

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 748

Representative Bird

A BILL

To amend sections 3314.03 and 3326.11 and to enact
section 3319.614 of the Revised Code to require
each public school to adopt a policy regarding
certain expectations related to the performance
of staff member professional duties.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and section 3319.614 of the Revised Code be enacted to read as
follows:

Sec. 3314.03. A copy of every contract entered into under
this section shall be filed with the superintendent of public
instruction. The department of education shall make available on
its web site a copy of every approved, executed contract filed
with the superintendent under this section.

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

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

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	19 20 21
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	22 23
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	24 25 26 27
(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;	28 29 30 31
(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;	32 33 34 35
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	36 37 38
(6) (a) Dismissal procedures;	39
(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.	40 41 42 43 44 45
(7) The ways by which the school will achieve racial and	46

ethnic balance reflective of the community it serves;	47
(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.	48 49 50 51 52 53
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	54 55
(a) A detailed description of each facility used for instructional purposes;	56 57
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	58 59
(c) The annual mortgage principal and interest payments that are paid by the school;	60 61
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	62 63 64
(10) Qualifications of teachers, including 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.	65 66 67 68 69 70
(11) That the school will comply with the following requirements:	71 72
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	73 74

twenty hours per school year. 75

(b) The governing authority will purchase liability 76
insurance, or otherwise provide for the potential liability of 77
the school. 78

(c) The school will be nonsectarian in its programs, 79
admission policies, employment practices, and all other 80
operations, and will not be operated by a sectarian school or 81
religious institution. 82

(d) The school will comply with sections 9.90, 9.91, 83
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 84
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 85
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 86
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 87
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 88
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3319.41, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3321.01, 95
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 96
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 97
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 98
4123., 4141., and 4167. of the Revised Code as if it were a 99
school district and will comply with section 3301.0714 of the 100
Revised Code in the manner specified in section 3314.17 of the 101
Revised Code. 102

(e) The school shall comply with Chapter 102. and section 103
2921.42 of the Revised Code. 104

(f) The school will comply with sections 3313.61, 105
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 106
Revised Code, except that for students who enter ninth grade for 107
the first time before July 1, 2010, the requirement in sections 108
3313.61 and 3313.611 of the Revised Code that a person must 109
successfully complete the curriculum in any high school prior to 110
receiving a high school diploma may be met by completing the 111
curriculum adopted by the governing authority of the community 112
school rather than the curriculum specified in Title XXXVIII of 113
the Revised Code or any rules of the state board of education. 114
Beginning with students who enter ninth grade for the first time 115
on or after July 1, 2010, the requirement in sections 3313.61 116
and 3313.611 of the Revised Code that a person must successfully 117
complete the curriculum of a high school prior to receiving a 118
high school diploma shall be met by completing the requirements 119
prescribed in section 3313.6027 and division (C) of section 120
3313.603 of the Revised Code, unless the person qualifies under 121
division (D) or (F) of that section. Each school shall comply 122
with the plan for awarding high school credit based on 123
demonstration of subject area competency, and beginning with the 124
2017-2018 school year, with the updated plan that permits 125
students enrolled in seventh and eighth grade to meet curriculum 126
requirements based on subject area competency adopted by the 127
state board of education under divisions (J) (1) and (2) of 128
section 3313.603 of the Revised Code. Beginning with the 2018- 129
2019 school year, the school shall comply with the framework for 130
granting units of high school credit to students who demonstrate 131
subject area competency through work-based learning experiences, 132
internships, or cooperative education developed by the 133
department under division (J) (3) of section 3313.603 of the 134
Revised Code. 135

(g) The school governing authority will submit within four 136
months after the end of each school year a report of its 137
activities and progress in meeting the goals and standards of 138
divisions (A) (3) and (4) of this section and its financial 139
status to the sponsor and the parents of all students enrolled 140
in the school. 141

(h) The school, unless it is an internet- or computer- 142
based community school, will comply with section 3313.801 of the 143
Revised Code as if it were a school district. 144

(i) If the school is the recipient of moneys from a grant 145
awarded under the federal race to the top program, Division (A), 146
Title XIV, Sections 14005 and 14006 of the "American Recovery 147
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 148
the school will pay teachers based upon performance in 149
accordance with section 3317.141 and will comply with section 150
3319.111 of the Revised Code as if it were a school district. 151

