

As Re-reported by the Senate Veterans and Public Safety Committee

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 113

Senator Hoagland

Cosponsor: Senator Johnson

A BILL

To amend sections 3314.03, 3326.11, 3328.24, and 1
4117.10 and to enact sections 3.19, 124.95, and 2
3313.473 of the Revised Code to prohibit a 3
person who fails to comply with the Military 4
Selective Service System from holding certain 5
public offices or employment with the state, to 6
require high schools to notify students of any 7
obligation to register for the Selective Service 8
System, and to amend the version of section 9
3314.03 of the Revised Code that is scheduled to 10
take effect on January 1, 2025, to continue the 11
changes on and after that date. 12

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

Section 1. That sections 3314.03, 3326.11, 3328.24, and 13
4117.10 be amended and sections 3.19, 124.95, and 3313.473 of 14
the Revised Code be enacted to read as follows: 15

Sec. 3.19. (A) As used in this section, "public office" 16
means any state agency, public institution, political 17
subdivision, or other organized body, office, agency, 18

institution, or entity established by the laws of this state for 19
the exercise of any function of government. "Public office" does 20
not include an elected or appointed office whose qualifications 21
are created by a provision of the Constitution of this state. 22

(B) Except as provided in divisions (C) and (D) of this 23
section, an individual who is required to register with the 24
selective service system, and fails to do so in violation of 25
section 3 of the "Military Selective Service Act," 50 U.S.C. 26
3802, or who failed to do so before the requirement for the 27
person to so register terminated or had become inapplicable to 28
the individual, is incompetent to hold an appointed or elected 29
position of a public office. 30

(C) An individual who, on or after August 1, 2002, 31
submitted an application for issuance or renewal of a license 32
during the period of time that the individual was required to 33
register with the selective service system is deemed to have 34
given consent for the bureau of motor vehicles to register the 35
individual with the selective service system, as required under 36
section 4507.062 of the Revised Code, and shall not be 37
considered incompetent to hold an appointed or elected position 38
of a public office under division (B) of this section. 39

(D) Division (B) of this section does not apply to an 40
individual if the requirement to register with the selective 41
service system terminated or became inapplicable to the 42
individual before the effective date of this section. 43

Sec. 124.95. (A) As used in this section: 44

(1) "State agency" means all of the following: 45

(a) An organized body, office, agency, institution, or 46
other entity established by the laws of the state for the 47

<u>exercise of a function of state government;</u>	48
<u>(b) Any state-supported institution of higher education;</u>	49
<u>(c) The public employees retirement system;</u>	50
<u>(d) The Ohio police and fire pension fund;</u>	51
<u>(e) The state teachers retirement system;</u>	52
<u>(f) The school employees retirement system;</u>	53
<u>(g) The state highway patrol retirement system.</u>	54
<u>(2) "License" has the same meaning as in section 4507.062</u>	55
<u>of the Revised Code.</u>	56
<u>(B) Except as provided in divisions (D) and (E) of this</u>	57
<u>section, an individual who fails to register with the selective</u>	58
<u>service system in violation of section 3 of the "Military</u>	59
<u>Selective Service Act," 50 U.S.C. 3802 shall be ineligible for</u>	60
<u>an initial appointment to employment with a state agency.</u>	61
<u>(C) An appointing authority of a state agency shall ensure</u>	62
<u>that an applicant for employment with the agency is in</u>	63
<u>compliance with section 3 of the "Military Selective Service</u>	64
<u>Act," 50 U.S.C. 3802 before making an offer of employment to the</u>	65
<u>applicant.</u>	66
<u>(D) An individual who, on or after August 1, 2002,</u>	67
<u>submitted an application for issuance or renewal of a license</u>	68
<u>during the period of time that the individual was required to</u>	69
<u>register with the selective service system is deemed to have</u>	70
<u>given consent for the bureau of motor vehicles to register the</u>	71
<u>individual with the selective service system, as required under</u>	72
<u>section 4507.062 of the Revised Code, and shall not be</u>	73
<u>ineligible for an initial appointment to employment with a state</u>	74

agency under division (B) of this section. 75

(E) Division (B) of this section does not apply to an 76
individual if the requirement to register with the selective 77
service system terminated or became inapplicable to the 78
individual before the effective date of this section. 79

Sec. 3313.473. The board of education of each city, 80
exempted village, and local school district, governing board of 81
each educational service center, and governing authority of each 82
chartered nonpublic school that offers grades nine through 83
twelve shall notify individual high school students of any 84
obligation to register with the selective service system under 85
the "Military Selective Service Act," 50 U.S.C. 3802. 86

Notification shall include information on how students may 87
register for the selective service, including the ability to 88
register through the high school's guidance counselor or 89
equivalent official as determined by the school administrator. 90

