

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 468

Representatives Klopfenstein, Brennan

**Cosponsors: Representatives Seitz, Dean, Cross, Abdullahi, Dobos, Humphrey,
Mohamed, Jarrells, Dell'Aquila, Lorenz, Williams, Hoops, Creech, Stein, Johnson,
Upchurch, Forhan, McNally, Pizzulli, Weinstein**

A BILL

To amend sections 3314.03, 3326.11, and 3328.24 and 1
to enact section 3313.473 of the Revised Code 2
regarding the presentation of information on 3
patriotic organizations to students in public 4
schools and to amend section 3314.03 of the 5
Revised Code that is scheduled to take effect on 6
January 1, 2025, to continue the change on and 7
after that date. 8

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

Section 1. That sections 3314.03, 3326.11, and 3328.24 be 9
amended and section 3313.473 of the Revised Code be enacted to 10
read as follows: 11

Sec. 3313.473. (A) As used in this section, "organization" 12
means any youth organization listed in part B of subtitle II of 13
Title 36 of the United States Code, 36 U.S.C. 20101, et seq., 14
that has an educational purpose and promotes patriotism and 15
civic involvement. 16

(B) An organization may request that a school district 17
board of education allow representatives of the organization to 18
provide written information or present information in person to 19
students on school property regarding the organization, 20
including information regarding how the organization furthers 21
the educational interests and civic involvement of students. 22

(C) Upon request by an organization under division (B) of 23
this section, a district board shall provide at least one 24
opportunity per school year, which may be during the school day, 25
for the representatives of the organization to provide 26
information to students on school property. 27

(D) Before permitting a representative of an organization 28
to provide information to students on school property, a 29
district board shall request a criminal records check of the 30
representative to be conducted in the same manner as required 31
for a person under section 3319.39 of the Revised Code. The 32
representative may be required to provide a written consent for 33
the board to request the criminal records check. The 34
representative of the organization shall pay all costs 35
associated with obtaining the criminal records check. A district 36
board may refuse to allow a representative to provide 37
information as prescribed in division (B) of this section if the 38
representative has previously been convicted of or pleaded 39
guilty to any of the crimes listed in division (B) (1) (a) or (b) 40
of section 3319.39 of the Revised Code. 41

(E) A district board shall consider the following factors 42
regarding the past conduct of a representative of an 43
organization when evaluating whether to permit the person to 44
provide information to students on school property: 45

(1) Any crimes or misconduct involving minors; 46

<u>(2) Any crimes or misconduct involving school children;</u>	47
<u>(3) Any crimes or misconduct involving academic fraud;</u>	48
<u>(4) A plea of guilty, a finding of guilt, a conviction,</u>	49
<u>granting of treatment in lieu of conviction, or a pre-trial</u>	50
<u>diversion program to any offense in violation of federal, state,</u>	51
<u>or local criminal law;</u>	52
<u>(5) Any violation of the terms and conditions of a consent</u>	53
<u>agreement.</u>	54
<u>(F) If the district board finds that a representative of</u>	55
<u>an organization has engaged in conduct described in division (E)</u>	56
<u>of this section, the board may consider the following mitigating</u>	57
<u>and aggravating factors before deciding whether to permit the</u>	58
<u>person to provide information to students on school property:</u>	59
<u>(1) The nature and seriousness of the crime or misconduct;</u>	60
<u>(2) The extent of the person's past criminal activity or</u>	61
<u>misconduct;</u>	62
<u>(3) The age of the person when the crime or misconduct</u>	63
<u>occurred;</u>	64
<u>(4) The amount of time that has elapsed since the person's</u>	65
<u>last criminal activity or misconduct;</u>	66
<u>(5) The conduct and work activity of the person before and</u>	67
<u>after the criminal activity or misconduct;</u>	68
<u>(6) Whether the person has completed any terms of</u>	69
<u>probation or deferred adjudication;</u>	70
<u>(7) Evidence of rehabilitation and evidence of whether the</u>	71
<u>person is amenable to rehabilitation;</u>	72
<u>(8) Whether the person fully disclosed the crime or</u>	73

misconduct to the district board or the employing organization; 74

(9) Whether the person will negatively impact the health, 75
safety, or welfare of the school community; 76

