

As Introduced

136th General Assembly

Regular Session

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H. B. No. 697

Representative Hiner

Cosponsors: Representatives Newman, Stephens, Upchurch, Brennan

To amend sections 3314.03, 3326.11, and 3328.24 and
to enact section 3313.5321 of the Revised Code
regarding broadcasts of middle and high school
post-season interscholastic athletic contests.

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 3313.5321 of the Revised Code be enacted to
read as follows:

Sec. 3313.5321. (A) As used in this section:

(1) "Qualifying athletic activity" means any middle or
high school post-season or playoff interscholastic athletic
contest or competition.

(2) "Broadcast" means the live or recorded audio or video
transmission over airwaves, streaming, or other transmission of
an athletic activity, play-by-play, or other account of such
activity via radio, television, internet, or other technologies.

(3) "Local broadcaster" means either of the following:

(a) An organization with a primary service radio or
television federal communications commission license that is

located in this state; 19

(b) School-sponsored organizations that produce student- 20
organized broadcasts, including educational courses or programs 21
offered by the school. 22

(4) "Organization" means an individual, public or private 23
corporation, partnership, limited liability company, 24
association, joint venture, or any other legal or commercial 25
entity. 26

(5) "School" means any school district, other public 27
school as defined in section 3301.0711 of the Revised Code, or 28
nonpublic school that is subject to the rules of an organization 29
that regulates interscholastic conferences or events. 30

(B) A school has the right to broadcast all qualifying 31
athletic activities in this state in which the school's athletic 32
team is participating. 33

(C) (1) No organization that regulates interscholastic 34
conferences or events in this state shall enter into an 35
exclusive broadcast agreement that prohibits a local broadcaster 36
or school from broadcasting a qualifying athletic activity in 37
which the school's athletic team is participating. 38

(2) To broadcast a qualifying athletic event, a local 39
broadcaster must have provided broadcast services for any 40
activity of a school in the local area or enter a formal 41
agreement with the school to broadcast the event. 42

(D) Nothing in this section shall be construed to void or 43
otherwise affect a contract entered into prior to the effective 44
date of this section, unless such contract is renewed on or 45
after that date. 46

Sec. 3314.03. A copy of every contract entered into under 47
this section shall be filed with the director of education and 48
workforce. The department of education and workforce shall make 49
available on its web site a copy of every approved, executed 50
contract filed with the director under this section. 51

(A) Each contract entered into between a sponsor and the 52
governing authority of a community school shall specify the 53
following: 54

(1) That the school shall be established as either of the 55
following: 56

(a) A nonprofit corporation established under Chapter 57
1702. of the Revised Code, if established prior to April 8, 58
2003; 59

(b) A public benefit corporation established under Chapter 60
1702. of the Revised Code, if established after April 8, 2003. 61

(2) The education program of the school, including the 62
school's mission and educational philosophy, the characteristics 63
of the students the school is expected to attract, the ages and 64
grades of students, and the focus of the curriculum; 65

(3) The academic goals to be achieved and the method of 66
measurement that will be used to determine progress toward those 67
goals, which shall include the statewide achievement 68
assessments; 69

(4) Performance standards, including but not limited to 70
all applicable report card measures set forth in section 3302.03 71
or 3314.017 of the Revised Code, by which the success of the 72
school will be evaluated by the sponsor; 73

(5) The admission standards of section 3314.06 of the 74

Revised Code and, if applicable, section 3314.061 of the Revised Code;	75 76
(6) (a) Dismissal procedures;	77
(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.	78 79 80 81 82 83
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	84 85
(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.	86 87 88 89 90 91
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	92 93
(a) A detailed description of each facility used for instructional purposes;	94 95
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	96 97
(c) The annual mortgage principal and interest payments that are paid by the school;	98 99
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	100 101 102

(10) Qualifications of employees, including both of the	103
following:	104
(a) A requirement that the school's classroom teachers be	105
licensed in accordance with sections 3319.22 to 3319.31 of the	106
Revised Code, except that a community school may engage	107
noncertificated persons to teach up to twelve hours or forty	108
hours per week pursuant to section 3319.301 of the Revised Code;	109
(b) A prohibition against the school employing an	110
individual described in section 3314.104 of the Revised Code in	111
any position.	112
(11) That the school will comply with the following	113
requirements:	114
(a) The school will provide learning opportunities to a	115
minimum of twenty-five students for a minimum of nine hundred	116
twenty hours per school year.	117
(b) The governing authority will purchase liability	118
insurance, or otherwise provide for the potential liability of	119
the school.	120
(c) The school will be nonsectarian in its programs,	121
admission policies, employment practices, and all other	122
operations, and will not be operated by a sectarian school or	123
religious institution.	124
(d) The school will comply with sections 9.90, 9.91,	125
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	126
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948,	127
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539,	128
3313.5310, 3313.5318, 3313.5319, <u>3313.5321</u> , 3313.608, 3313.609,	129
3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024,	130
3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648,	131