School districts and schools shall determine the manner in 91
which students are provided notification under this section. 92

Sec. 3314.03. A copy of every contract entered into under 93
this section shall be filed with the director of education and 94
workforce. The department of education and workforce shall make 95
available on its web site a copy of every approved, executed 96
contract filed with the director under this section. 97

(A) Each contract entered into between a sponsor and the 98
governing authority of a community school shall specify the 99
following: 100

(1) That the school shall be established as either of the 101
following: 102

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	103 104 105
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	106 107
(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;	108 109 110 111
(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;	112 113 114 115
(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;	116 117 118 119
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	120 121 122
(6) (a) Dismissal procedures;	123
(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.	124 125 126 127 128 129
(7) The ways by which the school will achieve racial and	130

ethnic balance reflective of the community it serves;	131
(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.	132 133 134 135 136 137
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	138 139
(a) A detailed description of each facility used for instructional purposes;	140 141
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	142 143
(c) The annual mortgage principal and interest payments that are paid by the school;	144 145
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	146 147 148
(10) Qualifications of employees, including both of the following:	149 150
(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;	151 152 153 154 155
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	156 157 158

(11) That the school will comply with the following requirements:	159 160
(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.	161 162 163
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	164 165 166
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	167 168 169 170
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, <u>3313.473</u> , 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141.,	171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188

and 4167. of the Revised Code as if it were a school district 189
and will comply with section 3301.0714 of the Revised Code in 190
the manner specified in section 3314.17 of the Revised Code. 191

(e) The school shall comply with Chapter 102. and section 192
2921.42 of the Revised Code. 193

(f) The school will comply with sections 3313.61, 194
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 195
Revised Code, except that for students who enter ninth grade for 196
the first time before July 1, 2010, the requirement in sections 197
3313.61 and 3313.611 of the Revised Code that a person must 198
successfully complete the curriculum in any high school prior to 199
receiving a high school diploma may be met by completing the 200
curriculum adopted by the governing authority of the community 201
school rather than the curriculum specified in Title XXXIII of 202
the Revised Code or any rules of the department. Beginning with 203
students who enter ninth grade for the first time on or after 204
July 1, 2010, the requirement in sections 3313.61 and 3313.611 205
of the Revised Code that a person must successfully complete the 206
curriculum of a high school prior to receiving a high school 207
diploma shall be met by completing the requirements prescribed 208
in section 3313.6027 and division (C) of section 3313.603 of the 209
Revised Code, unless the person qualifies under division (D) or 210
(F) of that section. Each school shall comply with the plan for 211
awarding high school credit based on demonstration of subject 212
area competency, and beginning with the 2017-2018 school year, 213
with the updated plan that permits students enrolled in seventh 214
and eighth grade to meet curriculum requirements based on 215
subject area competency adopted by the department under 216
divisions (J) (1) and (2) of section 3313.603 of the Revised 217
Code. Beginning with the 2018-2019 school year, the school shall 218
comply with the framework for granting units of high school 219

credit to students who demonstrate subject area competency 220
through work-based learning experiences, internships, or 221
cooperative education developed by the department under division 222
(J) (3) of section 3313.603 of the Revised Code. 223

(g) The school governing authority will submit within four 224
months after the end of each school year a report of its 225
activities and progress in meeting the goals and standards of 226
divisions (A) (3) and (4) of this section and its financial 227
status to the sponsor and the parents of all students enrolled 228
in the school. 229

(h) The school, unless it is an internet- or computer- 230
based community school, will comply with section 3313.801 of the 231
Revised Code as if it were a school district. 232

(i) If the school is the recipient of moneys from a grant 233
awarded under the federal race to the top program, Division (A), 234
Title XIV, Sections 14005 and 14006 of the "American Recovery 235
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 236
the school will pay teachers based upon performance in 237
accordance with section 3317.141 and will comply with section 238
3319.111 of the Revised Code as if it were a school district. 239

(j) If the school operates a preschool program that is 240
licensed by the department under sections 3301.52 to 3301.59 of 241
the Revised Code, the school shall comply with sections 3301.50 242
to 3301.59 of the Revised Code and the minimum standards for 243
preschool programs prescribed in rules adopted by the department 244
under section 3301.53 of the Revised Code. 245

(k) The school will comply with sections 3313.6021 and 246
3313.6023 of the Revised Code as if it were a school district 247
unless it is either of the following: 248