(10) Any other factor the board finds relevant. 77

(G) The lack of a criminal charge, indictment, 78
prosecution, or conviction does not preclude the district board 79
from investigating and, if appropriate, refusing to permit a 80
representative of an organization to provide information to 81
students on school property. 82

Sec. 3314.03. A copy of every contract entered into under 83
this section shall be filed with the director of education and 84
workforce. The department of education and workforce shall make 85
available on its web site a copy of every approved, executed 86
contract filed with the director under this section. 87

(A) Each contract entered into between a sponsor and the 88
governing authority of a community school shall specify the 89
following: 90

(1) That the school shall be established as either of the 91
following: 92

(a) A nonprofit corporation established under Chapter 93
1702. of the Revised Code, if established prior to April 8, 94
2003; 95

(b) A public benefit corporation established under Chapter 96
1702. of the Revised Code, if established after April 8, 2003. 97

(2) The education program of the school, including the 98
school's mission, the characteristics of the students the school 99
is expected to attract, the ages and grades of students, and the 100
focus of the curriculum; 101

(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; 102
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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; 106
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 110
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(6) (a) Dismissal procedures; 113

(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. 114
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 120
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(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. 122
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 128
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(a) A detailed description of each facility used for instructional purposes;	130 131
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	132 133
(c) The annual mortgage principal and interest payments that are paid by the school;	134 135
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	136 137 138
(10) Qualifications of employees, including both of the following:	139 140
(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;	141 142 143 144 145
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	146 147 148
(11) That the school will comply with the following requirements:	149 150
(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.	151 152 153
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	154 155 156

(c) The school will be nonsectarian in its programs, 157
admission policies, employment practices, and all other 158
operations, and will not be operated by a sectarian school or 159
religious institution. 160

(d) The school will comply with sections 9.90, 9.91, 161
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 162
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 163
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 164
3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 165
3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 166
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 167
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3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 169
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 170
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 171
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 172
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 173
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 174
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 175
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 176
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 177
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 178
and 4167. of the Revised Code as if it were a school district 179
and will comply with section 3301.0714 of the Revised Code in 180
the manner specified in section 3314.17 of the Revised Code. 181

(e) The school shall comply with Chapter 102. and section 182
2921.42 of the Revised Code. 183

(f) The school will comply with sections 3313.61, 184
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 185
Revised Code, except that for students who enter ninth grade for 186

the first time before July 1, 2010, the requirement in sections 187
3313.61 and 3313.611 of the Revised Code that a person must 188
successfully complete the curriculum in any high school prior to 189
receiving a high school diploma may be met by completing the 190
curriculum adopted by the governing authority of the community 191
school rather than the curriculum specified in Title XXXIII of 192
the Revised Code or any rules of the department. Beginning with 193
students who enter ninth grade for the first time on or after 194
July 1, 2010, the requirement in sections 3313.61 and 3313.611 195
of the Revised Code that a person must successfully complete the 196
curriculum of a high school prior to receiving a high school 197
diploma shall be met by completing the requirements prescribed 198
in section 3313.6027 and division (C) of section 3313.603 of the 199
Revised Code, unless the person qualifies under division (D) or 200
(F) of that section. Each school shall comply with the plan for 201
awarding high school credit based on demonstration of subject 202
area competency, and beginning with the 2017-2018 school year, 203
with the updated plan that permits students enrolled in seventh 204
and eighth grade to meet curriculum requirements based on 205
subject area competency adopted by the department under 206
divisions (J) (1) and (2) of section 3313.603 of the Revised 207
Code. Beginning with the 2018-2019 school year, the school shall 208
comply with the framework for granting units of high school 209
credit to students who demonstrate subject area competency 210
through work-based learning experiences, internships, or 211
cooperative education developed by the department under division 212
(J) (3) of section 3313.603 of the Revised Code. 213

