

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 659

Representatives Mathews, Lorenz

Cosponsor: Representative Williams

A BILL

To amend sections 3314.03 and 3326.11 and to enact
section 3313.473 of the Revised Code to require
certain public and chartered nonpublic schools
to provide information about water safety
education.

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 3313.473 of the Revised Code be enacted to read as
follows:

Sec. 3313.473. (A) As used in this section, "water safety"
means age-appropriate education intended to promote safety in,
on, and around bodies of water and reduce the risk of injury or
drowning.

(B) Beginning with the 2025-2026 school year, each school
district and chartered nonpublic school shall, upon initial
enrollment of a student in the district or school, provide the
student's parent with information on the important role water
safety education courses and swimming lessons play in saving
lives. The information shall be provided electronically or in

hard copy and shall include, if available, local options for 19
water safety courses and age-appropriate swimming lessons that 20
result in a certificate indicating successful completion, 21
including courses and lessons offered for free or at a reduced 22
price. 23

If the student is eighteen years of age or older, the 24
district or school shall provide the information to the student. 25

If a student is enrolling in an adult education program, 26
the district or school shall only provide the information to the 27
student if the student is under the age of twenty-one. 28

Sec. 3314.03. A copy of every contract entered into under 29
this section shall be filed with the director of education and 30
workforce. The department of education and workforce shall make 31
available on its web site a copy of every approved, executed 32
contract filed with the director under this section. 33

(A) Each contract entered into between a sponsor and the 34
governing authority of a community school shall specify the 35
following: 36

(1) That the school shall be established as either of the 37
following: 38

(a) A nonprofit corporation established under Chapter 39
1702. of the Revised Code, if established prior to April 8, 40
2003; 41

(b) A public benefit corporation established under Chapter 42
1702. of the Revised Code, if established after April 8, 2003. 43

(2) The education program of the school, including the 44
school's mission, the characteristics of the students the school 45
is expected to attract, the ages and grades of students, and the 46

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| focus of the curriculum; | 47 |
| (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; | 48 49 50 51 |
| (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; | 52 53 54 55 |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; | 56 57 58 |
| (6) (a) Dismissal procedures; | 59 |
| (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. | 60 61 62 63 64 65 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; | 66 67 |
| (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. | 68 69 70 71 72 73 |
| (9) An addendum to the contract outlining the facilities | 74 |

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| to be used that contains at least the following information: | 75 |
| (a) A detailed description of each facility used for instructional purposes; | 76 77 |
| (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; | 78 79 |
| (c) The annual mortgage principal and interest payments that are paid by the school; | 80 81 |
| (d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. | 82 83 84 |
| (10) Qualifications of employees, including both of the following: | 85 86 |
| (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; | 87 88 89 90 91 |
| (b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position. | 92 93 94 |
| (11) That the school will comply with the following requirements: | 95 96 |
| (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. | 97 98 99 |
| (b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of | 100 101 |

the school. 102

(c) The school will be nonsectarian in its programs, 103
admission policies, employment practices, and all other 104
operations, and will not be operated by a sectarian school or 105
religious institution. 106

(d) The school will comply with sections 9.90, 9.91, 107
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 108
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 109
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 110
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3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 119
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 120
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 121
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 122
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 123
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 124
4123., 4141., and 4167. of the Revised Code as if it were a 125
school district and will comply with section 3301.0714 of the 126
Revised Code in the manner specified in section 3314.17 of the 127
Revised Code. 128

(e) The school shall comply with Chapter 102. and section 129
2921.42 of the Revised Code. 130

(f) The school will comply with sections 3313.61, 131

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 163
divisions (A) (3) and (4) of this section and its financial 164
status to the sponsor and the parents of all students enrolled 165
in the school. 166

(h) The school, unless it is an internet- or computer- 167
based community school, will comply with section 3313.801 of the 168
Revised Code as if it were a school district. 169

(i) If the school is the recipient of moneys from a grant 170
awarded under the federal race to the top program, Division (A), 171
Title XIV, Sections 14005 and 14006 of the "American Recovery 172
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 173
the school will pay teachers based upon performance in 174
accordance with section 3317.141 and will comply with section 175
3319.111 of the Revised Code as if it were a school district. 176

(j) If the school operates a preschool program that is 177
licensed by the department under sections 3301.52 to 3301.59 of 178
the Revised Code, the school shall comply with sections 3301.50 179
to 3301.59 of the Revised Code and the minimum standards for 180
preschool programs prescribed in rules adopted by the department 181
of children and youth under section 3301.53 of the Revised Code. 182

