

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 385

Senator Fedor

Cosponsors: Senators Miller, D., Morano, Cafaro, Turner, Smith, Roberts

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A B I L L

To amend sections 3301.0718, 3313.60, 3313.6011, 1
3314.03, and 3326.11 of the Revised Code to 2
designate section 3313.6011 of the Revised Code as 3
the "Act for Our Children's Future," to establish 4
standards for comprehensive sexual health 5
education and HIV/AIDS prevention education in 6
public schools, and to eliminate the requirement 7
that state health education standards or curricula 8
are subject to approval by concurrent resolution 9
of the General Assembly. 10

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

Section 1. That sections 3301.0718, 3313.60, 3313.6011, 11
3314.03, and 3326.11 of the Revised Code be amended to read as 12
follows: 13

Sec. 3301.0718. (A) After completing the required standards 14
specified in section 3301.079 of the Revised Code, the state board 15
of education shall adopt standards and model curricula for 16
instruction in computer literacy for grades three through twelve 17
and in fine arts and foreign language for grades kindergarten 18
through twelve. 19

(B) Not later than December 31, 2007, the state board shall 20
adopt the most recent standards developed by the national 21
association for sport and physical education for physical 22
education in grades kindergarten through twelve or shall adopt its 23
own standards for physical education in those grades. The 24
department of education shall provide the standards, and any 25
revisions of the standards, to all school districts and community 26
schools established under Chapter 3314. of the Revised Code. Any 27
school district or community school may utilize the standards. 28

The department shall employ a full-time physical education 29
coordinator to provide guidance and technical assistance to 30
districts and community schools in implementing the standards 31
adopted under this division. The superintendent of public 32
instruction shall determine that the person employed as 33
coordinator is qualified for the position, as demonstrated by 34
possessing an adequate combination of education, license, and 35
experience. The department shall hire a coordinator not later than 36
October 31, 2007. 37

~~(C) The state board shall not adopt or revise any standards 38
or curriculum in the area of health unless, by concurrent 39
resolution, the standards, curriculum, or revisions are approved 40
by both houses of the general assembly. Before the house of 41
representatives or senate votes on a concurrent resolution 42
approving health standards, curriculum, or revisions, its standing 43
committee having jurisdiction over education legislation shall 44
conduct at least one public hearing on the standards, curriculum, 45
or revisions. 46~~

~~(D) The state board shall not adopt a diagnostic assessment 47
or achievement test for any grade level or subject area other than 48
those specified in section 3301.079 of the Revised Code. 49~~

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 50

of the Revised Code, divisions (A) to (E) of this section do not 51
apply to any cooperative education school district established 52
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 53
Code. 54

(A) The board of education of each city and exempted village 55
school district, the governing board of each educational service 56
center, and the board of each cooperative education school 57
district established pursuant to section 3311.521 of the Revised 58
Code shall prescribe a curriculum for all schools under their 59
control. Except as provided in division (E) of this section, in 60
any such curriculum there shall be included the study of the 61
following subjects: 62

(1) The language arts, including reading, writing, spelling, 63
oral and written English, and literature; 64

(2) Geography, the history of the United States and of Ohio, 65
and national, state, and local government in the United States, 66
including a balanced presentation of the relevant contributions to 67
society of men and women of African, Mexican, Puerto Rican, and 68
American Indian descent as well as other ethnic and racial groups 69
in Ohio and the United States; 70

(3) Mathematics; 71

(4) Natural science, including instruction in the 72
conservation of natural resources; 73

(5) Health education, which shall include instruction in: 74

(a) The nutritive value of foods, including natural and 75
organically produced foods, the relation of nutrition to health, 76
the use and effects of food additives; 77

(b) The harmful effects of and legal restrictions against the 78
use of drugs of abuse, alcoholic beverages, and tobacco; 79

(c) ~~Venereal disease~~ Sexually transmitted infection 80

prevention education, including HIV/AIDS prevention education in 81
accordance with section 3313.6011 of the Revised Code, except that 82
upon written request of the student's parent or guardian, a 83
student shall be excused from taking instruction in ~~venera~~ 84
~~disease education sexually transmitted infection prevention;~~ 85

(d) In grades kindergarten through six, instruction in 86
personal safety and assault prevention, except that upon written 87
request of the student's parent or guardian, a student shall be 88
excused from taking instruction in personal safety and assault 89
prevention. 90

