

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 59**

**Senator Fedor**

**Cosponsors: Senators Sawyer, Miller, R.**

—

**A B I L L**

To amend sections 3301.0718, 3313.60, 3313.6011, 1  
3313.814, 3314.03, and 3326.11 and to enact 2  
section 3301.23 of the Revised Code as the 3  
"Healthy Students Act" to establish standards for 4  
K-12 health education in public schools and to 5  
create the Office of Healthy Schools within the 6  
Department of Education. 7

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

**Section 1.** That sections 3301.0718, 3313.60, 3313.6011, 8  
3313.814, 3314.03, and 3326.11 be amended and section 3301.23 of 9  
the Revised Code be enacted to read as follows: 10

**Sec. 3301.0718.** (A) After completing the required standards 11  
specified in section 3301.079 of the Revised Code, the state board 12  
of education shall adopt standards and model curricula for 13  
instruction in computer literacy for grades three through twelve 14  
and in fine arts and foreign language for grades kindergarten 15  
through twelve. 16

(B) Not later than December 31, 2007, the state board shall 17  
adopt the most recent standards developed by the national 18  
association for sport and physical education for physical 19

education in grades kindergarten through twelve or shall adopt its 20  
own standards for physical education in those grades. The 21  
department of education, through the office of healthy schools 22  
created in section 3301.23 of the Revised Code, shall provide the 23  
standards, and any revisions of the standards, to all school 24  
districts and community schools established under Chapter 3314. of 25  
the Revised Code. Any school district or community school may 26  
utilize the standards. 27

(C) Subject to division (E) of this section, not later than 28  
December 31, 2009, the state board shall develop and adopt 29  
standards closely modeled after the national health education 30  
standards (NHES) developed by the joint committee on national 31  
health standards for health education for grades kindergarten 32  
through twelve. The department, through the office of healthy 33  
schools, shall provide the standards, and any revisions of the 34  
standards, to all school districts, community schools, and STEM 35  
schools. Any school district, community school, or STEM school may 36  
utilize the standards. 37

(D) The department, through the office of healthy schools, 38  
shall employ a full-time physical education coordinator to provide 39  
guidance and technical assistance to districts and community 40  
schools in implementing the standards adopted under ~~this division~~ 41  
divisions (B) and (C) of this section. The superintendent of 42  
public instruction shall determine that the person employed as 43  
coordinator is qualified for the position, as demonstrated by 44  
possessing an adequate combination of education, license, and 45  
experience. The department shall hire a coordinator not later than 46  
October 31, 2007. 47

~~(C)~~(E) The state board shall not adopt or revise any 48  
standards or curriculum in the area of health unless, by 49  
concurrent resolution, the standards, curriculum, or revisions are 50  
approved by both houses of the general assembly. Before the house 51

of representatives or senate votes on a concurrent resolution 52  
approving health standards, curriculum, or revisions, its standing 53  
committee having jurisdiction over education legislation shall 54  
conduct at least one public hearing on the standards, curriculum, 55  
or revisions. 56

~~(D)~~(F) The state board shall not adopt a diagnostic 57  
assessment or achievement test for any grade level or subject area 58  
other than those specified in section 3301.079 of the Revised 59  
Code. 60

Sec. 3301.23. The office of healthy schools is hereby created 61  
within the department of education. The office shall coordinate 62  
school health services for school districts and assist them in 63  
developing connections between good student health and high 64  
academic achievement. 65

The office shall administer health and safety-related 66  
services and programs in all of the following areas: 67

(A) Healthy school environment for students and staff at 68  
school, on school grounds, en route to and from school, and at 69  
school-sponsored activities. Services and programs shall address, 70  
but are not limited to, the following: 71

(1) Buildings and grounds; 72

(2) School safety; 73

(3) Crisis management; 74

(4) Pupil transportation. 75

(B) Nutrition services, including developing nutrition and 76  
health standards for school districts; 77

(C) Services of school health care professionals, including 78  
assisting school nurses, physicians, dentists, and other school 79  
health care professionals; 80