(k) The school will comply with sections 3313.6021 and 183
3313.6023 of the Revised Code as if it were a school district 184
unless it is either of the following: 185

(i) An internet- or computer-based community school; 186

(ii) A community school in which a majority of the 187
enrolled students are children with disabilities as described in 188
division (A) (4) (b) of section 3314.35 of the Revised Code. 189

(l) The school will comply with section 3321.191 of the 190
Revised Code, unless it is an internet- or computer-based 191

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| community school that is subject to section 3314.261 of the | 192 |
| Revised Code. | 193 |
| (12) Arrangements for providing health and other benefits | 194 |
| to employees; | 195 |
| (13) The length of the contract, which shall begin at the | 196 |
| beginning of an academic year. No contract shall exceed five | 197 |
| years unless such contract has been renewed pursuant to division | 198 |
| (E) of this section. | 199 |
| (14) The governing authority of the school, which shall be | 200 |
| responsible for carrying out the provisions of the contract; | 201 |
| (15) A financial plan detailing an estimated school budget | 202 |
| for each year of the period of the contract and specifying the | 203 |
| total estimated per pupil expenditure amount for each such year. | 204 |
| (16) Requirements and procedures regarding the disposition | 205 |
| of employees of the school in the event the contract is | 206 |
| terminated or not renewed pursuant to section 3314.07 of the | 207 |
| Revised Code; | 208 |
| (17) Whether the school is to be created by converting all | 209 |
| or part of an existing public school or educational service | 210 |
| center building or is to be a new start-up school, and if it is | 211 |
| a converted public school or service center building, | 212 |
| specification of any duties or responsibilities of an employer | 213 |
| that the board of education or service center governing board | 214 |
| that operated the school or building before conversion is | 215 |
| delegating to the governing authority of the community school | 216 |
| with respect to all or any specified group of employees provided | 217 |
| the delegation is not prohibited by a collective bargaining | 218 |
| agreement applicable to such employees; | 219 |
| (18) Provisions establishing procedures for resolving | 220 |

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

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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

(b) The authority of the department as the community

school oversight body to suspend the operation of the school 249
under section 3314.072 of the Revised Code if the department has 250
evidence of conditions or violations of law at the school that 251
pose an imminent danger to the health and safety of the school's 252
students and employees and the sponsor refuses to take such 253
action. 254

(23) A description of the learning opportunities that will 255
be offered to students including both classroom-based and non- 256
classroom-based learning opportunities that is in compliance 257
with criteria for student participation established by the 258
department under division (H) (2) of section 3314.08 of the 259
Revised Code; 260

(24) The school will comply with sections 3302.04 and 261
3302.041 of the Revised Code, except that any action required to 262
be taken by a school district pursuant to those sections shall 263
be taken by the sponsor of the school. 264

(25) Beginning in the 2006-2007 school year, the school 265
will open for operation not later than the thirtieth day of 266
September each school year, unless the mission of the school as 267
specified under division (A) (2) of this section is solely to 268
serve dropouts. In its initial year of operation, if the school 269
fails to open by the thirtieth day of September, or within one 270
year after the adoption of the contract pursuant to division (D) 271
of section 3314.02 of the Revised Code if the mission of the 272
school is solely to serve dropouts, the contract shall be void. 273

(26) Whether the school's governing authority is planning 274
to seek designation for the school as a STEM school equivalent 275
under section 3326.032 of the Revised Code; 276

(27) That the school's attendance and participation 277

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| policies will be available for public inspection; | 278 |
| (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 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; | 279 280 281 282 283 284 285 |
| (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: | 286 287 288 |
| (a) An indication of what blended learning model or models will be used; | 289 290 |
| (b) A description of how student instructional needs will be determined and documented; | 291 292 |
| (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; | 293 294 |
| (d) The school's attendance requirements, including how the school will document participation in learning opportunities; | 295 296 297 |
| (e) A statement describing how student progress will be monitored; | 298 299 |
| (f) A statement describing how private student data will be protected; | 300 301 |
| (g) A description of the professional development activities that will be offered to teachers. | 302 303 |
| (30) A provision requiring that all moneys the school's | 304 |

operator loans to the school, including facilities loans or cash 305
flow assistance, must be accounted for, documented, and bear 306
interest at a fair market rate; 307