(6) Physical education; 91

(7) The fine arts, including music; 92

(8) First aid, including a training program in 93
cardiopulmonary resuscitation, safety, and fire prevention, except 94
that upon written request of the student's parent or guardian, a 95
student shall be excused from taking instruction in 96
cardiopulmonary resuscitation. 97

(B) Except as provided in division (E) of this section, every 98
school or school district shall include in the requirements for 99
promotion from the eighth grade to the ninth grade one year's 100
course of study of American history. 101

(C) Except as provided in division (E) of this section, every 102
high school shall include in the requirements for graduation from 103
any curriculum one unit of American history and government, 104
including a study of the constitutions of the United States and of 105
Ohio. 106

(D) Except as provided in division (E) of this section, basic 107
instruction in geography, United States history, the government of 108
the United States, the government of the state of Ohio, local 109
government in Ohio, the Declaration of Independence, the United 110
States Constitution, and the Constitution of the state of Ohio 111

shall be required before pupils may participate in courses 112
involving the study of social problems, economics, foreign 113
affairs, United Nations, world government, socialism and 114
communism. 115

(E) For each cooperative education school district 116
established pursuant to section 3311.521 of the Revised Code and 117
each city, exempted village, and local school district that has 118
territory within such a cooperative district, the curriculum 119
adopted pursuant to divisions (A) to (D) of this section shall 120
only include the study of the subjects that apply to the grades 121
operated by each such school district. The curriculums for such 122
schools, when combined, shall provide to each student of these 123
districts all of the subjects required under divisions (A) to (D) 124
of this section. 125

(F) The board of education of any cooperative education 126
school district established pursuant to divisions (A) to (C) of 127
section 3311.52 of the Revised Code shall prescribe a curriculum 128
for the subject areas and grade levels offered in any school under 129
its control. 130

(G) Upon the request of any parent or legal guardian of a 131
student, the board of education of any school district shall 132
permit the parent or guardian to promptly examine, with respect to 133
the parent's or guardian's own child: 134

(1) Any survey or questionnaire, prior to its administration 135
to the child; 136

(2) Any textbook, workbook, software, video, or other 137
instructional materials being used by the district in connection 138
with the instruction of the child; 139

(3) Any completed and graded test taken or survey or 140
questionnaire filled out by the child; 141

(4) Copies of the statewide academic standards and each model 142

curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.6011. (A) As used in this section, ~~"sexual activity"~~ has the same meaning as in section 2907.01 of the Revised Code.

~~(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.~~

~~(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:~~

~~(1) Stress that students should abstain from sexual activity until after marriage;~~

~~(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;~~

~~(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;~~

~~(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;~~

~~(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;~~

~~(6) Advise students of the circumstances under which it is
eriminal to have sexual contact with a person under the age of
sixteen pursuant to section 2907.04 of the Revised Code.~~

~~(D):~~

(1) "Age-appropriate" means designed to teach concepts,
information, and skills based on the social, cognitive, emotional,
and experience level of pupils.

(2) "Comprehensive sexual health education" means education
regarding human development and sexuality, including education on
sexual health, family planning, and sexually transmitted
infections.

(3) "HIV/AIDS prevention education" means instruction on the
nature of HIV/AIDS, methods of transmission, strategies to reduce
the risk of human immunodeficiency virus (HIV) infection, and
social and public health issues related to HIV/AIDS. "HIV/AIDS
prevention education" is not comprehensive sexual health
education.

(4) "Instructors trained in the appropriate courses" means
instructors with knowledge of the most recent medically and
scientifically accurate research on human sexuality, pregnancy,
and sexually transmitted infections.

(5) "Medically and scientifically accurate" means verified or
supported by research conducted in compliance with scientific
methods and published in peer-reviewed journals, where
appropriate, and recognized as accurate and objective by
professional organizations and agencies with expertise in the
relevant field, such as the United States centers for disease
control and prevention and the American college of obstetricians
and gynecologists.