(g) The school governing authority will submit within four 214
months after the end of each school year a report of its 215
activities and progress in meeting the goals and standards of 216
divisions (A) (3) and (4) of this section and its financial 217

status to the sponsor and the parents of all students enrolled 218
in the school. 219

(h) The school, unless it is an internet- or computer- 220
based community school, will comply with section 3313.801 of the 221
Revised Code as if it were a school district. 222

(i) If the school is the recipient of moneys from a grant 223
awarded under the federal race to the top program, Division (A), 224
Title XIV, Sections 14005 and 14006 of the "American Recovery 225
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 226
the school will pay teachers based upon performance in 227
accordance with section 3317.141 and will comply with section 228
3319.111 of the Revised Code as if it were a school district. 229

(j) If the school operates a preschool program that is 230
licensed by the department under sections 3301.52 to 3301.59 of 231
the Revised Code, the school shall comply with sections 3301.50 232
to 3301.59 of the Revised Code and the minimum standards for 233
preschool programs prescribed in rules adopted by the department 234
under section 3301.53 of the Revised Code. 235

(k) The school will comply with sections 3313.6021 and 236
3313.6023 of the Revised Code as if it were a school district 237
unless it is either of the following: 238

(i) An internet- or computer-based community school; 239

(ii) A community school in which a majority of the 240
enrolled students are children with disabilities as described in 241
division (A) (4) (b) of section 3314.35 of the Revised Code. 242

(l) The school will comply with section 3321.191 of the 243
Revised Code, unless it is an internet- or computer-based 244
community school that is subject to section 3314.261 of the 245
Revised Code. 246

(12) Arrangements for providing health and other benefits	247
to employees;	248
(13) The length of the contract, which shall begin at the	249
beginning of an academic year. No contract shall exceed five	250
years unless such contract has been renewed pursuant to division	251
(E) of this section.	252
(14) The governing authority of the school, which shall be	253
responsible for carrying out the provisions of the contract;	254
(15) A financial plan detailing an estimated school budget	255
for each year of the period of the contract and specifying the	256
total estimated per pupil expenditure amount for each such year.	257
(16) Requirements and procedures regarding the disposition	258
of employees of the school in the event the contract is	259
terminated or not renewed pursuant to section 3314.07 of the	260
Revised Code;	261
(17) Whether the school is to be created by converting all	262
or part of an existing public school or educational service	263
center building or is to be a new start-up school, and if it is	264
a converted public school or service center building,	265
specification of any duties or responsibilities of an employer	266
that the board of education or service center governing board	267
that operated the school or building before conversion is	268
delegating to the governing authority of the community school	269
with respect to all or any specified group of employees provided	270
the delegation is not prohibited by a collective bargaining	271
agreement applicable to such employees;	272
(18) Provisions establishing procedures for resolving	273
disputes or differences of opinion between the sponsor and the	274
governing authority of the community school;	275

(19) A provision requiring the governing authority to 276
adopt a policy regarding the admission of students who reside 277
outside the district in which the school is located. That policy 278
shall comply with the admissions procedures specified in 279
sections 3314.06 and 3314.061 of the Revised Code and, at the 280
sole discretion of the authority, shall do one of the following: 281

(a) Prohibit the enrollment of students who reside outside 282
the district in which the school is located; 283

(b) Permit the enrollment of students who reside in 284
districts adjacent to the district in which the school is 285
located; 286

(c) Permit the enrollment of students who reside in any 287
other district in the state. 288

(20) A provision recognizing the authority of the 289
department to take over the sponsorship of the school in 290
accordance with the provisions of division (C) of section 291
3314.015 of the Revised Code; 292

(21) A provision recognizing the sponsor's authority to 293
assume the operation of a school under the conditions specified 294
in division (B) of section 3314.073 of the Revised Code; 295

(22) A provision recognizing both of the following: 296

(a) The authority of public health and safety officials to 297
inspect the facilities of the school and to order the facilities 298
closed if those officials find that the facilities are not in 299
compliance with health and safety laws and regulations; 300

