the manner 124
specified in section 3314.17 of the Revised Code. 125

(e) The school shall comply with Chapter 102. and section 126
2921.42 of the Revised Code. 127

(f) The school will comply with sections 3313.61, 128
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 129
Revised Code, except that for students who enter ninth grade for 130
the first time before July 1, 2010, the requirement in sections 131
3313.61 and 3313.611 of the Revised Code that a person must 132
successfully complete the curriculum in any high school prior to 133
receiving a high school diploma may be met by completing the 134
curriculum adopted by the governing authority of the community 135

school rather than the curriculum specified in Title XXXIII of 136
the Revised Code or any rules of the department. Beginning with 137
students who enter ninth grade for the first time on or after 138
July 1, 2010, the requirement in sections 3313.61 and 3313.611 139
of the Revised Code that a person must successfully complete the 140
curriculum of a high school prior to receiving a high school 141
diploma shall be met by completing the requirements prescribed 142
in section 3313.6027 and division (C) of section 3313.603 of the 143
Revised Code, unless the person qualifies under division (D) or 144
(F) of that section. Each school shall comply with the plan for 145
awarding high school credit based on demonstration of subject 146
area competency, and beginning with the 2017-2018 school year, 147
with the updated plan that permits students enrolled in seventh 148
and eighth grade to meet curriculum requirements based on 149
subject area competency adopted by the department under 150
divisions (J) (1) and (2) of section 3313.603 of the Revised 151
Code. Beginning with the 2018-2019 school year, the school shall 152
comply with the framework for granting units of high school 153
credit to students who demonstrate subject area competency 154
through work-based learning experiences, internships, or 155
cooperative education developed by the department under division 156
(J) (3) of section 3313.603 of the Revised Code. 157

(g) The school governing authority will submit within four 158
months after the end of each school year a report of its 159
activities and progress in meeting the goals and standards of 160
divisions (A) (3) and (4) of this section and its financial 161
status to the sponsor and the parents of all students enrolled 162
in the school. 163

(h) The school, unless it is an internet- or computer- 164
based community school, will comply with section 3313.801 of the 165
Revised Code as if it were a school district. 166

(i) If the school is the recipient of moneys from a grant 167
awarded under the federal race to the top program, Division (A), 168
Title XIV, Sections 14005 and 14006 of the "American Recovery 169
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 170
the school will pay teachers based upon performance in 171
accordance with section 3317.141 and will comply with section 172
3319.111 of the Revised Code as if it were a school district. 173

(j) If the school operates a preschool program that is 174
licensed by the department under sections 3301.52 to 3301.59 of 175
the Revised Code, the school shall comply with sections 3301.50 176
to 3301.59 of the Revised Code and the minimum standards for 177
preschool programs prescribed in rules adopted by the department 178
of children and youth under section 3301.53 of the Revised Code. 179

(k) The school will comply with sections 3313.6021 and 180
3313.6023 of the Revised Code as if it were a school district 181
unless it is either of the following: 182

(i) An internet- or computer-based community school; 183

(ii) A community school in which a majority of the 184
enrolled students are children with disabilities as described in 185
division (B) (2) of section 3314.35 of the Revised Code. 186

(l) The school will comply with section 3321.191 of the 187
Revised Code, unless it is an internet- or computer-based 188
community school that is subject to section 3314.261 of the 189
Revised Code. 190

(12) Arrangements for providing health and other benefits 191
to employees; 192

(13) The length of the contract, which shall begin at the 193
beginning of an academic year. No contract shall exceed five 194
years unless such contract has been renewed pursuant to division 195

(E) of this section. 196

(14) The governing authority of the school, which shall be 197
responsible for carrying out the provisions of the contract; 198

(15) A financial plan detailing an estimated school budget 199
for each year of the period of the contract and specifying the 200
total estimated per pupil expenditure amount for each such year. 201

(16) Requirements and procedures regarding the disposition 202
of employees of the school in the event the contract is 203
terminated or not renewed pursuant to section 3314.07 of the 204
Revised Code; 205