(B) Any school district or educational service center may
offer comprehensive sexual health education. Beginning July 1,

2009, each school district and educational service center that 204
elects to offer comprehensive sexual health education shall ensure 205
that the program meets all of the following requirements: 206

(1) Instruction and materials shall be age-appropriate. 207

(2) All factual information shall be medically and 208
scientifically accurate. 209

(3) Instruction and materials shall be appropriate for use 210
with all pupils regardless of gender, race, ethnic and cultural 211
background, religion, disability, or sexual orientation. 212

(4) Instruction and materials shall encourage pupils to 213
communicate with their parents or guardians about human sexuality. 214

(5) If age-appropriate, instruction and materials shall teach 215
that abstinence is the only certain way to prevent unintended 216
pregnancy and sexually transmitted infections, and shall stress 217
the value of abstinence while not ignoring those young people who 218
have been or are sexually active. Therefore, abstinence shall not 219
be taught to the exclusion of other instruction and materials on 220
contraceptive and disease reduction measures. 221

(6) If age-appropriate, instruction and materials shall 222
provide information about the effectiveness and safety, including 223
the health benefits and side effects, of all contraceptive methods 224
in preventing unintended pregnancy and reducing the risk of 225
contracting sexually transmitted infections. 226

(7) Instruction about sexually transmitted infections shall 227
commence in grade seven. That instruction shall include how 228
sexually transmitted infections are and are not transmitted, the 229
effectiveness and methods of reducing the risk of contracting 230
sexually transmitted infections, and identification of local 231
resources for testing and medical care for sexually transmitted 232
infections and HIV. 233

(8) If age-appropriate, instruction and materials shall 234
provide pupils with skills for negotiating intimate relationships 235
and making and implementing responsible decisions about sexuality. 236

(9) If age-appropriate, instruction and materials shall 237
include a discussion of the possible emotional, physical, and 238
psychological consequences of pre-adolescent and adolescent sexual 239
activity and the emotional, physical, and psychological 240
consequences of unintended pregnancy. 241

(10) Instruction and materials shall teach pupils to 242
recognize unwanted physical and verbal sexual advances, not to 243
make unwanted physical and verbal sexual advances, and how to 244
effectively reject unwanted sexual advances. The instruction and 245
materials shall cover verbal, physical, and visual sexual 246
harassment, including nonconsensual physical sexual contact and 247
rape by an acquaintance or family member. The course information 248
and materials shall emphasize personal accountability and respect 249
for others and shall encourage youth to resist peer pressure. 250

(11) Comprehensive sexual health education shall not include 251
any instruction or materials that teach or promote religious 252
doctrine. 253

A school district or educational service center may use 254
separate, outside speakers or prepared curricula to teach 255
different content areas or units with the comprehensive sexual 256
health education program, as long as all speakers, curricula, and 257
materials used comply with this section. 258

(C) Each city, local, exempted village, and joint vocational 259
school district shall ensure that each pupil in grades seven 260
through twelve receives HIV/AIDS prevention education from 261
instructors trained in the appropriate courses. Each pupil shall 262
receive this instruction at least once in grades seven through 263
nine, and at least once in grades ten through twelve. HIV/AIDS 264

prevention education, whether taught by school district personnel 265
or outside consultants, shall accurately reflect the latest 266
information and recommendations from the United States surgeon 267
general, the United States centers for disease control and 268
prevention, and the national academy of sciences, and shall 269
include all of the following: 270

(1) Information on the nature of HIV/AIDS and its effects on 271
the human body; 272

(2) Information on the manner in which HIV is and is not 273
transmitted, including information on activities that present the 274
highest risk of HIV infection; 275

(3) Discussion of methods to reduce the risk of HIV 276
infection, which shall emphasize that sexual abstinence, monogamy, 277
and the avoidance of multiple sexual partners, and abstinence from 278
intravenous drug use, are the most effective means for HIV/AIDS 279
prevention, but shall also include statistics based upon the 280
latest medical information citing the success and failure rates of 281
condoms and other contraceptives in preventing sexually 282
transmitted HIV infection, as well as information on other methods 283
that may reduce the risk of HIV transmission from intravenous drug 284
use; 285

(4) Discussion of the public health issues associated with 286
HIV/AIDS; 287

(5) Information on local resources for HIV testing and 288
medical care; 289

(6) Instruction and materials that provide pupils with skills 290
for negotiating intimate relationships and making and implementing 291
responsible decisions about sexuality; 292