(b) The authority of the department as the community 301
school oversight body to suspend the operation of the school 302
under section 3314.072 of the Revised Code if the department has 303

evidence of conditions or violations of law at the school that 304
pose an imminent danger to the health and safety of the school's 305
students and employees and the sponsor refuses to take such 306
action. 307

(23) A description of the learning opportunities that will 308
be offered to students including both classroom-based and non- 309
classroom-based learning opportunities that is in compliance 310
with criteria for student participation established by the 311
department under division (H) (2) of section 3314.08 of the 312
Revised Code; 313

(24) The school will comply with sections 3302.04 and 314
3302.041 of the Revised Code, except that any action required to 315
be taken by a school district pursuant to those sections shall 316
be taken by the sponsor of the school. 317

(25) Beginning in the 2006-2007 school year, the school 318
will open for operation not later than the thirtieth day of 319
September each school year, unless the mission of the school as 320
specified under division (A) (2) of this section is solely to 321
serve dropouts. In its initial year of operation, if the school 322
fails to open by the thirtieth day of September, or within one 323
year after the adoption of the contract pursuant to division (D) 324
of section 3314.02 of the Revised Code if the mission of the 325
school is solely to serve dropouts, the contract shall be void. 326

(26) Whether the school's governing authority is planning 327
to seek designation for the school as a STEM school equivalent 328
under section 3326.032 of the Revised Code; 329

(27) That the school's attendance and participation 330
policies will be available for public inspection; 331

(28) That the school's attendance and participation 332

records shall be made available to the department, auditor of 333
state, and school's sponsor to the extent permitted under and in 334
accordance with the "Family Educational Rights and Privacy Act 335
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 336
regulations promulgated under that act, and section 3319.321 of 337
the Revised Code; 338

(29) If a school operates using the blended learning 339
model, as defined in section 3301.079 of the Revised Code, all 340
of the following information: 341

(a) An indication of what blended learning model or models 342
will be used; 343

(b) A description of how student instructional needs will 344
be determined and documented; 345

(c) The method to be used for determining competency, 346
granting credit, and promoting students to a higher grade level; 347

(d) The school's attendance requirements, including how 348
the school will document participation in learning 349
opportunities; 350

(e) A statement describing how student progress will be 351
monitored; 352

(f) A statement describing how private student data will 353
be protected; 354

(g) A description of the professional development 355
activities that will be offered to teachers. 356

(30) A provision requiring that all moneys the school's 357
operator loans to the school, including facilities loans or cash 358
flow assistance, must be accounted for, documented, and bear 359
interest at a fair market rate; 360

(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.

(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.

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

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

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

(2) The management and administration of the school;

(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 to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

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

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 389
regarding internal financial controls adopted by the governing 390
authority of the school. 391

(C) A contract entered into under section 3314.02 of the 392
Revised Code between a sponsor and the governing authority of a 393
community school may provide for the community school governing 394
authority to make payments to the sponsor, which is hereby 395
authorized to receive such payments as set forth in the contract 396
between the governing authority and the sponsor. The total 397
amount of such payments for monitoring, oversight, and technical 398
assistance of the school shall not exceed three per cent of the 399
total amount of payments for operating expenses that the school 400
receives from the state. 401

(D) The contract shall specify the duties of the sponsor 402
which shall be in accordance with the written agreement entered 403
into with the department under division (B) of section 3314.015 404
of the Revised Code and shall include the following: 405

(1) Monitor the community school's compliance with all 406
laws applicable to the school and with the terms of the 407
contract; 408

(2) Monitor and evaluate the academic and fiscal 409
performance and the organization and operation of the community 410
school on at least an annual basis; 411

(3) Report on an annual basis the results of the 412
evaluation conducted under division (D) (2) of this section to 413
the department and to the parents of students enrolled in the 414
community school; 415

