

As Introduced

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Regular Session

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Representative Hiner

Cosponsors: Representatives Newman, Stephens, Upchurch, Brennan

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3313.5321 of the Revised Code 2
regarding broadcasts of middle and high school 3
post-season interscholastic athletic contests. 4

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 5
amended and section 3313.5321 of the Revised Code be enacted to 6
read as follows: 7

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

(1) "Qualifying athletic activity" means any middle or 9
high school post-season or playoff interscholastic athletic 10
contest or competition. 11

(2) "Broadcast" means the live or recorded audio or video 12
transmission over airwaves, streaming, or other transmission of 13
an athletic activity, play-by-play, or other account of such 14
activity via radio, television, internet, or other technologies. 15

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

(a) An organization with a primary service radio or 17
television federal communications commission license that is 18

<u>located in this state;</u>	19
<u>(b) School-sponsored organizations that produce student-organized broadcasts, including educational courses or programs offered by the school.</u>	20
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<u>(4) "Organization" means an individual, public or private corporation, partnership, limited liability company, association, joint venture, or any other legal or commercial entity.</u>	23
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<u>(5) "School" means any school district, other public school as defined in section 3301.0711 of the Revised Code, or nonpublic school that is subject to the rules of an organization that regulates interscholastic conferences or events.</u>	27
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<u>(B) A school has the right to broadcast all qualifying athletic activities in this state in which the school's athletic team is participating.</u>	31
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<u>(C) (1) No organization that regulates interscholastic conferences or events in this state shall enter into an exclusive broadcast agreement that prohibits a local broadcaster or school from broadcasting a qualifying athletic activity in which the school's athletic team is participating.</u>	34
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<u>(2) To broadcast a qualifying athletic event, a local broadcaster must have provided broadcast services for any activity of a school in the local area or enter a formal agreement with the school to broadcast the event.</u>	39
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<u>(D) Nothing in this section shall be construed to void or otherwise affect a contract entered into prior to the effective date of this section, unless such contract is renewed on or after that date.</u>	43
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section.	47
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	52
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(1) That the school shall be established as either of the following:	55
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	57
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	60
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(2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	62
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	66
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(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	70
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(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 following:	103 104
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;	105 106 107 108 109
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	110 111 112
(11) That the school will comply with the following requirements:	113 114
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	115 116 117
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	118 119 120
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	121 122 123 124
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, <u>3313.5321</u> , 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648,	125 126 127 128 129 130 131

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 for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	222 223 224
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	225 226 227 228
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, both of the following:	229 230 231 232 233
(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	234 235 236 237 238 239 240
(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.	241 242 243 244
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	245 246 247
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside	248 249

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 action.	278 279
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	280 281 282 283 284 285
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school.	286 287 288 289
(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A) (2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.	290 291 292 293 294 295 296 297 298
(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;	299 300 301
(27) That the school's attendance and participation policies will be available for public inspection;	302 303
(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in	304 305 306

accordance with the "Family Educational Rights and Privacy Act
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any
regulations promulgated under that act, and section 3319.321 of
the Revised Code; 307
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(29) If a school operates using the blended learning
model, as defined in section 3301.079 of the Revised Code, all
of the following information: 311
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(a) An indication of what blended learning model or models
will be used; 314
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(b) A description of how student instructional needs will
be determined and documented; 316
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(c) The method to be used for determining competency,
granting credit, and promoting students to a higher grade level; 318
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(d) The school's attendance requirements, including how
the school will document participation in learning
opportunities; 320
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(e) A statement describing how student progress will be
monitored; 323
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(f) A statement describing how private student data will
be protected; 325
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(g) A description of the professional development
activities that will be offered to teachers. 327
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(30) A provision requiring that all moneys the school's
operator loans to the school, including facilities loans or cash
flow assistance, must be accounted for, documented, and bear
interest at a fair market rate; 329
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(31) A provision requiring that, if the governing 333

authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	334 335 336 337
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	338 339 340 341 342
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	343 344 345
(34) A provision establishing the process by which the governing authority of the school will be selected in the future.	346 347 348
(35) A description of the management and administration of the school.	349 350
(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.	351 352 353
(B) 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	354 355 356 357 358 359 360 361 362

receives from the state.	363
(C) 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:	364
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	368
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	371
(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	374
(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;	377
(5) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	384
(D) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor	387

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, <u>3313.5321</u> , 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
3313.7117, 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