(7) Discussion about societal views on HIV/AIDS, including 293
stereotypes and myths regarding persons with HIV/AIDS, which shall 294
emphasize an understanding of the disease and its impact on 295

people's lives; 296

(8) Instruction and materials that teach pupils to recognize 297
unwanted physical and verbal sexual advances, not to make unwanted 298
physical and verbal sexual advances, and how to effectively reject 299
unwanted sexual advances. The instruction and materials shall 300
cover verbal, physical, and visual sexual harassment, including 301
nonconsensual physical sexual contact and rape by an acquaintance 302
or family member. The course information and materials shall 303
emphasize personal accountability and respect for others and shall 304
encourage youth to resist peer pressure. 305

(D) Each school district and educational service center shall 306
cooperatively plan and provide, through regional planning, joint 307
powers agreements, or contract services, in-service training for 308
all school district personnel who provide comprehensive sexual 309
health education or HIV/AIDS prevention education. In doing so, 310
each district and service center shall consult with the department 311
of education. 312

The in-service training shall be conducted periodically to 313
enable district and service center personnel to learn new 314
developments in the scientific understanding of sexual health and 315
HIV/AIDS. The in-service training shall be voluntary for district 316
and service center personnel who have demonstrated expertise or 317
received in-service training from the department or the United 318
States centers for disease control and prevention. 319

A district or service center may contract with outside 320
consultants with expertise in comprehensive sexual health 321
education and HIV/AIDS prevention education, including those who 322
have developed multilingual curricula or curricula accessible to 323
persons with disabilities, to deliver the in-service training to 324
district or service center personnel. 325

(E) At the beginning of each school year, or at the time of 326

enrollment in the case of a pupil who enrolls after the beginning 327
of the school year, each school district shall notify the parent 328
or guardian of each pupil about instruction in comprehensive 329
sexual health education and HIV/AIDS prevention education and 330
about research on pupil health behaviors and health risks planned 331
for that year. The notice shall advise parents and guardians of 332
all of the following: 333

(1) That written and audio-visual educational materials used 334
in comprehensive sexual health education and HIV/AIDS prevention 335
education are available for inspection; 336

(2) Whether comprehensive sexual health education or HIV/AIDS 337
prevention education will be taught by school district personnel 338
or by outside consultants; 339

(3) That a parent or guardian may request a copy of this 340
section; 341

(4) That a parent or guardian may request in writing that the 342
child not receive comprehensive sexual health education or 343
HIV/AIDS prevention education. 344

A school district or educational service center shall not 345
permit a pupil to attend any class in comprehensive sexual health 346
education or HIV/AIDS prevention education if the school has 347
received a written request from the pupil's parent or guardian 348
excusing the pupil from participation. A pupil who is so excused 349
shall not be subject to disciplinary action, academic penalty, or 350
other sanction, and the district or service center shall make an 351
alternative educational activity available for the pupil while 352
comprehensive sexual health education or HIV/AIDS prevention 353
education is conducted. 354

Each school district and educational service center shall 355
make written and audio-visual educational materials used in 356
comprehensive sexual health education and HIV/AIDS prevention 357

education available for inspection by the parents and guardians of 358
pupils. Each school district shall provide a copy of this section 359
upon request to the parent or guardian of a pupil enrolled in the 360
district. 361

(F) Any model education program for health education the 362
state board of education adopts shall conform to the requirements 363
of this section. 364

~~(E) On and after March 18, 1999, and notwithstanding (G)~~ 365
Notwithstanding section 3302.07 of the Revised Code, the 366
superintendent of public instruction shall not approve, pursuant 367
to that section ~~3302.07 of the Revised Code~~, any waiver of any 368
requirement of this section or of any rule adopted by the state 369
board of education pursuant to this section. 370

Sec. 3314.03. A copy of every contract entered into under 371
this section shall be filed with the superintendent of public 372
instruction. 373

(A) Each contract entered into between a sponsor and the 374
governing authority of a community school shall specify the 375
following: 376

(1) That the school shall be established as either of the 377
following: 378

(a) A nonprofit corporation established under Chapter 1702. 379
of the Revised Code, if established prior to April 8, 2003; 380

(b) A public benefit corporation established under Chapter 381
1702. of the Revised Code, if established after April 8, 2003; 382

(2) The education program of the school, including the 383
school's mission, the characteristics of the students the school 384
is expected to attract, the ages and grades of students, and the 385
focus of the curriculum; 386