(i) An internet- or computer-based community school;	249
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	250 251 252
(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.	253 254 255 256
(12) Arrangements for providing health and other benefits to employees;	257 258
(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.	259 260 261 262
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	263 264
(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.	265 266 267
(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;	268 269 270 271
(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	272 273 274 275 276

that the board of education or service center governing board	277
that operated the school or building before conversion is	278
delegating to the governing authority of the community school	279
with respect to all or any specified group of employees provided	280
the delegation is not prohibited by a collective bargaining	281
agreement applicable to such employees;	282
(18) Provisions establishing procedures for resolving	283
disputes or differences of opinion between the sponsor and the	284
governing authority of the community school;	285
(19) A provision requiring the governing authority to	286
adopt a policy regarding the admission of students who reside	287
outside the district in which the school is located. That policy	288
shall comply with the admissions procedures specified in	289
sections 3314.06 and 3314.061 of the Revised Code and, at the	290
sole discretion of the authority, shall do one of the following:	291
(a) Prohibit the enrollment of students who reside outside	292
the district in which the school is located;	293
(b) Permit the enrollment of students who reside in	294
districts adjacent to the district in which the school is	295
located;	296
(c) Permit the enrollment of students who reside in any	297
other district in the state.	298
(20) A provision recognizing the authority of the	299
department to take over the sponsorship of the school in	300
accordance with the provisions of division (C) of section	301
3314.015 of the Revised Code;	302
(21) A provision recognizing the sponsor's authority to	303
assume the operation of a school under the conditions specified	304
in division (B) of section 3314.073 of the Revised Code;	305

(22) A provision recognizing both of the following:	306
(a) The authority of public health and safety officials to	307
inspect the facilities of the school and to order the facilities	308
closed if those officials find that the facilities are not in	309
compliance with health and safety laws and regulations;	310
(b) The authority of the department as the community	311
school oversight body to suspend the operation of the school	312
under section 3314.072 of the Revised Code if the department has	313
evidence of conditions or violations of law at the school that	314
pose an imminent danger to the health and safety of the school's	315
students and employees and the sponsor refuses to take such	316
action.	317
(23) A description of the learning opportunities that will	318
be offered to students including both classroom-based and non-	319
classroom-based learning opportunities that is in compliance	320
with criteria for student participation established by the	321
department under division (H) (2) of section 3314.08 of the	322
Revised Code;	323
(24) The school will comply with sections 3302.04 and	324
3302.041 of the Revised Code, except that any action required to	325
be taken by a school district pursuant to those sections shall	326
be taken by the sponsor of the school.	327
(25) Beginning in the 2006-2007 school year, the school	328
will open for operation not later than the thirtieth day of	329
September each school year, unless the mission of the school as	330
specified under division (A) (2) of this section is solely to	331
serve dropouts. In its initial year of operation, if the school	332
fails to open by the thirtieth day of September, or within one	333
year after the adoption of the contract pursuant to division (D)	334

of section 3314.02 of the Revised Code if the mission of the 335
school is solely to serve dropouts, the contract shall be void. 336

(26) Whether the school's governing authority is planning 337
to seek designation for the school as a STEM school equivalent 338
under section 3326.032 of the Revised Code; 339

(27) That the school's attendance and participation 340
policies will be available for public inspection; 341

(28) That the school's attendance and participation 342
records shall be made available to the department, auditor of 343
state, and school's sponsor to the extent permitted under and in 344
accordance with the "Family Educational Rights and Privacy Act 345
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 346
regulations promulgated under that act, and section 3319.321 of 347
the Revised Code; 348

(29) If a school operates using the blended learning 349
model, as defined in section 3301.079 of the Revised Code, all 350
of the following information: 351

(a) An indication of what blended learning model or models 352
will be used; 353

(b) A description of how student instructional needs will 354
be determined and documented; 355

(c) The method to be used for determining competency, 356
granting credit, and promoting students to a higher grade level; 357

(d) The school's attendance requirements, including how 358
the school will document participation in learning 359
opportunities; 360

(e) A statement describing how student progress will be 361
monitored; 362

(f) A statement describing how private student data will be protected;	363 364
(g) A description of the professional development activities that will be offered to teachers.	365 366
(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;	367 368 369 370
(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.	371 372 373 374 375
(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.	376 377 378 379 380
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	381 382 383
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	384 385 386
(1) The process by which the governing authority of the school will be selected in the future;	387 388
(2) The management and administration of the school;	389
(3) If the community school is a currently existing public	390

school or educational service center building, alternative 391
arrangements for current public school students who choose not 392
to attend the converted school and for teachers who choose not 393
to teach in the school or building after conversion; 394

(4) The instructional program and educational philosophy 395
of the school; 396

(5) Internal financial controls. 397

When submitting the plan under this division, the school 398
shall also submit copies of all policies and procedures 399
regarding internal financial controls adopted by the governing 400
authority of the school. 401

