

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 415

**Representatives Faber, Fessler, Wagner, DeWine, Seitz, Hoops, Reidelbach,
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Schaffer, Schlichter, Schmidt, Slaby, Willamowski**

A B I L L

To amend section 3314.03 and to enact section 1
3313.801 of the Revised Code to require school 2
districts and community schools that receive 3
donated copies of the mottoes of the United States 4
of America or the State of Ohio to display the 5
mottoes in school buildings. 6

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

Section 1. That section 3314.03 be amended and section 7
3313.801 of the Revised Code be enacted to read as follows: 8

Sec. 3313.801. If a reasonably sized copy of the official 9
motto of the United States of America "In God We Trust" or the 10
official motto of Ohio "With God, All Things Are Possible" is 11
donated to any school district, or if money is donated to the 12
district specifically for the purpose of purchasing such material, 13
the board of education of the school district shall accept the 14
donation and display the motto in an appropriate manner in a 15
classroom, auditorium, or cafeteria of a school building in the 16

district.

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Sec. 3314.03. A copy of every contract entered into under
this section shall be filed with the superintendent of public
instruction.

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

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

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

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

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(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;

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

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(4) Performance standards by which the success of the school
will be evaluated by the sponsor;

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(5) The admission standards of section 3314.06 of the Revised
Code;

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(6)(a) Dismissal procedures;

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(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

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legitimate excuse fails to participate in one hundred five 45
consecutive hours of the learning opportunities offered to the 46
student. Such a policy shall provide for withdrawing the student 47
by the end of the thirtieth day after the student has failed to 48
participate as required under this division. 49

(7) The ways by which the school will achieve racial and 50
ethnic balance reflective of the community it serves; 51

(8) Requirements for financial audits by the auditor of 52
state. The contract shall require financial records of the school 53
to be maintained in the same manner as are financial records of 54
school districts, pursuant to rules of the auditor of state, and 55
the audits shall be conducted in accordance with section 117.10 of 56
the Revised Code. 57

(9) The facilities to be used and their locations; 58

(10) Qualifications of teachers, including a requirement that 59
the school's classroom teachers be licensed in accordance with 60
sections 3319.22 to 3319.31 of the Revised Code, except that a 61
community school may engage noncertificated persons to teach up to 62
twelve hours per week pursuant to section 3319.301 of the Revised 63
Code; 64

(11) That the school will comply with the following 65
requirements: 66

(a) The school will provide learning opportunities to a 67
minimum of twenty-five students for a minimum of nine hundred 68
twenty hours per school year; 69

(b) The governing authority will purchase liability 70
insurance, or otherwise provide for the potential liability of the 71
school; 72

(c) The school will be nonsectarian in its programs, 73
admission policies, employment practices, and all other 74

operations, and will not be operated by a sectarian school or 75
religious institution; 76

(d) The school will comply with sections 9.90, 9.91, 109.65, 77
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 78
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 79
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 80
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.801, 81
3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 82
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 83
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 84
4123., 4141., and 4167. of the Revised Code as if it were a school 85
district and will comply with section 3301.0714 of the Revised 86
Code in the manner specified in section 3314.17 of the Revised 87
Code; 88

(e) The school shall comply with Chapter 102. of the Revised 89
Code except that nothing in that chapter shall prohibit a member 90
of the school's governing board from also being an employee of the 91
school and nothing in that chapter or section 2921.42 of the 92
Revised Code shall prohibit a member of the school's governing 93
board from having an interest in a contract into which the 94
governing board enters that is not a contract with a for-profit 95
firm for the operation or management of a school under the 96
auspices of the governing authority; 97

(f) The school will comply with sections 3313.61, 3313.611, 98
and 3313.614 of the Revised Code, except that the requirement in 99
sections 3313.61 and 3313.611 of the Revised Code that a person 100
must successfully complete the curriculum in any high school prior 101
to receiving a high school diploma may be met by completing the 102
curriculum adopted by the governing authority of the community 103
school rather than the curriculum specified in Title XXXIII of the 104
Revised Code or any rules of the state board of education; 105

(g) The school governing authority will submit within four 106

months after the end of each school year a report of its 107
activities and progress in meeting the goals and standards of 108
divisions (A)(3) and (4) of this section and its financial status 109
to the sponsor, the parents of all students enrolled in the 110
school, and the legislative office of education oversight. The 111
school will collect and provide any data that the legislative 112
office of education oversight requests in furtherance of any study 113
or research that the general assembly requires the office to 114
conduct, including the studies required under Section 50.39 of Am. 115
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 116
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 117

(12) Arrangements for providing health and other benefits to 118
employees; 119

(13) The length of the contract, which shall begin at the 120
beginning of an academic year. No contract shall exceed five years 121
unless such contract has been renewed pursuant to division (E) of 122
this section. 123

(14) The governing authority of the school, which shall be 124
responsible for carrying out the provisions of the contract; 125

(15) A financial plan detailing an estimated school budget 126
for each year of the period of the contract and specifying the 127
total estimated per pupil expenditure amount for each such year. 128
The plan shall specify for each year the base formula amount that 129
will be used for purposes of funding calculations under section 130
3314.08 of the Revised Code. This base formula amount for any year 131
shall not exceed the formula amount defined under section 3317.02 132
of the Revised Code. The plan may also specify for any year a 133
percentage figure to be used for reducing the per pupil amount of 134
disadvantaged pupil impact aid calculated pursuant to section 135
3317.029 of the Revised Code the school is to receive that year 136
under section 3314.08 of the Revised Code. 137