(3) The academic goals to be achieved and the method of 387

measurement that will be used to determine progress toward those 388
goals, which shall include the statewide achievement tests; 389

(4) Performance standards by which the success of the school 390
will be evaluated by the sponsor; 391

(5) The admission standards of section 3314.06 of the Revised 392
Code and, if applicable, section 3314.061 of the Revised Code; 393

(6)(a) Dismissal procedures; 394

(b) A requirement that the governing authority adopt an 395
attendance policy that includes a procedure for automatically 396
withdrawing a student from the school if the student without a 397
legitimate excuse fails to participate in one hundred five 398
consecutive hours of the learning opportunities offered to the 399
student. 400

(7) The ways by which the school will achieve racial and 401
ethnic balance reflective of the community it serves; 402

(8) Requirements for financial audits by the auditor of 403
state. The contract shall require financial records of the school 404
to be maintained in the same manner as are financial records of 405
school districts, pursuant to rules of the auditor of state, and 406
the audits shall be conducted in accordance with section 117.10 of 407
the Revised Code. 408

(9) The facilities to be used and their locations; 409

(10) Qualifications of teachers, including a requirement that 410
the school's classroom teachers be licensed in accordance with 411
sections 3319.22 to 3319.31 of the Revised Code, except that a 412
community school may engage noncertificated persons to teach up to 413
twelve hours per week pursuant to section 3319.301 of the Revised 414
Code; 415

(11) That the school will comply with the following 416
requirements: 417

(a) The school will provide learning opportunities to a 418
minimum of twenty-five students for a minimum of nine hundred 419
twenty hours per school year. 420

(b) The governing authority will purchase liability 421
insurance, or otherwise provide for the potential liability of the 422
school. 423

(c) The school will be nonsectarian in its programs, 424
admission policies, employment practices, and all other 425
operations, and will not be operated by a sectarian school or 426
religious institution. 427

(d) The school will comply with sections 9.90, 9.91, 109.65, 428
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 429
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 430
3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 431
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 432
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 433
3313.718, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 434
3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 435
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 436
2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised 437
Code as if it were a school district and will comply with section 438
3301.0714 of the Revised Code in the manner specified in section 439
3314.17 of the Revised Code. 440

(e) The school shall comply with Chapter 102. and section 441
2921.42 of the Revised Code. 442

(f) The school will comply with sections 3313.61, 3313.611, 443
and 3313.614 of the Revised Code, except that for students who 444
enter ninth grade for the first time before July 1, 2010, the 445
requirement in sections 3313.61 and 3313.611 of the Revised Code 446
that a person must successfully complete the curriculum in any 447
high school prior to receiving a high school diploma may be met by 448

completing the curriculum adopted by the governing authority of 449
the community school rather than the curriculum specified in Title 450
XXXIII of the Revised Code or any rules of the state board of 451
education. Beginning with students who enter ninth grade for the 452
first time on or after July 1, 2010, the requirement in sections 453
3313.61 and 3313.611 of the Revised Code that a person must 454
successfully complete the curriculum of a high school prior to 455
receiving a high school diploma shall be met by completing the 456
Ohio core curriculum prescribed in division (C) of section 457
3313.603 of the Revised Code, unless the person qualifies under 458
division (D) or (F) of that section. Each school shall comply with 459
the plan for awarding high school credit based on demonstration of 460
subject area competency, adopted by the state board of education 461
under division (J) of section 3313.603 of the Revised Code. 462

(g) The school governing authority will submit within four 463
months after the end of each school year a report of its 464
activities and progress in meeting the goals and standards of 465
divisions (A)(3) and (4) of this section and its financial status 466
to the sponsor and the parents of all students enrolled in the 467
school. 468

(h) The school, unless it is an internet- or computer-based 469
community school, will comply with section 3313.801 of the Revised 470
Code as if it were a school district. 471

(12) Arrangements for providing health and other benefits to 472
employees; 473

(13) The length of the contract, which shall begin at the 474
beginning of an academic year. No contract shall exceed five years 475
unless such contract has been renewed pursuant to division (E) of 476
this section. 477

(14) The governing authority of the school, which shall be 478
responsible for carrying out the provisions of the contract; 479