(C) A contract entered into under section 3314.02 of the 402
Revised Code between a sponsor and the governing authority of a 403
community school may provide for the community school governing 404
authority to make payments to the sponsor, which is hereby 405
authorized to receive such payments as set forth in the contract 406
between the governing authority and the sponsor. The total 407
amount of such payments for monitoring, oversight, and technical 408
assistance of the school shall not exceed three per cent of the 409
total amount of payments for operating expenses that the school 410
receives from the state. 411

(D) The contract shall specify the duties of the sponsor 412
which shall be in accordance with the written agreement entered 413
into with the department under division (B) of section 3314.015 414
of the Revised Code and shall include the following: 415

(1) Monitor the community school's compliance with all 416
laws applicable to the school and with the terms of the 417
contract; 418

(2) Monitor and evaluate the academic and fiscal 419

performance and the organization and operation of the community	420
school on at least an annual basis;	421
(3) Report on an annual basis the results of the	422
evaluation conducted under division (D) (2) of this section to	423
the department and to the parents of students enrolled in the	424
community school;	425
(4) Provide technical assistance to the community school	426
in complying with laws applicable to the school and terms of the	427
contract;	428
(5) Take steps to intervene in the school's operation to	429
correct problems in the school's overall performance, declare	430
the school to be on probationary status pursuant to section	431
3314.073 of the Revised Code, suspend the operation of the	432
school pursuant to section 3314.072 of the Revised Code, or	433
terminate the contract of the school pursuant to section 3314.07	434
of the Revised Code as determined necessary by the sponsor;	435
(6) Have in place a plan of action to be undertaken in the	436
event the community school experiences financial difficulties or	437
closes prior to the end of a school year.	438
(E) Upon the expiration of a contract entered into under	439
this section, the sponsor of a community school may, with the	440
approval of the governing authority of the school, renew that	441
contract for a period of time determined by the sponsor, but not	442
ending earlier than the end of any school year, if the sponsor	443
finds that the school's compliance with applicable laws and	444
terms of the contract and the school's progress in meeting the	445
academic goals prescribed in the contract have been	446
satisfactory. Any contract that is renewed under this division	447
remains subject to the provisions of sections 3314.07, 3314.072,	448

and 3314.073 of the Revised Code. 449

(F) If a community school fails to open for operation 450
within one year after the contract entered into under this 451
section is adopted pursuant to division (D) of section 3314.02 452
of the Revised Code or permanently closes prior to the 453
expiration of the contract, the contract shall be void and the 454
school shall not enter into a contract with any other sponsor. A 455
school shall not be considered permanently closed because the 456
operations of the school have been suspended pursuant to section 457
3314.072 of the Revised Code. 458

Sec. 3326.11. Each science, technology, engineering, and 459
mathematics school established under this chapter and its 460
governing body shall comply with sections 9.90, 9.91, 109.65, 461
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 462
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 463
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 464
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 465
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 466
3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 467
3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.61, 3313.611, 468
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 469
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3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 477
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 478
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 479

3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 480
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 481
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 482
4167. of the Revised Code as if it were a school district. 483

Sec. 3328.24. A college-preparatory boarding school 484
established under this chapter and its board of trustees shall 485
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 486
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.473, 3313.5318, 487
3313.5319, 3313.6013, 3313.6021, 3313.6024, 3313.6025, 488
3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 489
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.7117, 490
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 491
3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 492
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of 493
the Revised Code as if the school were a school district and the 494
school's board of trustees were a district board of education. 495

Sec. 4117.10. (A) An agreement between a public employer 496
and an exclusive representative entered into pursuant to this 497
chapter governs the wages, hours, and terms and conditions of 498
public employment covered by the agreement. If the agreement 499
provides for a final and binding arbitration of grievances, 500
public employers, employees, and employee organizations are 501
subject solely to that grievance procedure and the state 502
personnel board of review or civil service commissions have no 503
jurisdiction to receive and determine any appeals relating to 504
matters that were the subject of a final and binding grievance 505
procedure. Where no agreement exists or where an agreement makes 506
no specification about a matter, the public employer and public 507
employees are subject to all applicable state or local laws or 508
ordinances pertaining to the wages, hours, and terms and 509
conditions of employment for public employees. All of the 510