(j) If the school operates a preschool program that is 152
licensed by the department of education under sections 3301.52 153
to 3301.59 of the Revised Code, the school shall comply with 154
sections 3301.50 to 3301.59 of the Revised Code and the minimum 155
standards for preschool programs prescribed in rules adopted by 156
the state board under section 3301.53 of the Revised Code. 157

(k) The school will comply with sections 3313.6021 and 158
3313.6023 of the Revised Code as if it were a school district 159
unless it is either of the following: 160

(i) An internet- or computer-based community school; 161

(ii) A community school in which a majority of the 162
enrolled students are children with disabilities as described in 163
division (A) (4) (b) of section 3314.35 of the Revised Code. 164

(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.	165 166 167 168
(12) Arrangements for providing health and other benefits to employees;	169 170
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	171 172 173 174
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	175 176
(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.	177 178 179
(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;	180 181 182 183
(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, 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	184 185 186 187 188 189 190 191 192 193

agreement applicable to such employees;	194
(18) Provisions establishing procedures for resolving	195
disputes or differences of opinion between the sponsor and the	196
governing authority of the community school;	197
(19) A provision requiring the governing authority to	198
adopt a policy regarding the admission of students who reside	199
outside the district in which the school is located. That policy	200
shall comply with the admissions procedures specified in	201
sections 3314.06 and 3314.061 of the Revised Code and, at the	202
sole discretion of the authority, shall do one of the following:	203
(a) Prohibit the enrollment of students who reside outside	204
the district in which the school is located;	205
(b) Permit the enrollment of students who reside in	206
districts adjacent to the district in which the school is	207
located;	208
(c) Permit the enrollment of students who reside in any	209
other district in the state.	210
(20) A provision recognizing the authority of the	211
department of education to take over the sponsorship of the	212
school in accordance with the provisions of division (C) of	213
section 3314.015 of the Revised Code;	214
(21) A provision recognizing the sponsor's authority to	215
assume the operation of a school under the conditions specified	216
in division (B) of section 3314.073 of the Revised Code;	217
(22) A provision recognizing both of the following:	218
(a) The authority of public health and safety officials to	219
inspect the facilities of the school and to order the facilities	220
closed if those officials find that the facilities are not in	221

compliance with health and safety laws and regulations;	222
(b) The authority of the department of education as the	223
community school oversight body to suspend the operation of the	224
school under section 3314.072 of the Revised Code if the	225
department has evidence of conditions or violations of law at	226
the school that pose an imminent danger to the health and safety	227
of the school's students and employees and the sponsor refuses	228
to take such action.	229
(23) A description of the learning opportunities that will	230
be offered to students including both classroom-based and non-	231
classroom-based learning opportunities that is in compliance	232
with criteria for student participation established by the	233
department under division (H) (2) of section 3314.08 of the	234
Revised Code;	235
(24) The school will comply with sections 3302.04 and	236
3302.041 of the Revised Code, except that any action required to	237
be taken by a school district pursuant to those sections shall	238
be taken by the sponsor of the school. However, the sponsor	239
shall not be required to take any action described in division	240
(F) of section 3302.04 of the Revised Code.	241
(25) Beginning in the 2006-2007 school year, the school	242
will open for operation not later than the thirtieth day of	243
September each school year, unless the mission of the school as	244
specified under division (A) (2) of this section is solely to	245
serve dropouts. In its initial year of operation, if the school	246
fails to open by the thirtieth day of September, or within one	247
year after the adoption of the contract pursuant to division (D)	248
of section 3314.02 of the Revised Code if the mission of the	249
school is solely to serve dropouts, the contract shall be void.	250

(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;	251 252 253
(27) That the school's attendance and participation policies will be available for public inspection;	254 255
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in 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;	256 257 258 259 260 261 262
(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:	263 264 265
(a) An indication of what blended learning model or models will be used;	266 267
(b) A description of how student instructional needs will be determined and documented;	268 269
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	270 271
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	272 273 274
(e) A statement describing how student progress will be monitored;	275 276
(f) A statement describing how private student data will be protected;	277 278