(15) A financial plan detailing an estimated school budget 480
for each year of the period of the contract and specifying the 481
total estimated per pupil expenditure amount for each such year. 482
The plan shall specify for each year the base formula amount that 483
will be used for purposes of funding calculations under section 484
3314.08 of the Revised Code. This base formula amount for any year 485
shall not exceed the formula amount defined under section 3317.02 486
of the Revised Code. The plan may also specify for any year a 487
percentage figure to be used for reducing the per pupil amount of 488
the subsidy calculated pursuant to section 3317.029 of the Revised 489
Code the school is to receive that year under section 3314.08 of 490
the Revised Code. 491

(16) Requirements and procedures regarding the disposition of 492
employees of the school in the event the contract is terminated or 493
not renewed pursuant to section 3314.07 of the Revised Code; 494

(17) Whether the school is to be created by converting all or 495
part of an existing public school or educational service center 496
building or is to be a new start-up school, and if it is a 497
converted public school or service center building, specification 498
of any duties or responsibilities of an employer that the board of 499
education or service center governing board that operated the 500
school or building before conversion is delegating to the 501
governing authority of the community school with respect to all or 502
any specified group of employees provided the delegation is not 503
prohibited by a collective bargaining agreement applicable to such 504
employees; 505

(18) Provisions establishing procedures for resolving 506
disputes or differences of opinion between the sponsor and the 507
governing authority of the community school; 508

(19) A provision requiring the governing authority to adopt a 509
policy regarding the admission of students who reside outside the 510
district in which the school is located. That policy shall comply 511

with the admissions procedures specified in sections 3314.06 and 512
3314.061 of the Revised Code and, at the sole discretion of the 513
authority, shall do one of the following: 514

(a) Prohibit the enrollment of students who reside outside 515
the district in which the school is located; 516

(b) Permit the enrollment of students who reside in districts 517
adjacent to the district in which the school is located; 518

(c) Permit the enrollment of students who reside in any other 519
district in the state. 520

(20) A provision recognizing the authority of the department 521
of education to take over the sponsorship of the school in 522
accordance with the provisions of division (C) of section 3314.015 523
of the Revised Code; 524

(21) A provision recognizing the sponsor's authority to 525
assume the operation of a school under the conditions specified in 526
division (B) of section 3314.073 of the Revised Code; 527

(22) A provision recognizing both of the following: 528

(a) The authority of public health and safety officials to 529
inspect the facilities of the school and to order the facilities 530
closed if those officials find that the facilities are not in 531
compliance with health and safety laws and regulations; 532

(b) The authority of the department of education as the 533
community school oversight body to suspend the operation of the 534
school under section 3314.072 of the Revised Code if the 535
department has evidence of conditions or violations of law at the 536
school that pose an imminent danger to the health and safety of 537
the school's students and employees and the sponsor refuses to 538
take such action; 539

(23) A description of the learning opportunities that will be 540
offered to students including both classroom-based and 541

non-classroom-based learning opportunities that is in compliance 542
with criteria for student participation established by the 543
department under division (L)(2) of section 3314.08 of the Revised 544
Code; 545

(24) The school will comply with section 3302.04 of the 546
Revised Code, including division (E) of that section to the extent 547
possible, except that any action required to be taken by a school 548
district pursuant to that section shall be taken by the sponsor of 549
the school. However, the sponsor shall not be required to take any 550
action described in division (F) of that section. 551

(25) Beginning in the 2006-2007 school year, the school will 552
open for operation not later than the thirtieth day of September 553
each school year, unless the mission of the school as specified 554
under division (A)(2) of this section is solely to serve dropouts. 555
In its initial year of operation, if the school fails to open by 556
the thirtieth day of September, or within one year after the 557
adoption of the contract pursuant to division (D) of section 558
3314.02 of the Revised Code if the mission of the school is solely 559
to serve dropouts, the contract shall be void. 560

(B) The community school shall also submit to the sponsor a 561
comprehensive plan for the school. The plan shall specify the 562
following: 563

(1) The process by which the governing authority of the 564
school will be selected in the future; 565

(2) The management and administration of the school; 566

(3) If the community school is a currently existing public 567
school or educational service center building, alternative 568
arrangements for current public school students who choose not to 569
attend the converted school and for teachers who choose not to 570
teach in the school or building after conversion; 571