following prevail over conflicting provisions of agreements	511
between employee organizations and public employers:	512
(1) Laws pertaining to any of the following subjects:	513
(a) Civil rights;	514
(b) Affirmative action;	515
(c) Unemployment compensation;	516
(d) Workers' compensation;	517
(e) The retirement of public employees;	518
(f) Residency requirements;	519
(g) The minimum educational requirements contained in the	520
Revised Code pertaining to public education including the	521
requirement of a certificate by the fiscal officer of a school	522
district pursuant to section 5705.41 of the Revised Code;	523
(h) The provisions of division (A) of section 124.34 of	524
the Revised Code governing the disciplining of officers and	525
employees who have been convicted of a felony;	526
(i) The minimum standards promulgated by the director of	527
education and workforce pursuant to division (D) of section	528
3301.07 of the Revised Code.	529
(2) The law pertaining to the leave of absence and	530
compensation provided under section 5923.05 of the Revised Code,	531
if the terms of the agreement contain benefits which are less	532
than those contained in that section or the agreement contains	533
no such terms and the public authority is the state or any	534
agency, authority, commission, or board of the state or if the	535
public authority is another entity listed in division (B) of	536
section 4117.01 of the Revised Code that elects to provide leave	537

of absence and compensation as provided in section 5923.05 of 538
the Revised Code; 539

(3) The law pertaining to the leave established under 540
section 5906.02 of the Revised Code, if the terms of the 541
agreement contain benefits that are less than those contained in 542
section 5906.02 of the Revised Code; 543

(4) The law pertaining to excess benefits prohibited under 544
section 3345.311 of the Revised Code with respect to an 545
agreement between an employee organization and a public employer 546
entered into on or after September 29, 2015; 547

(5) The law pertaining to ineligibility for an initial 548
appointment with a state agency under section 124.95 of the 549
Revised Code with respect to an agreement between an employee 550
organization and a public employer entered into on or after the 551
effective date of this amendment. 552

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 553
the Revised Code and arrangements entered into thereunder, and 554
section 4981.21 of the Revised Code as necessary to comply with 555
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 556
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 557
entered into thereunder, this chapter prevails over any and all 558
other conflicting laws, resolutions, provisions, present or 559
future, except as otherwise specified in this chapter or as 560
otherwise specified by the general assembly. Nothing in this 561
section prohibits or shall be construed to invalidate the 562
provisions of an agreement establishing supplemental workers' 563
compensation or unemployment compensation benefits or exceeding 564
minimum requirements contained in the Revised Code pertaining to 565
public education or the minimum standards promulgated by the 566
director of education and workforce pursuant to division (D) of 567

section 3301.07 of the Revised Code. 568

(B) The public employer shall submit a request for funds 569
necessary to implement an agreement and for approval of any 570
other matter requiring the approval of the appropriate 571
legislative body to the legislative body within fourteen days of 572
the date on which the parties finalize the agreement, unless 573
otherwise specified, but if the appropriate legislative body is 574
not in session at the time, then within fourteen days after it 575
convenes. The legislative body must approve or reject the 576
submission as a whole, and the submission is deemed approved if 577
the legislative body fails to act within thirty days after the 578
public employer submits the agreement. The parties may specify 579
that those provisions of the agreement not requiring action by a 580
legislative body are effective and operative in accordance with 581
the terms of the agreement, provided there has been compliance 582
with division (C) of this section. If the legislative body 583
rejects the submission of the public employer, either party may 584
reopen all or part of the entire agreement. 585

As used in this section, "legislative body" includes the 586
governing board of a municipal corporation, school district, 587
college or university, village, township, or board of county 588
commissioners or any other body that has authority to approve 589
the budget of their public jurisdiction and, with regard to the 590
state, "legislative body" means the controlling board. 591

(C) The chief executive officer, or the chief executive 592
officer's representative, of each municipal corporation, the 593
designated representative of the board of education of each 594
school district, college or university, or any other body that 595
has authority to approve the budget of their public 596
jurisdiction, the designated representative of the board of 597

county commissioners and of each elected officeholder of the 598
county whose employees are covered by the collective 599
negotiations, and the designated representative of the village 600
or the board of township trustees of each township is 601
responsible for negotiations in the collective bargaining 602
process; except that the legislative body may accept or reject a 603
proposed collective bargaining agreement. When the matters about 604
which there is agreement are reduced to writing and approved by 605
the employee organization and the legislative body, the 606
agreement is binding upon the legislative body, the employer, 607
and the employee organization and employees covered by the 608
agreement. 609

(D) There is hereby established an office of collective 610
bargaining in the department of administrative services for the 611
purpose of negotiating with and entering into written agreements 612
between state agencies, departments, boards, and commissions and 613
the exclusive representative on matters of wages, hours, terms 614
and other conditions of employment and the continuation, 615
modification, or deletion of an existing provision of a 616
collective bargaining agreement. Nothing in any provision of law 617
to the contrary shall be interpreted as excluding the bureau of 618
workers' compensation and the industrial commission from the 619
preceding sentence. This office shall not negotiate on behalf of 620
other statewide elected officials or boards of trustees of state 621
institutions of higher education who shall be considered as 622
separate public employers for the purposes of this chapter; 623
however, the office may negotiate on behalf of these officials 624
or trustees where authorized by the officials or trustees. The 625
staff of the office of collective bargaining are in the 626
unclassified service. The director of administrative services 627
shall fix the compensation of the staff. 628