3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 132
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 133
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 134
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 135
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 136
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 137
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 138
3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 139
3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 140
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 141
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 142
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 143
of the Revised Code as if it were a school district and will 144
comply with section 3301.0714 of the Revised Code in the manner 145
specified in section 3314.17 of the Revised Code. 146

(e) The school shall comply with Chapter 102. and section 147
2921.42 of the Revised Code. 148

(f) The school will comply with sections 3313.61, 149
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 150
Revised Code, except that for students who enter ninth grade for 151
the first time before July 1, 2010, the requirement in sections 152
3313.61 and 3313.611 of the Revised Code that a person must 153
successfully complete the curriculum in any high school prior to 154
receiving a high school diploma may be met by completing the 155
curriculum adopted by the governing authority of the community 156
school rather than the curriculum specified in Title XXXIII of 157
the Revised Code or any rules of the department. Beginning with 158
students who enter ninth grade for the first time on or after 159
July 1, 2010, the requirement in sections 3313.61 and 3313.611 160
of the Revised Code that a person must successfully complete the 161
curriculum of a high school prior to receiving a high school 162

diploma shall be met by completing the requirements prescribed 163
in section 3313.6027 and division (C) of section 3313.603 of the 164
Revised Code, unless the person qualifies under division (D) or 165
(F) of that section. Each school shall comply with the plan for 166
awarding high school credit based on demonstration of subject 167
area competency, and beginning with the 2017-2018 school year, 168
with the updated plan that permits students enrolled in seventh 169
and eighth grade to meet curriculum requirements based on 170
subject area competency adopted by the department under 171
divisions (J) (1) and (2) of section 3313.603 of the Revised 172
Code. Beginning with the 2018-2019 school year, the school shall 173
comply with the framework for granting units of high school 174
credit to students who demonstrate subject area competency 175
through work-based learning experiences, internships, or 176
cooperative education developed by the department under division 177
(J) (3) of section 3313.603 of the Revised Code. 178

(g) The school governing authority will submit within four 179
months after the end of each school year a report of its 180
activities and progress in meeting the goals and standards of 181
divisions (A) (3) and (4) of this section and its financial 182
status to the sponsor and the parents of all students enrolled 183
in the school. 184

(h) The school, unless it is an internet- or computer- 185
based community school, will comply with section 3313.801 of the 186
Revised Code as if it were a school district. 187

(i) If the school is the recipient of moneys from a grant 188
awarded under the federal race to the top program, Division (A), 189
Title XIV, Sections 14005 and 14006 of the "American Recovery 190
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 191
the school will pay teachers based upon performance in 192

accordance with section 3317.141 and will comply with section 193
3319.111 of the Revised Code as if it were a school district. 194

(j) If the school operates a preschool program that is 195
licensed by the department under sections 3301.52 to 3301.59 of 196
the Revised Code, the school shall comply with sections 3301.50 197
to 3301.59 of the Revised Code and the minimum standards for 198
preschool programs prescribed in rules adopted by the department 199
of children and youth under section 3301.53 of the Revised Code. 200

(k) The school will comply with sections 3313.6021 and 201
3313.6023 of the Revised Code as if it were a school district 202
unless it is either of the following: 203

(i) An internet- or computer-based community school; 204

(ii) A community school in which a majority of the 205
enrolled students are children with disabilities as described in 206
division (B) (2) of section 3314.35 of the Revised Code. 207

(l) The school will comply with section 3321.191 of the 208
Revised Code, unless it is an internet- or computer-based 209
community school that is subject to section 3314.261 of the 210
Revised Code. 211

(m) The school will comply with section 3313.7118 of the 212
Revised Code if it serves elementary school students. 213

(12) Arrangements for providing health and other benefits 214
to employees; 215

(13) The length of the contract, which shall begin at the 216
beginning of an academic year. No contract shall exceed five 217
years unless such contract has been renewed pursuant to division 218
(D) of this section. 219

(14) The governing authority of the school, which shall be 220

responsible for carrying out the provisions of the contract; 221

(15) A financial plan detailing an estimated school budget 222
for each year of the period of the contract and specifying the 223
total estimated per pupil expenditure amount for each such year. 224