(4) The instructional program and educational philosophy of 572

the school; 573

(5) Internal financial controls. 574

(C) A contract entered into under section 3314.02 of the 575
Revised Code between a sponsor and the governing authority of a 576
community school may provide for the community school governing 577
authority to make payments to the sponsor, which is hereby 578
authorized to receive such payments as set forth in the contract 579
between the governing authority and the sponsor. The total amount 580
of such payments for oversight and monitoring of the school shall 581
not exceed three per cent of the total amount of payments for 582
operating expenses that the school receives from the state. 583

(D) The contract shall specify the duties of the sponsor 584
which shall be in accordance with the written agreement entered 585
into with the department of education under division (B) of 586
section 3314.015 of the Revised Code and shall include the 587
following: 588

(1) Monitor the community school's compliance with all laws 589
applicable to the school and with the terms of the contract; 590

(2) Monitor and evaluate the academic and fiscal performance 591
and the organization and operation of the community school on at 592
least an annual basis; 593

(3) Report on an annual basis the results of the evaluation 594
conducted under division (D)(2) of this section to the department 595
of education and to the parents of students enrolled in the 596
community school; 597

(4) Provide technical assistance to the community school in 598
complying with laws applicable to the school and terms of the 599
contract; 600

(5) Take steps to intervene in the school's operation to 601
correct problems in the school's overall performance, declare the 602

school to be on probationary status pursuant to section 3314.073 603
of the Revised Code, suspend the operation of the school pursuant 604
to section 3314.072 of the Revised Code, or terminate the contract 605
of the school pursuant to section 3314.07 of the Revised Code as 606
determined necessary by the sponsor; 607

(6) Have in place a plan of action to be undertaken in the 608
event the community school experiences financial difficulties or 609
closes prior to the end of a school year. 610

(E) Upon the expiration of a contract entered into under this 611
section, the sponsor of a community school may, with the approval 612
of the governing authority of the school, renew that contract for 613
a period of time determined by the sponsor, but not ending earlier 614
than the end of any school year, if the sponsor finds that the 615
school's compliance with applicable laws and terms of the contract 616
and the school's progress in meeting the academic goals prescribed 617
in the contract have been satisfactory. Any contract that is 618
renewed under this division remains subject to the provisions of 619
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 620

(F) If a community school fails to open for operation within 621
one year after the contract entered into under this section is 622
adopted pursuant to division (D) of section 3314.02 of the Revised 623
Code or permanently closes prior to the expiration of the 624
contract, the contract shall be void and the school shall not 625
enter into a contract with any other sponsor. A school shall not 626
be considered permanently closed because the operations of the 627
school have been suspended pursuant to section 3314.072 of the 628
Revised Code. Any contract that becomes void under this division 629
shall not count toward any statewide limit on the number of such 630
contracts prescribed by section 3314.013 of the Revised Code. 631

Sec. 3326.11. Each science, technology, engineering, and 632
mathematics school established under this chapter and its 633

governing body shall comply with sections 9.90, 9.91, 109.65, 634
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 635
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 636
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 637
3313.50, 3313.536, 3313.608, 3313.6011, 3313.6012, 3313.6013, 638
3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 639
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 640
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 641
3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, 3319.32, 642
3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 3321.01, 3321.13, 643
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 644
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 645
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 646
Revised Code as if it were a school district. 647

Section 2. That existing sections 3301.0718, 3313.60, 648
3313.6011, 3314.03, and 3326.11 of the Revised Code are hereby 649
repealed. 650

Section 3. (A) Section 3313.6011 of the Revised Code is to be 651
known as the "Act for Our Children's Future." 652

(B) The purposes of the Act for Our Children's Future are to: 653

(1) Provide pupils with knowledge and skills necessary to 654
protect their sexual and reproductive health from unintended 655
pregnancy and sexually transmitted infections; 656

(2) Encourage pupils to develop responsible decision-making 657
skills as well as healthy attitudes and values about adolescent 658
growth and development, body image, gender roles, sexual 659
orientation, and healthy relationships. 660

Section 4. Section 3314.03 of the Revised Code is presented 661
in this act as a composite of the section as amended by both Sub. 662
H.B. 428 and Am. Sub. H.B. 562 of the 127th General Assembly. The 663

General Assembly, applying the principle stated in division (B) of 664
section 1.52 of the Revised Code that amendments are to be 665
harmonized if reasonably capable of simultaneous operation, finds 666
that the composite is the resulting version of the section in 667
effect prior to the effective date of the section as presented in 668
this act. 669