The office of collective bargaining shall:	629
(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;	630 631 632
(2) Conduct negotiations with the exclusive representatives of each employee organization;	633 634
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	635 636 637
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	638 639
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	640 641
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	642 643 644 645
Section 2. That existing sections 3314.03, 3326.11, 3328.24, and 4117.10 of the Revised Code are hereby repealed.	646 647
Section 3. That the version of section 3314.03 of the Revised Code that is scheduled to take effect January 1, 2025, be amended to read as follows:	648 649 650
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section.	651 652 653 654 655

(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;

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

(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;

(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;

(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;

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

(6) (a) Dismissal procedures;

(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 684
legitimate excuse fails to participate in seventy-two 685
consecutive hours of the learning opportunities offered to the 686
student. 687

(7) The ways by which the school will achieve racial and 688
ethnic balance reflective of the community it serves; 689

(8) Requirements for financial audits by the auditor of 690
state. The contract shall require financial records of the 691
school to be maintained in the same manner as are financial 692
records of school districts, pursuant to rules of the auditor of 693
state. Audits shall be conducted in accordance with section 694
117.10 of the Revised Code. 695

(9) An addendum to the contract outlining the facilities 696
to be used that contains at least the following information: 697

(a) A detailed description of each facility used for 698
instructional purposes; 699

(b) The annual costs associated with leasing each facility 700
that are paid by or on behalf of the school; 701

(c) The annual mortgage principal and interest payments 702
that are paid by the school; 703

(d) The name of the lender or landlord, identified as 704
such, and the lender's or landlord's relationship to the 705
operator, if any. 706

(10) Qualifications of employees, including both of the 707
following: 708

(a) A requirement that the school's classroom teachers be 709
licensed in accordance with sections 3319.22 to 3319.31 of the 710
Revised Code, except that a community school may engage 711

noncertificated persons to teach up to twelve hours or forty 712
hours per week pursuant to section 3319.301 of the Revised Code; 713

(b) A prohibition against the school employing an 714
individual described in section 3314.104 of the Revised Code in 715
any position. 716

(11) That the school will comply with the following 717
requirements: 718

(a) The school will provide learning opportunities to a 719
minimum of twenty-five students for a minimum of nine hundred 720
twenty hours per school year. 721

(b) The governing authority will purchase liability 722
insurance, or otherwise provide for the potential liability of 723
the school. 724

(c) The school will be nonsectarian in its programs, 725
admission policies, employment practices, and all other 726
operations, and will not be operated by a sectarian school or 727
religious institution. 728

(d) The school will comply with sections 9.90, 9.91, 729
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 730
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 731
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.5318, 732
3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 733
3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 734
3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 735
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 736
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 737
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 738
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 739
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 740

3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 741
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 742
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 743
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 744
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 745
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 746
and 4167. of the Revised Code as if it were a school district 747
and will comply with section 3301.0714 of the Revised Code in 748
the manner specified in section 3314.17 of the Revised Code. 749

(e) The school shall comply with Chapter 102. and section 750
2921.42 of the Revised Code. 751

(f) The school will comply with sections 3313.61, 752
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 753
Revised Code, except that for students who enter ninth grade for 754
the first time before July 1, 2010, the requirement in sections 755
3313.61 and 3313.611 of the Revised Code that a person must 756
successfully complete the curriculum in any high school prior to 757
receiving a high school diploma may be met by completing the 758
curriculum adopted by the governing authority of the community 759
school rather than the curriculum specified in Title XXXIII of 760
the Revised Code or any rules of the department. Beginning with 761
students who enter ninth grade for the first time on or after 762
July 1, 2010, the requirement in sections 3313.61 and 3313.611 763
of the Revised Code that a person must successfully complete the 764
curriculum of a high school prior to receiving a high school 765
diploma shall be met by completing the requirements prescribed 766
in section 3313.6027 and division (C) of section 3313.603 of the 767
Revised Code, unless the person qualifies under division (D) or 768
(F) of that section. Each school shall comply with the plan for 769
awarding high school credit based on demonstration of subject 770
area competency, and beginning with the 2017-2018 school year, 771

with the updated plan that permits students enrolled in seventh 772
and eighth grade to meet curriculum requirements based on 773
subject area competency adopted by the department under 774
divisions (J) (1) and (2) of section 3313.603 of the Revised 775
Code. Beginning with the 2018-2019 school year, the school shall 776
comply with the framework for granting units of high school 777
credit to students who demonstrate subject area competency 778
through work-based learning experiences, internships, or 779
cooperative education developed by the department under division 780
(J) (3) of section 3313.603 of the Revised Code. 781