(g) A description of the professional development activities that will be offered to teachers.	279 280
(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;	281 282 283 284
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	285 286 287 288 289
(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.	290 291 292 293 294
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	295 296 297
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	298 299 300
(1) The process by which the governing authority of the school will be selected in the future;	301 302
(2) The management and administration of the school;	303
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not	304 305 306

to attend the converted school and for teachers who choose not	307
to teach in the school or building after conversion;	308
(4) The instructional program and educational philosophy	309
of the school;	310
(5) Internal financial controls.	311
When submitting the plan under this division, the school	312
shall also submit copies of all policies and procedures	313
regarding internal financial controls adopted by the governing	314
authority of the school.	315
(C) A contract entered into under section 3314.02 of the	316
Revised Code between a sponsor and the governing authority of a	317
community school may provide for the community school governing	318
authority to make payments to the sponsor, which is hereby	319
authorized to receive such payments as set forth in the contract	320
between the governing authority and the sponsor. The total	321
amount of such payments for monitoring, oversight, and technical	322
assistance of the school shall not exceed three per cent of the	323
total amount of payments for operating expenses that the school	324
receives from the state.	325
(D) The contract shall specify the duties of the sponsor	326
which shall be in accordance with the written agreement entered	327
into with the department of education under division (B) of	328
section 3314.015 of the Revised Code and shall include the	329
following:	330
(1) Monitor the community school's compliance with all	331
laws applicable to the school and with the terms of the	332
contract;	333
(2) Monitor and evaluate the academic and fiscal	334
performance and the organization and operation of the community	335

school on at least an annual basis;	336
(3) Report on an annual basis the results of the	337
evaluation conducted under division (D) (2) of this section to	338
the department of education and to the parents of students	339
enrolled in the community school;	340
(4) Provide technical assistance to the community school	341
in complying with laws applicable to the school and terms of the	342
contract;	343
(5) Take steps to intervene in the school's operation to	344
correct problems in the school's overall performance, declare	345
the school to be on probationary status pursuant to section	346
3314.073 of the Revised Code, suspend the operation of the	347
school pursuant to section 3314.072 of the Revised Code, or	348
terminate the contract of the school pursuant to section 3314.07	349
of the Revised Code as determined necessary by the sponsor;	350
(6) Have in place a plan of action to be undertaken in the	351
event the community school experiences financial difficulties or	352
closes prior to the end of a school year.	353
(E) Upon the expiration of a contract entered into under	354
this section, the sponsor of a community school may, with the	355
approval of the governing authority of the school, renew that	356
contract for a period of time determined by the sponsor, but not	357
ending earlier than the end of any school year, if the sponsor	358
finds that the school's compliance with applicable laws and	359
terms of the contract and the school's progress in meeting the	360
academic goals prescribed in the contract have been	361
satisfactory. Any contract that is renewed under this division	362
remains subject to the provisions of sections 3314.07, 3314.072,	363
and 3314.073 of the Revised Code.	364

(F) If a community school fails to open for operation 365
within one year after the contract entered into under this 366
section is adopted pursuant to division (D) of section 3314.02 367
of the Revised Code or permanently closes prior to the 368
expiration of the contract, the contract shall be void and the 369
school shall not enter into a contract with any other sponsor. A 370
school shall not be considered permanently closed because the 371
operations of the school have been suspended pursuant to section 372
3314.072 of the Revised Code. 373

Sec. 3319.614. Within ninety days after the effective date 374
of this section, the board of education of each school district 375
shall adopt a policy declaring that the board expects all 376
professional staff members to maintain high standards with 377
respect to co-worker relationships and in the performance of the 378
staff member's professional duties. The policy shall state that 379
in the performance of professional duties, a staff member shall 380
not do either of the following: 381

(A) Engage in political, partisan, ideological, or 382
religious advocacy by compelling a student to adopt, affirm, or 383
adhere to a specific political, partisan, ideological, or 384
religious belief; 385

(B) Unfairly evaluate a student's work because it does not 386
reflect a specific political, partisan, ideological, or 387
religious belief. 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, 3313.48, 394

3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 395
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 396
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 397
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 398
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3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 408
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 409
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 410
4167. of the Revised Code as if it were a school district. 411

Section 2. That existing sections 3314.03 and 3326.11 of 412
the Revised Code are hereby repealed. 413