(31) A provision requiring that, if the governing 308
authority contracts with an attorney, accountant, or entity 309
specializing in audits, the attorney, accountant, or entity 310
shall be independent from the operator with which the school has 311
contracted. 312

(32) A provision requiring the governing authority to 313
adopt an enrollment and attendance policy that requires a 314
student's parent to notify the community school in which the 315
student is enrolled when there is a change in the location of 316
the parent's or student's primary residence. 317

(33) A provision requiring the governing authority to 318
adopt a student residence and address verification policy for 319
students enrolling in or attending the school. 320

(B) The community school shall also submit to the sponsor 321
a comprehensive plan for the school. The plan shall specify the 322
following: 323

(1) The process by which the governing authority of the 324
school will be selected in the future; 325

(2) The management and administration of the school; 326

(3) If the community school is a currently existing public 327
school or educational service center building, alternative 328
arrangements for current public school students who choose not 329
to attend the converted school and for teachers who choose not 330
to teach in the school or building after conversion; 331

(4) The instructional program and educational philosophy 332

of the school; 333

(5) Internal financial controls. 334

When submitting the plan under this division, the school 335
shall also submit copies of all policies and procedures 336
regarding internal financial controls adopted by the governing 337
authority of the school. 338

(C) A contract entered into under section 3314.02 of the 339
Revised Code between a sponsor and the governing authority of a 340
community school may provide for the community school governing 341
authority to make payments to the sponsor, which is hereby 342
authorized to receive such payments as set forth in the contract 343
between the governing authority and the sponsor. The total 344
amount of such payments for monitoring, oversight, and technical 345
assistance of the school shall not exceed three per cent of the 346
total amount of payments for operating expenses that the school 347
receives from the state. 348

(D) The contract shall specify the duties of the sponsor 349
which shall be in accordance with the written agreement entered 350
into with the department under division (B) of section 3314.015 351
of the Revised Code and shall include the following: 352

(1) Monitor the community school's compliance with all 353
laws applicable to the school and with the terms of the 354
contract; 355

(2) Monitor and evaluate the academic and fiscal 356
performance and the organization and operation of the community 357
school on at least an annual basis; 358

(3) Report on an annual basis the results of the 359
evaluation conducted under division (D) (2) of this section to 360
the department and to the parents of students enrolled in the 361

community school; 362

(4) Provide technical assistance to the community school 363
in complying with laws applicable to the school and terms of the 364
contract; 365

(5) Take steps to intervene in the school's operation to 366
correct problems in the school's overall performance, declare 367
the school to be on probationary status pursuant to section 368
3314.073 of the Revised Code, suspend the operation of the 369
school pursuant to section 3314.072 of the Revised Code, or 370
terminate the contract of the school pursuant to section 3314.07 371
of the Revised Code as determined necessary by the sponsor; 372

(6) Have in place a plan of action to be undertaken in the 373
event the community school experiences financial difficulties or 374
closes prior to the end of a school year. 375

(E) Upon the expiration of a contract entered into under 376
this section, the sponsor of a community school may, with the 377
approval of the governing authority of the school, renew that 378
contract for a period of time determined by the sponsor, but not 379
ending earlier than the end of any school year, if the sponsor 380
finds that the school's compliance with applicable laws and 381
terms of the contract and the school's progress in meeting the 382
academic goals prescribed in the contract have been 383
satisfactory. Any contract that is renewed under this division 384
remains subject to the provisions of sections 3314.07, 3314.072, 385
and 3314.073 of the Revised Code. 386

(F) If a community school fails to open for operation 387
within one year after the contract entered into under this 388
section is adopted pursuant to division (D) of section 3314.02 389
of the Revised Code or permanently closes prior to the 390

expiration of the contract, the contract shall be void and the 391
school shall not enter into a contract with any other sponsor. A 392
school shall not be considered permanently closed because the 393
operations of the school have been suspended pursuant to section 394
3314.072 of the Revised Code. 395

Sec. 3326.11. Each science, technology, engineering, and 396
mathematics school established under this chapter and its 397
governing body shall comply with sections 9.90, 9.91, 109.65, 398
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 399
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 400
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 401
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3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 416
3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 417
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 418
117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 419
4141., and 4167. of the Revised Code as if it were a school 420
district. 421

Section 2. That existing sections 3314.03 and 3326.11 of 422
the Revised Code are hereby repealed. 423