(g) The school governing authority will submit within four 782
months after the end of each school year a report of its 783
activities and progress in meeting the goals and standards of 784
divisions (A) (3) and (4) of this section and its financial 785
status to the sponsor and the parents of all students enrolled 786
in the school. 787

(h) The school, unless it is an internet- or computer- 788
based community school, will comply with section 3313.801 of the 789
Revised Code as if it were a school district. 790

(i) If the school is the recipient of moneys from a grant 791
awarded under the federal race to the top program, Division (A), 792
Title XIV, Sections 14005 and 14006 of the "American Recovery 793
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 794
the school will pay teachers based upon performance in 795
accordance with section 3317.141 and will comply with section 796
3319.111 of the Revised Code as if it were a school district. 797

(j) If the school operates a preschool program that is 798
licensed by the department under sections 3301.52 to 3301.59 of 799
the Revised Code, the school shall comply with sections 3301.50 800
to 3301.59 of the Revised Code and the minimum standards for 801

preschool programs prescribed in rules adopted by the department 802
of children and youth under section 3301.53 of the Revised Code. 803

(k) The school will comply with sections 3313.6021 and 804
3313.6023 of the Revised Code as if it were a school district 805
unless it is either of the following: 806

(i) An internet- or computer-based community school; 807

(ii) A community school in which a majority of the 808
enrolled students are children with disabilities as described in 809
division (A) (4) (b) of section 3314.35 of the Revised Code. 810

(l) The school will comply with section 3321.191 of the 811
Revised Code, unless it is an internet- or computer-based 812
community school that is subject to section 3314.261 of the 813
Revised Code. 814

(12) Arrangements for providing health and other benefits 815
to employees; 816

(13) The length of the contract, which shall begin at the 817
beginning of an academic year. No contract shall exceed five 818
years unless such contract has been renewed pursuant to division 819
(E) of this section. 820

(14) The governing authority of the school, which shall be 821
responsible for carrying out the provisions of the contract; 822

(15) A financial plan detailing an estimated school budget 823
for each year of the period of the contract and specifying the 824
total estimated per pupil expenditure amount for each such year. 825

(16) Requirements and procedures regarding the disposition 826
of employees of the school in the event the contract is 827
terminated or not renewed pursuant to section 3314.07 of the 828
Revised Code; 829

(17) Whether the school is to be created by converting all 830
or part of an existing public school or educational service 831
center building or is to be a new start-up school, and if it is 832
a converted public school or service center building, 833
specification of any duties or responsibilities of an employer 834
that the board of education or service center governing board 835
that operated the school or building before conversion is 836
delegating to the governing authority of the community school 837
with respect to all or any specified group of employees provided 838
the delegation is not prohibited by a collective bargaining 839
agreement applicable to such employees; 840

(18) Provisions establishing procedures for resolving 841
disputes or differences of opinion between the sponsor and the 842
governing authority of the community school; 843

(19) A provision requiring the governing authority to 844
adopt a policy regarding the admission of students who reside 845
outside the district in which the school is located. That policy 846
shall comply with the admissions procedures specified in 847
sections 3314.06 and 3314.061 of the Revised Code and, at the 848
sole discretion of the authority, shall do one of the following: 849

(a) Prohibit the enrollment of students who reside outside 850
the district in which the school is located; 851

(b) Permit the enrollment of students who reside in 852
districts adjacent to the district in which the school is 853
located; 854

(c) Permit the enrollment of students who reside in any 855
other district in the state. 856

(20) A provision recognizing the authority of the 857
department to take over the sponsorship of the school in 858

accordance with the provisions of division (C) of section 859
3314.015 of the Revised Code; 860

(21) A provision recognizing the sponsor's authority to 861
assume the operation of a school under the conditions specified 862
in division (B) of section 3314.073 of the Revised Code; 863

(22) A provision recognizing both of the following: 864

(a) The authority of public health and safety officials to 865
inspect the facilities of the school and to order the facilities 866
closed if those officials find that the facilities are not in 867
compliance with health and safety laws and regulations; 868

(b) The authority of the department as the community 869
school oversight body to suspend the operation of the school 870
under section 3314.072 of the Revised Code if the department has 871
evidence of conditions or violations of law at the school that 872
pose an imminent danger to the health and safety of the school's 873
students and employees and the sponsor refuses to take such 874
action. 875

(23) A description of the learning opportunities that will 876
be offered to students including both classroom-based and non- 877
classroom-based learning opportunities that is in compliance 878
with criteria for student participation established by the 879
department under division (H) (2) of section 3314.08 of the 880
Revised Code; 881