(17) Whether the school is to be created by converting all 206
or part of an existing public school or educational service 207
center building or is to be a new start-up school, and if it is 208
a converted public school or service center building, 209
specification of any duties or responsibilities of an employer 210
that the board of education or service center governing board 211
that operated the school or building before conversion is 212
delegating to the governing authority of the community school 213
with respect to all or any specified group of employees provided 214
the delegation is not prohibited by a collective bargaining 215
agreement applicable to such employees; 216

(18) Provisions establishing procedures for resolving 217
disputes or differences of opinion between the sponsor and the 218
governing authority of the community school; 219

(19) A provision requiring the governing authority to 220
adopt a policy regarding the admission of students who reside 221
outside the district in which the school is located. That policy 222
shall comply with the admissions procedures specified in 223
sections 3314.06 and 3314.061 of the Revised Code and, at the 224

sole discretion of the authority, shall do one of the following: 225

(a) Prohibit the enrollment of students who reside outside 226
the district in which the school is located; 227

(b) Permit the enrollment of students who reside in 228
districts adjacent to the district in which the school is 229
located; 230

(c) Permit the enrollment of students who reside in any 231
other district in the state. 232

(20) A provision recognizing the authority of the 233
department to take over the sponsorship of the school in 234
accordance with the provisions of division (C) of section 235
3314.015 of the Revised Code; 236

(21) A provision recognizing the sponsor's authority to 237
assume the operation of a school under the conditions specified 238
in division (B) of section 3314.073 of the Revised Code; 239

(22) A provision recognizing both of the following: 240

(a) The authority of public health and safety officials to 241
inspect the facilities of the school and to order the facilities 242
closed if those officials find that the facilities are not in 243
compliance with health and safety laws and regulations; 244

(b) The authority of the department as the community 245
school oversight body to suspend the operation of the school 246
under section 3314.072 of the Revised Code if the department has 247
evidence of conditions or violations of law at the school that 248
pose an imminent danger to the health and safety of the school's 249
students and employees and the sponsor refuses to take such 250
action. 251

(23) A description of the learning opportunities that will 252

be offered to students including both classroom-based and non- 253
classroom-based learning opportunities that is in compliance 254
with criteria for student participation established by the 255
department under division (H) (2) of section 3314.08 of the 256
Revised Code; 257

(24) The school will comply with sections 3302.04 and 258
3302.041 of the Revised Code, except that any action required to 259
be taken by a school district pursuant to those sections shall 260
be taken by the sponsor of the school. 261

(25) Beginning in the 2006-2007 school year, the school 262
will open for operation not later than the thirtieth day of 263
September each school year, unless the mission of the school as 264
specified under division (A) (2) of this section is solely to 265
serve dropouts. In its initial year of operation, if the school 266
fails to open by the thirtieth day of September, or within one 267
year after the adoption of the contract pursuant to division (D) 268
of section 3314.02 of the Revised Code if the mission of the 269
school is solely to serve dropouts, the contract shall be void. 270

(26) Whether the school's governing authority is planning 271
to seek designation for the school as a STEM school equivalent 272
under section 3326.032 of the Revised Code; 273

(27) That the school's attendance and participation 274
policies will be available for public inspection; 275

(28) That the school's attendance and participation 276
records shall be made available to the department, auditor of 277
state, and school's sponsor to the extent permitted under and in 278
accordance with the "Family Educational Rights and Privacy Act 279
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 280
regulations promulgated under that act, and section 3319.321 of 281

the Revised Code; 282

(29) If a school operates using the blended learning 283
model, as defined in section 3301.079 of the Revised Code, all 284
of the following information: 285

(a) An indication of what blended learning model or models 286
will be used; 287

(b) A description of how student instructional needs will 288
be determined and documented; 289

(c) The method to be used for determining competency, 290
granting credit, and promoting students to a higher grade level; 291

(d) The school's attendance requirements, including how 292
the school will document participation in learning 293
opportunities; 294

(e) A statement describing how student progress will be 295
monitored; 296

(f) A statement describing how private student data will 297
be protected; 298

(g) A description of the professional development 299
activities that will be offered to teachers. 300

(30) A provision requiring that all moneys the school's 301
operator loans to the school, including facilities loans or cash 302
flow assistance, must be accounted for, documented, and bear 303
interest at a fair market rate; 304