(4) Provide technical assistance to the community school 416
in complying with laws applicable to the school and terms of the 417

contract; 418

(5) Take steps to intervene in the school's operation to 419
correct problems in the school's overall performance, declare 420
the school to be on probationary status pursuant to section 421
3314.073 of the Revised Code, suspend the operation of the 422
school pursuant to section 3314.072 of the Revised Code, or 423
terminate the contract of the school pursuant to section 3314.07 424
of the Revised Code as determined necessary by the sponsor; 425

(6) Have in place a plan of action to be undertaken in the 426
event the community school experiences financial difficulties or 427
closes prior to the end of a school year. 428

(E) Upon the expiration of a contract entered into under 429
this section, the sponsor of a community school may, with the 430
approval of the governing authority of the school, renew that 431
contract for a period of time determined by the sponsor, but not 432
ending earlier than the end of any school year, if the sponsor 433
finds that the school's compliance with applicable laws and 434
terms of the contract and the school's progress in meeting the 435
academic goals prescribed in the contract have been 436
satisfactory. Any contract that is renewed under this division 437
remains subject to the provisions of sections 3314.07, 3314.072, 438
and 3314.073 of the Revised Code. 439

(F) If a community school fails to open for operation 440
within one year after the contract entered into under this 441
section is adopted pursuant to division (D) of section 3314.02 442
of the Revised Code or permanently closes prior to the 443
expiration of the contract, the contract shall be void and the 444
school shall not enter into a contract with any other sponsor. A 445
school shall not be considered permanently closed because the 446
operations of the school have been suspended pursuant to section 447

3314.072 of the Revised Code. 448

Sec. 3326.11. Each science, technology, engineering, and 449
mathematics school established under this chapter and its 450
governing body shall comply with sections 9.90, 9.91, 109.65, 451
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 452
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 453
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 454
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 455
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 456
3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 457
3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.61, 3313.611, 458
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 459
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 460
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 461
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3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 463
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 464
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 465
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 466
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 467
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 468
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 469
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 470
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 471
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 472
4167. of the Revised Code as if it were a school district. 473

Sec. 3328.24. A college-preparatory boarding school 474
established under this chapter and its board of trustees shall 475
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 476
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.473, 3313.5318, 477
3313.5319, 3313.6013, 3313.6021, 3313.6024, 3313.6025, 478

3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 479
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.7117, 480
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 481
3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 482
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of 483
the Revised Code as if the school were a school district and the 484
school's board of trustees were a district board of education. 485

Section 2. That existing sections 3314.03, 3326.11, and 486
3328.24 of the Revised Code are hereby repealed. 487

Section 3. That the version of section 3314.03 of the 488
Revised Code that is scheduled to take effect January 1, 2025, 489
be amended to read as follows: 490

Sec. 3314.03. A copy of every contract entered into under 491
this section shall be filed with the director of education and 492
workforce. The department of education and workforce shall make 493
available on its web site a copy of every approved, executed 494
contract filed with the director under this section. 495

(A) Each contract entered into between a sponsor and the 496
governing authority of a community school shall specify the 497
following: 498

(1) That the school shall be established as either of the 499
following: 500

(a) A nonprofit corporation established under Chapter 501
1702. of the Revised Code, if established prior to April 8, 502
2003; 503

(b) A public benefit corporation established under Chapter 504
1702. of the Revised Code, if established after April 8, 2003. 505

(2) The education program of the school, including the 506

school's mission, the characteristics of the students the school 507
is expected to attract, the ages and grades of students, and the 508
focus of the curriculum; 509

(3) The academic goals to be achieved and the method of 510
measurement that will be used to determine progress toward those 511
goals, which shall include the statewide achievement 512
assessments; 513

(4) Performance standards, including but not limited to 514
all applicable report card measures set forth in section 3302.03 515
or 3314.017 of the Revised Code, by which the success of the 516
school will be evaluated by the sponsor; 517

(5) The admission standards of section 3314.06 of the 518
Revised Code and, if applicable, section 3314.061 of the Revised 519
Code; 520

(6) (a) Dismissal procedures; 521

(b) A requirement that the governing authority adopt an 522
attendance policy that includes a procedure for automatically 523
withdrawing a student from the school if the student without a 524
legitimate excuse fails to participate in seventy-two 525
consecutive hours of the learning opportunities offered to the 526
student. 527