(24) The school will comply with sections 3302.04 and 882
3302.041 of the Revised Code, except that any action required to 883
be taken by a school district pursuant to those sections shall 884
be taken by the sponsor of the school. 885

(25) Beginning in the 2006-2007 school year, the school 886
will open for operation not later than the thirtieth day of 887

September each school year, unless the mission of the school as 888
specified under division (A) (2) of this section is solely to 889
serve dropouts. In its initial year of operation, if the school 890
fails to open by the thirtieth day of September, or within one 891
year after the adoption of the contract pursuant to division (D) 892
of section 3314.02 of the Revised Code if the mission of the 893
school is solely to serve dropouts, the contract shall be void. 894

(26) Whether the school's governing authority is planning 895
to seek designation for the school as a STEM school equivalent 896
under section 3326.032 of the Revised Code; 897

(27) That the school's attendance and participation 898
policies will be available for public inspection; 899

(28) That the school's attendance and participation 900
records shall be made available to the department, auditor of 901
state, and school's sponsor to the extent permitted under and in 902
accordance with the "Family Educational Rights and Privacy Act 903
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 904
regulations promulgated under that act, and section 3319.321 of 905
the Revised Code; 906

(29) If a school operates using the blended learning 907
model, as defined in section 3301.079 of the Revised Code, all 908
of the following information: 909

(a) An indication of what blended learning model or models 910
will be used; 911

(b) A description of how student instructional needs will 912
be determined and documented; 913

(c) The method to be used for determining competency, 914
granting credit, and promoting students to a higher grade level; 915

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	916 917 918
(e) A statement describing how student progress will be monitored;	919 920
(f) A statement describing how private student data will be protected;	921 922
(g) A description of the professional development activities that will be offered to teachers.	923 924
(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;	925 926 927 928
(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.	929 930 931 932 933
(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.	934 935 936 937 938
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	939 940 941
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	942 943

following:	944
(1) The process by which the governing authority of the school will be selected in the future;	945 946
(2) The management and administration of the school;	947
(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;	948 949 950 951 952
(4) The instructional program and educational philosophy of the school;	953 954
(5) Internal financial controls.	955
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	956 957 958 959
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	960 961 962 963 964 965 966 967 968 969
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	970 971

into with the department under division (B) of section 3314.015 972
of the Revised Code and shall include the following: 973

(1) Monitor the community school's compliance with all 974
laws applicable to the school and with the terms of the 975
contract; 976

(2) Monitor and evaluate the academic and fiscal 977
performance and the organization and operation of the community 978
school on at least an annual basis; 979

(3) Report on an annual basis the results of the 980
evaluation conducted under division (D) (2) of this section to 981
the department and to the parents of students enrolled in the 982
community school; 983

(4) Provide technical assistance to the community school 984
in complying with laws applicable to the school and terms of the 985
contract; 986

(5) Take steps to intervene in the school's operation to 987
correct problems in the school's overall performance, declare 988
the school to be on probationary status pursuant to section 989
3314.073 of the Revised Code, suspend the operation of the 990
school pursuant to section 3314.072 of the Revised Code, or 991
terminate the contract of the school pursuant to section 3314.07 992
of the Revised Code as determined necessary by the sponsor; 993

(6) Have in place a plan of action to be undertaken in the 994
event the community school experiences financial difficulties or 995
closes prior to the end of a school year. 996

(E) Upon the expiration of a contract entered into under 997
this section, the sponsor of a community school may, with the 998
approval of the governing authority of the school, renew that 999
contract for a period of time determined by the sponsor, but not 1000

ending earlier than the end of any school year, if the sponsor 1001
finds that the school's compliance with applicable laws and 1002
terms of the contract and the school's progress in meeting the 1003
academic goals prescribed in the contract have been 1004
satisfactory. Any contract that is renewed under this division 1005
remains subject to the provisions of sections 3314.07, 3314.072, 1006
and 3314.073 of the Revised Code. 1007

(F) If a community school fails to open for operation 1008
within one year after the contract entered into under this 1009
section is adopted pursuant to division (D) of section 3314.02 1010
of the Revised Code or permanently closes prior to the 1011
expiration of the contract, the contract shall be void and the 1012
school shall not enter into a contract with any other sponsor. A 1013
school shall not be considered permanently closed because the 1014
operations of the school have been suspended pursuant to section 1015
3314.072 of the Revised Code. 1016

Section 4. That the existing version of section 3314.03 of 1017
the Revised Code that is scheduled to take effect January 1, 1018
2025, is hereby repealed. 1019

Section 5. Sections 3 and 4 of this act take effect on the 1020
later of January 1, 2025, or the effective date of this section. 1021