(16) Requirements and procedures regarding the disposition of 138
employees of the school in the event the contract is terminated or 139
not renewed pursuant to section 3314.07 of the Revised Code; 140

(17) Whether the school is to be created by converting all or 141
part of an existing public school or is to be a new start-up 142
school, and if it is a converted public school, specification of 143
any duties or responsibilities of an employer that the board of 144
education that operated the school before conversion is delegating 145
to the governing board of the community school with respect to all 146
or any specified group of employees provided the delegation is not 147
prohibited by a collective bargaining agreement applicable to such 148
employees; 149

(18) Provisions establishing procedures for resolving 150
disputes or differences of opinion between the sponsor and the 151
governing authority of the community school; 152

(19) A provision requiring the governing authority to adopt a 153
policy regarding the admission of students who reside outside the 154
district in which the school is located. That policy shall comply 155
with the admissions procedures specified in section 3314.06 of the 156
Revised Code and, at the sole discretion of the authority, shall 157
do one of the following: 158

(a) Prohibit the enrollment of students who reside outside 159
the district in which the school is located; 160

(b) Permit the enrollment of students who reside in districts 161
adjacent to the district in which the school is located; 162

(c) Permit the enrollment of students who reside in any other 163
district in the state. 164

(20) A provision recognizing the authority of the department 165
of education to take over the sponsorship of the school in 166
accordance with the provisions of division (C) of section 3314.015 167

of the Revised Code;	168
(21) A provision recognizing the sponsor's authority to	169
assume the operation of a school under the conditions specified in	170
division (B) of section 3314.073 of the Revised Code;	171
(22) A provision recognizing both of the following:	172
(a) The authority of public health and safety officials to	173
inspect the facilities of the school and to order the facilities	174
closed if those officials find that the facilities are not in	175
compliance with health and safety laws and regulations;	176
(b) The authority of the department of education as the	177
community school oversight body to suspend the operation of the	178
school under section 3314.072 of the Revised Code if the	179
department has evidence of conditions or violations of law at the	180
school that pose an imminent danger to the health and safety of	181
the school's students and employees and the sponsor refuses to	182
take such action;	183
(23) A description of the learning opportunities that will be	184
offered to students including both classroom-based and	185
non-classroom-based learning opportunities that is in compliance	186
with criteria for student participation established by the	187
department under division (L)(2) of section 3314.08 of the Revised	188
Code;	189
(24) The school will comply with section 3302.04 of the	190
Revised Code, including division (E) of that section to the extent	191
possible, except that any action required to be taken by a school	192
district pursuant to that section shall be taken by the sponsor of	193
the school. However, the sponsor shall not be required to take any	194
action described in division (F) of that section.	195
(B) The community school shall also submit to the sponsor a	196
comprehensive plan for the school. The plan shall specify the	197
following:	198

(1) The process by which the governing authority of the school will be selected in the future;	199 200
(2) The management and administration of the school;	201
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	202 203 204 205
(4) The instructional program and educational philosophy of the school;	206 207
(5) Internal financial controls.	208
(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 oversight and monitoring 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.	209 210 211 212 213 214 215 216 217
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	218 219 220 221 222
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	223 224
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	225 226 227
(3) Report on an annual basis the results of the evaluation	228

conducted under division (D)(2) of this section to the department 229
of education and to the parents of students enrolled in the 230
community school; 231

(4) Provide technical assistance to the community school in 232
complying with laws applicable to the school and terms of the 233
contract; 234

(5) Take steps to intervene in the school's operation to 235
correct problems in the school's overall performance, declare the 236
school to be on probationary status pursuant to section 3314.073 237
of the Revised Code, suspend the operation of the school pursuant 238
to section 3314.072 of the Revised Code, or terminate the contract 239
of the school pursuant to section 3314.07 of the Revised Code as 240
determined necessary by the sponsor; 241

(6) Have in place a plan of action to be undertaken in the 242
event the community school experiences financial difficulties or 243
closes prior to the end of a school year. 244

(E) Upon the expiration of a contract entered into under this 245
section, the sponsor of a community school may, with the approval 246
of the governing authority of the school, renew that contract for 247
a period of time determined by the sponsor, but not ending earlier 248
than the end of any school year, if the sponsor finds that the 249
school's compliance with applicable laws and terms of the contract 250
and the school's progress in meeting the academic goals prescribed 251
in the contract have been satisfactory. Any contract that is 252
renewed under this division remains subject to the provisions of 253
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 254

Section 2. That existing section 3314.03 of the Revised Code 255
is hereby repealed. 256

Section 3. Section 3314.03 of the Revised Code is presented 257
in this act as a composite of the section as amended by both Am. 258

Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. 259
The General Assembly, applying the principle stated in division 260
(B) of section 1.52 of the Revised Code that amendments are to be 261
harmonized if reasonably capable of simultaneous operation, finds 262
that the composite is the resulting version of the section in 263
effect prior to the effective date of the section as presented in 264
this act. 265