(7) The ways by which the school will achieve racial and 528
ethnic balance reflective of the community it serves; 529

(8) Requirements for financial audits by the auditor of 530
state. The contract shall require financial records of the 531
school to be maintained in the same manner as are financial 532
records of school districts, pursuant to rules of the auditor of 533
state. Audits shall be conducted in accordance with section 534
117.10 of the Revised Code. 535

(9) An addendum to the contract outlining the facilities 536
to be used that contains at least the following information: 537

(a) A detailed description of each facility used for 538
instructional purposes; 539

(b) The annual costs associated with leasing each facility 540
that are paid by or on behalf of the school; 541

(c) The annual mortgage principal and interest payments 542
that are paid by the school; 543

(d) The name of the lender or landlord, identified as 544
such, and the lender's or landlord's relationship to the 545
operator, if any. 546

(10) Qualifications of employees, including both of the 547
following: 548

(a) A requirement that the school's classroom teachers be 549
licensed in accordance with sections 3319.22 to 3319.31 of the 550
Revised Code, except that a community school may engage 551
noncertificated persons to teach up to twelve hours or forty 552
hours per week pursuant to section 3319.301 of the Revised Code; 553

(b) A prohibition against the school employing an 554
individual described in section 3314.104 of the Revised Code in 555
any position. 556

(11) That the school will comply with the following 557
requirements: 558

(a) The school will provide learning opportunities to a 559
minimum of twenty-five students for a minimum of nine hundred 560
twenty hours per school year. 561

(b) The governing authority will purchase liability 562

insurance, or otherwise provide for the potential liability of 563
the school. 564

(c) The school will be nonsectarian in its programs, 565
admission policies, employment practices, and all other 566
operations, and will not be operated by a sectarian school or 567
religious institution. 568

(d) The school will comply with sections 9.90, 9.91, 569
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 570
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 571
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 572
3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 573
3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 574
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 575
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 576
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 577
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 578
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 579
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 580
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 581
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 582
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 583
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 584
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 585
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 586
and 4167. of the Revised Code as if it were a school district 587
and will comply with section 3301.0714 of the Revised Code in 588
the manner specified in section 3314.17 of the Revised Code. 589

(e) The school shall comply with Chapter 102. and section 590
2921.42 of the Revised Code. 591

(f) The school will comply with sections 3313.61, 592

3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its

activities and progress in meeting the goals and standards of 624
divisions (A) (3) and (4) of this section and its financial 625
status to the sponsor and the parents of all students enrolled 626
in the school. 627

(h) The school, unless it is an internet- or computer- 628
based community school, will comply with section 3313.801 of the 629
Revised Code as if it were a school district. 630

(i) If the school is the recipient of moneys from a grant 631
awarded under the federal race to the top program, Division (A), 632
Title XIV, Sections 14005 and 14006 of the "American Recovery 633
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 634
the school will pay teachers based upon performance in 635
accordance with section 3317.141 and will comply with section 636
3319.111 of the Revised Code as if it were a school district. 637

(j) If the school operates a preschool program that is 638
licensed by the department under sections 3301.52 to 3301.59 of 639
the Revised Code, the school shall comply with sections 3301.50 640
to 3301.59 of the Revised Code and the minimum standards for 641
preschool programs prescribed in rules adopted by the department 642
of children and youth under section 3301.53 of the Revised Code. 643

(k) The school will comply with sections 3313.6021 and 644
3313.6023 of the Revised Code as if it were a school district 645
unless it is either of the following: 646

(i) An internet- or computer-based community school; 647

(ii) A community school in which a majority of the 648
enrolled students are children with disabilities as described in 649
division (A) (4) (b) of section 3314.35 of the Revised Code. 650

(l) The school will comply with section 3321.191 of the 651
Revised Code, unless it is an internet- or computer-based 652

community school that is subject to section 3314.261 of the Revised Code.

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

(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.

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

(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.