(16) Requirements and procedures regarding the disposition 225
of employees of the school in the event the contract is 226
terminated or not renewed pursuant to section 3314.07 of the 227
Revised Code; 228

(17) Whether the school is to be created by converting all 229
or part of an existing public school or educational service 230
center building or is to be a new start-up school, and if it is 231
a converted public school or service center building, both of 232
the following: 233

(a) Specification of any duties or responsibilities of an 234
employer that the board of education or service center governing 235
board that operated the school or building before conversion is 236
delegating to the governing authority of the community school 237
with respect to all or any specified group of employees provided 238
the delegation is not prohibited by a collective bargaining 239
agreement applicable to such employees; 240

(b) Alternative arrangements for current public school 241
students who choose not to attend the converted school and for 242
teachers who choose not to teach in the school or building after 243
conversion. 244

(18) Provisions establishing procedures for resolving 245
disputes or differences of opinion between the sponsor and the 246
governing authority of the community school; 247

(19) A provision requiring the governing authority to 248
adopt a policy regarding the admission of students who reside 249

outside the district in which the school is located. That policy 250
shall comply with the admissions procedures specified in 251
sections 3314.06 and 3314.061 of the Revised Code and, at the 252
sole discretion of the authority, shall do one of the following: 253

(a) Prohibit the enrollment of students who reside outside 254
the district in which the school is located; 255

(b) Permit the enrollment of students who reside in 256
districts adjacent to the district in which the school is 257
located; 258

(c) Permit the enrollment of students who reside in any 259
other district in the state. 260

(20) A provision recognizing the authority of the 261
department to take over the sponsorship of the school in 262
accordance with the provisions of division (C) of section 263
3314.015 of the Revised Code; 264

(21) A provision recognizing the sponsor's authority to 265
assume the operation of a school under the conditions specified 266
in division (B) of section 3314.073 of the Revised Code; 267

(22) A provision recognizing both of the following: 268

(a) The authority of public health and safety officials to 269
inspect the facilities of the school and to order the facilities 270
closed if those officials find that the facilities are not in 271
compliance with health and safety laws and regulations; 272

(b) The authority of the department as the community 273
school oversight body to suspend the operation of the school 274
under section 3314.072 of the Revised Code if the department has 275
evidence of conditions or violations of law at the school that 276
pose an imminent danger to the health and safety of the school's 277

students and employees and the sponsor refuses to take such 278
action. 279

(23) A description of the learning opportunities that will 280
be offered to students including both classroom-based and non- 281
classroom-based learning opportunities that is in compliance 282
with criteria for student participation established by the 283
department under division (H) (2) of section 3314.08 of the 284
Revised Code; 285

(24) The school will comply with sections 3302.04 and 286
3302.041 of the Revised Code, except that any action required to 287
be taken by a school district pursuant to those sections shall 288
be taken by the sponsor of the school. 289

(25) Beginning in the 2006-2007 school year, the school 290
will open for operation not later than the thirtieth day of 291
September each school year, unless the mission of the school as 292
specified under division (A) (2) of this section is solely to 293
serve dropouts. In its initial year of operation, if the school 294
fails to open by the thirtieth day of September, or within one 295
year after the adoption of the contract pursuant to division (D) 296
of section 3314.02 of the Revised Code if the mission of the 297
school is solely to serve dropouts, the contract shall be void. 298

(26) Whether the school's governing authority is planning 299
to seek designation for the school as a STEM school equivalent 300
under section 3326.032 of the Revised Code; 301

(27) That the school's attendance and participation 302
policies will be available for public inspection; 303

(28) That the school's attendance and participation 304
records shall be made available to the department, auditor of 305
state, and school's sponsor to the extent permitted under and in 306

accordance with the "Family Educational Rights and Privacy Act 307
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 308
regulations promulgated under that act, and section 3319.321 of 309
the Revised Code; 310

(29) If a school operates using the blended learning 311
model, as defined in section 3301.079 of the Revised Code, all 312
of the following information: 313

(a) An indication of what blended learning model or models 314
will be used; 315

(b) A description of how student instructional needs will 316
be determined and documented; 317

(c) The method to be used for determining competency, 318
granting credit, and promoting students to a higher grade level; 319

(d) The school's attendance requirements, including how 320
the school will document participation in learning 321
opportunities; 322

(e) A statement describing how student progress will be 323
monitored; 324

(f) A statement describing how private student data will 325
be protected; 326

(g) A description of the professional development 327
activities that will be offered to teachers. 328