(31) A provision requiring that, if the governing 305
authority contracts with an attorney, accountant, or entity 306
specializing in audits, the attorney, accountant, or entity 307
shall be independent from the operator with which the school has 308

contracted. 309

(32) A provision requiring the governing authority to 310
adopt an enrollment and attendance policy that requires a 311
student's parent to notify the community school in which the 312
student is enrolled when there is a change in the location of 313
the parent's or student's primary residence. 314

(33) A provision requiring the governing authority to 315
adopt a student residence and address verification policy for 316
students enrolling in or attending the school. 317

(B) The community school shall also submit to the sponsor 318
a comprehensive plan for the school. The plan shall specify the 319
following: 320

(1) The process by which the governing authority of the 321
school will be selected in the future; 322

(2) The management and administration of the school; 323

(3) If the community school is a currently existing public 324
school or educational service center building, alternative 325
arrangements for current public school students who choose not 326
to attend the converted school and for teachers who choose not 327
to teach in the school or building after conversion; 328

(4) The instructional program and educational philosophy 329
of the school; 330

(5) Internal financial controls. 331

When submitting the plan under this division, the school 332
shall also submit copies of all policies and procedures 333
regarding internal financial controls adopted by the governing 334
authority of the school. 335

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

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

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

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

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

(4) 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; 365

(5) Have in place a plan of action to be undertaken in the 366
event the community school experiences financial difficulties or 367
closes prior to the end of a school year. 368

(E) Upon the expiration of a contract entered into under 369
this section, the sponsor of a community school may, with the 370
approval of the governing authority of the school, renew that 371
contract for a period of time determined by the sponsor, but not 372
ending earlier than the end of any school year, if the sponsor 373
finds that the school's compliance with applicable laws and 374
terms of the contract and the school's progress in meeting the 375
academic goals prescribed in the contract have been 376
satisfactory. Any contract that is renewed under this division 377
remains subject to the provisions of sections 3314.07, 3314.072, 378
and 3314.073 of the Revised Code. 379

(F) If a community school fails to open for operation 380
within one year after the contract entered into under this 381
section is adopted pursuant to division (D) of section 3314.02 382
of the Revised Code or permanently closes prior to the 383
expiration of the contract, the contract shall be void and the 384
school shall not enter into a contract with any other sponsor. A 385
school shall not be considered permanently closed because the 386
operations of the school have been suspended pursuant to section 387
3314.072 of the Revised Code. 388

Sec. 3326.11. Each science, technology, engineering, and 389
mathematics school established under this chapter and its 390
governing body shall comply with sections 9.90, 9.91, 109.65, 391
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 392
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 393
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 394

3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 395
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 396
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 397
3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 398
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 399
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 400
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 401
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 402
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 403
3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 404
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 405
3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 406
3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 407
3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 408
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 409
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 410
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 411
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 412
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 413
4167. of the Revised Code as if it were a school district. 414

Sec. 3328.24. A college-preparatory boarding school 415
established under this chapter and its board of trustees shall 416
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 417
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 418
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 419
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 420
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 421
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 422
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 423
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 424
and 5502.262, and Chapter 3365. of the Revised Code as if the 425

school were a school district and the school's board of trustees 426
were a district board of education. 427

Section 2. That existing sections 3314.03, 3326.11, and 428
3328.24 of the Revised Code are hereby repealed. 429

Section 3. This act shall be known as the Ohio Fitness 430
Test Act. 431

Section 4. The General Assembly, applying the principle 432
stated in division (B) of section 1.52 of the Revised Code that 433
amendments are to be harmonized if reasonably capable of 434
simultaneous operation, finds that the following sections, 435
presented in this act as composites of the sections as amended 436
by the acts indicated, are the resulting versions of the 437
sections in effect prior to the effective date of the sections 438
as presented in this act: 439

Section 3314.03 of the Revised Code as amended by H.B. 8, 440
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, 441
all of the 135th General Assembly. 442

Section 3326.11 of the Revised Code as amended by H.B. 8, 443
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, 444
all of the 135th General Assembly. 445

Section 3328.24 of the Revised Code as amended by both 446
S.B. 208 and S.B. 234 of the 135th General Assembly. 447