(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;

(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 agreement applicable to such employees;

(18) Provisions establishing procedures for resolving

disputes or differences of opinion between the sponsor and the 682
governing authority of the community school; 683

(19) A provision requiring the governing authority to 684
adopt a policy regarding the admission of students who reside 685
outside the district in which the school is located. That policy 686
shall comply with the admissions procedures specified in 687
sections 3314.06 and 3314.061 of the Revised Code and, at the 688
sole discretion of the authority, shall do one of the following: 689

(a) Prohibit the enrollment of students who reside outside 690
the district in which the school is located; 691

(b) Permit the enrollment of students who reside in 692
districts adjacent to the district in which the school is 693
located; 694

(c) Permit the enrollment of students who reside in any 695
other district in the state. 696

(20) A provision recognizing the authority of the 697
department to take over the sponsorship of the school in 698
accordance with the provisions of division (C) of section 699
3314.015 of the Revised Code; 700

(21) A provision recognizing the sponsor's authority to 701
assume the operation of a school under the conditions specified 702
in division (B) of section 3314.073 of the Revised Code; 703

(22) A provision recognizing both of the following: 704

(a) The authority of public health and safety officials to 705
inspect the facilities of the school and to order the facilities 706
closed if those officials find that the facilities are not in 707
compliance with health and safety laws and regulations; 708

(b) The authority of the department as the community 709

school oversight body to suspend the operation of the school 710
under section 3314.072 of the Revised Code if the department has 711
evidence of conditions or violations of law at the school that 712
pose an imminent danger to the health and safety of the school's 713
students and employees and the sponsor refuses to take such 714
action. 715

(23) A description of the learning opportunities that will 716
be offered to students including both classroom-based and non- 717
classroom-based learning opportunities that is in compliance 718
with criteria for student participation established by the 719
department under division (H) (2) of section 3314.08 of the 720
Revised Code; 721

(24) The school will comply with sections 3302.04 and 722
3302.041 of the Revised Code, except that any action required to 723
be taken by a school district pursuant to those sections shall 724
be taken by the sponsor of the school. 725

(25) Beginning in the 2006-2007 school year, the school 726
will open for operation not later than the thirtieth day of 727
September each school year, unless the mission of the school as 728
specified under division (A) (2) of this section is solely to 729
serve dropouts. In its initial year of operation, if the school 730
fails to open by the thirtieth day of September, or within one 731
year after the adoption of the contract pursuant to division (D) 732
of section 3314.02 of the Revised Code if the mission of the 733
school is solely to serve dropouts, the contract shall be void. 734

(26) Whether the school's governing authority is planning 735
to seek designation for the school as a STEM school equivalent 736
under section 3326.032 of the Revised Code; 737

(27) That the school's attendance and participation 738

policies will be available for public inspection; 739

(28) That the school's attendance and participation 740
records shall be made available to the department, auditor of 741
state, and school's sponsor to the extent permitted under and in 742
accordance with the "Family Educational Rights and Privacy Act 743
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 744
regulations promulgated under that act, and section 3319.321 of 745
the Revised Code; 746

(29) If a school operates using the blended learning 747
model, as defined in section 3301.079 of the Revised Code, all 748
of the following information: 749

(a) An indication of what blended learning model or models 750
will be used; 751

(b) A description of how student instructional needs will 752
be determined and documented; 753

(c) The method to be used for determining competency, 754
granting credit, and promoting students to a higher grade level; 755

(d) The school's attendance requirements, including how 756
the school will document participation in learning 757
opportunities; 758

(e) A statement describing how student progress will be 759
monitored; 760

(f) A statement describing how private student data will 761
be protected; 762

(g) A description of the professional development 763
activities that will be offered to teachers. 764

(30) A provision requiring that all moneys the school's 765

operator loans to the school, including facilities loans or cash 766
flow assistance, must be accounted for, documented, and bear 767
interest at a fair market rate; 768

(31) A provision requiring that, if the governing 769
authority contracts with an attorney, accountant, or entity 770
specializing in audits, the attorney, accountant, or entity 771
shall be independent from the operator with which the school has 772
contracted. 773