(30) A provision requiring that all moneys the school's 329
operator loans to the school, including facilities loans or cash 330
flow assistance, must be accounted for, documented, and bear 331
interest at a fair market rate; 332

(31) A provision requiring that, if the governing 333

authority contracts with an attorney, accountant, or entity 334
specializing in audits, the attorney, accountant, or entity 335
shall be independent from the operator with which the school has 336
contracted. 337

(32) A provision requiring the governing authority to 338
adopt an enrollment and attendance policy that requires a 339
student's parent to notify the community school in which the 340
student is enrolled when there is a change in the location of 341
the parent's or student's primary residence. 342

(33) A provision requiring the governing authority to 343
adopt a student residence and address verification policy for 344
students enrolling in or attending the school. 345

(34) A provision establishing the process by which the 346
governing authority of the school will be selected in the 347
future. 348

(35) A description of the management and administration of 349
the school. 350

(36) A provision requiring the governing authority to 351
adopt policies and procedures to establish internal financial 352
controls for the school. 353

(B) A contract entered into under section 3314.02 of the 354
Revised Code between a sponsor and the governing authority of a 355
community school may provide for the community school governing 356
authority to make payments to the sponsor, which is hereby 357
authorized to receive such payments as set forth in the contract 358
between the governing authority and the sponsor. The total 359
amount of such payments for monitoring, oversight, and technical 360
assistance of the school shall not exceed three per cent of the 361
total amount of payments for operating expenses that the school 362

receives from the state. 363

(C) The contract shall specify the duties of the sponsor 364
which shall be in accordance with the written agreement entered 365
into with the department under division (B) of section 3314.015 366
of the Revised Code and shall include the following: 367

(1) Monitor the community school's compliance with all 368
laws applicable to the school and with the terms of the 369
contract; 370

(2) Monitor and evaluate the academic and fiscal 371
performance and the organization and operation of the community 372
school on at least an annual basis; 373

(3) Provide technical assistance to the community school 374
in complying with laws applicable to the school and terms of the 375
contract; 376

(4) Take steps to intervene in the school's operation to 377
correct problems in the school's overall performance, declare 378
the school to be on probationary status pursuant to section 379
3314.073 of the Revised Code, suspend the operation of the 380
school pursuant to section 3314.072 of the Revised Code, or 381
terminate the contract of the school pursuant to section 3314.07 382
of the Revised Code as determined necessary by the sponsor; 383

(5) Have in place a plan of action to be undertaken in the 384
event the community school experiences financial difficulties or 385
closes prior to the end of a school year. 386

(D) Upon the expiration of a contract entered into under 387
this section, the sponsor of a community school may, with the 388
approval of the governing authority of the school, renew that 389
contract for a period of time determined by the sponsor, but not 390
ending earlier than the end of any school year, if the sponsor 391

finds that the school's compliance with applicable laws and 392
terms of the contract and the school's progress in meeting the 393
academic goals prescribed in the contract have been 394
satisfactory. Any contract that is renewed under this division 395
remains subject to the provisions of sections 3314.07, 3314.072, 396
and 3314.073 of the Revised Code. 397

(E) If a community school fails to open for operation 398
within one year after the contract entered into under this 399
section is adopted pursuant to division (D) of section 3314.02 400
of the Revised Code or permanently closes prior to the 401
expiration of the contract, the contract shall be void and the 402
school shall not enter into a contract with any other sponsor. A 403
school shall not be considered permanently closed because the 404
operations of the school have been suspended pursuant to section 405
3314.072 of the Revised Code. 406

Sec. 3326.11. Each science, technology, engineering, and 407
mathematics school established under this chapter and its 408
governing body shall comply with sections 9.90, 9.91, 109.65, 409
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 410
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 411
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 412
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 413
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.5321, 3313.608, 414
3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 415
3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 416
3313.6031, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 417
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 418
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 419
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 420
3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 421
3313.7112, 3313.7117, 3313.7118, 3313.721, 3313.753, 3313.80, 422

3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 423
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 424
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 425
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 426
3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 427
3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 428
3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 429
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 430
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 431
4112., 4123., 4141., and 4167. of the Revised Code as if it were 432
a school district. 433

Sec. 3328.24. A college-preparatory boarding school 434
established under this chapter and its board of trustees shall 435
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 436
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 437
3313.5319, 3313.5321, 3313.6013, 3313.6021, 3313.6023, 438
3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 439
3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 440
3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 441
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 442
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 443
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 444
if the school were a school district and the school's board of 445
trustees were a district board of education. 446

Section 2. That existing sections 3314.03, 3326.11, and 447
3328.24 of the Revised Code are hereby repealed. 448