(32) A provision requiring the governing authority to 774
adopt an enrollment and attendance policy that requires a 775
student's parent to notify the community school in which the 776
student is enrolled when there is a change in the location of 777
the parent's or student's primary residence. 778

(33) A provision requiring the governing authority to 779
adopt a student residence and address verification policy for 780
students enrolling in or attending the school. 781

(B) The community school shall also submit to the sponsor 782
a comprehensive plan for the school. The plan shall specify the 783
following: 784

(1) The process by which the governing authority of the 785
school will be selected in the future; 786

(2) The management and administration of the school; 787

(3) If the community school is a currently existing public 788
school or educational service center building, alternative 789
arrangements for current public school students who choose not 790
to attend the converted school and for teachers who choose not 791
to teach in the school or building after conversion; 792

(4) The instructional program and educational philosophy 793

of the school; 794

(5) Internal financial controls. 795

When submitting the plan under this division, the school 796
shall also submit copies of all policies and procedures 797
regarding internal financial controls adopted by the governing 798
authority of the school. 799

(C) A contract entered into under section 3314.02 of the 800
Revised Code between a sponsor and the governing authority of a 801
community school may provide for the community school governing 802
authority to make payments to the sponsor, which is hereby 803
authorized to receive such payments as set forth in the contract 804
between the governing authority and the sponsor. The total 805
amount of such payments for monitoring, oversight, and technical 806
assistance of the school shall not exceed three per cent of the 807
total amount of payments for operating expenses that the school 808
receives from the state. 809

(D) The contract shall specify the duties of the sponsor 810
which shall be in accordance with the written agreement entered 811
into with the department under division (B) of section 3314.015 812
of the Revised Code and shall include the following: 813

(1) Monitor the community school's compliance with all 814
laws applicable to the school and with the terms of the 815
contract; 816

(2) Monitor and evaluate the academic and fiscal 817
performance and the organization and operation of the community 818
school on at least an annual basis; 819

(3) Report on an annual basis the results of the 820
evaluation conducted under division (D) (2) of this section to 821
the department and to the parents of students enrolled in the 822

community school; 823

(4) Provide technical assistance to the community school 824
in complying with laws applicable to the school and terms of the 825
contract; 826

(5) Take steps to intervene in the school's operation to 827
correct problems in the school's overall performance, declare 828
the school to be on probationary status pursuant to section 829
3314.073 of the Revised Code, suspend the operation of the 830
school pursuant to section 3314.072 of the Revised Code, or 831
terminate the contract of the school pursuant to section 3314.07 832
of the Revised Code as determined necessary by the sponsor; 833

(6) Have in place a plan of action to be undertaken in the 834
event the community school experiences financial difficulties or 835
closes prior to the end of a school year. 836

(E) Upon the expiration of a contract entered into under 837
this section, the sponsor of a community school may, with the 838
approval of the governing authority of the school, renew that 839
contract for a period of time determined by the sponsor, but not 840
ending earlier than the end of any school year, if the sponsor 841
finds that the school's compliance with applicable laws and 842
terms of the contract and the school's progress in meeting the 843
academic goals prescribed in the contract have been 844
satisfactory. Any contract that is renewed under this division 845
remains subject to the provisions of sections 3314.07, 3314.072, 846
and 3314.073 of the Revised Code. 847

(F) If a community school fails to open for operation 848
within one year after the contract entered into under this 849
section is adopted pursuant to division (D) of section 3314.02 850
of the Revised Code or permanently closes prior to the 851

expiration of the contract, the contract shall be void and the 852
school shall not enter into a contract with any other sponsor. A 853
school shall not be considered permanently closed because the 854
operations of the school have been suspended pursuant to section 855
3314.072 of the Revised Code. 856

Section 4. That the existing version of section 3314.03 of 857
the Revised Code that is scheduled to take effect January 1, 858
2025, is hereby repealed. 859

Section 5. Sections 3 and 4 of this act take effect on 860
January 1, 2025. 861