<u>(D) School counseling, psychological, and social services,</u>	81
<u>including assisting school counselors and school psychologists;</u>	82
<u>(E) Family and community services;</u>	83
<u>(F) Staff health promotion services;</u>	84
<u>(G) Physical education and activity, including the duties of</u>	85
<u>the physical education coordinator employed, and dissemination of</u>	86
<u>the physical education standards adopted, under section 3301.0718</u>	87
<u>of the Revised Code;</u>	88
<u>(H) Health education, including the duties of the physical</u>	89
<u>education coordinator employed, and dissemination of the health</u>	90
<u>education standards adopted, under section 3301.0718 of the</u>	91
<u>Revised Code.</u>	92
<b>Sec. 3313.60.</b> Notwithstanding division (D) of section 3311.52	93
of the Revised Code, divisions (A) to (E) of this section do not	94
apply to any cooperative education school district established	95
pursuant to divisions (A) to (C) of section 3311.52 of the Revised	96
Code.	97
(A) The board of education of each city and exempted village	98
school district, the governing board of each educational service	99
center, and the board of each cooperative education school	100
district established pursuant to section 3311.521 of the Revised	101
Code shall prescribe a curriculum for all schools under their	102
control. Except as provided in division (E) of this section, in	103
any such curriculum there shall be included the study of the	104
following subjects:	105
(1) The language arts, including reading, writing, spelling,	106
oral and written English, and literature;	107
(2) Geography, the history of the United States and of Ohio,	108
and national, state, and local government in the United States,	109
including a balanced presentation of the relevant contributions to	110

society of men and women of African, Mexican, Puerto Rican, and	111
American Indian descent as well as other ethnic and racial groups	112
in Ohio and the United States;	113
(3) Mathematics;	114
(4) Natural science, including instruction in the	115
conservation of natural resources;	116
(5) Health education, which shall include instruction in:	117
(a) The nutritive value of foods, including natural and	118
organically produced foods, the relation of nutrition to health,	119
the use and effects of food additives;	120
(b) The harmful effects of and legal restrictions against the	121
use of drugs of abuse, alcoholic beverages, and tobacco;	122
(c) <del>Venereal disease</del> <u>Sexually transmitted infection</u>	123
<u>prevention</u> education, except that upon written request of the	124
student's parent or guardian, a student shall be excused from	125
taking instruction in <del>venereal disease</del> <u>sexually</u>	126
<u>transmitted infection prevention</u> ;	127
(d) In grades kindergarten through six, instruction in	128
personal safety and assault prevention, except that upon written	129
request of the student's parent or guardian, a student shall be	130
excused from taking instruction in personal safety and assault	131
prevention.	132
(6) Physical education;	133
(7) The fine arts, including music;	134
(8) First aid, including a training program in	135
cardiopulmonary resuscitation, safety, and fire prevention, except	136
that upon written request of the student's parent or guardian, a	137
student shall be excused from taking instruction in	138
cardiopulmonary resuscitation.	139
(B) Except as provided in division (E) of this section, every	140

school or school district shall include in the requirements for 141  
promotion from the eighth grade to the ninth grade one year's 142  
course of study of American history. 143

(C) Except as provided in division (E) of this section, every 144  
high school shall include in the requirements for graduation from 145  
any curriculum one unit of American history and government, 146  
including a study of the constitutions of the United States and of 147  
Ohio. 148

(D) Except as provided in division (E) of this section, basic 149  
instruction in geography, United States history, the government of 150  
the United States, the government of the state of Ohio, local 151  
government in Ohio, the Declaration of Independence, the United 152  
States Constitution, and the Constitution of the state of Ohio 153  
shall be required before pupils may participate in courses 154  
involving the study of social problems, economics, foreign 155  
affairs, United Nations, world government, socialism and 156  
communism. 157

(E) For each cooperative education school district 158  
established pursuant to section 3311.521 of the Revised Code and 159  
each city, exempted village, and local school district that has 160  
territory within such a cooperative district, the curriculum 161  
adopted pursuant to divisions (A) to (D) of this section shall 162  
only include the study of the subjects that apply to the grades 163  
operated by each such school district. The curriculums for such 164  
schools, when combined, shall provide to each student of these 165  
districts all of the subjects required under divisions (A) to (D) 166  
of this section. 167

(F) The board of education of any cooperative education 168  
school district established pursuant to divisions (A) to (C) of 169  
section 3311.52 of the Revised Code shall prescribe a curriculum 170  
for the subject areas and grade levels offered in any school under 171  
its control. 172

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

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

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

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

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

<del>(1) Stress that students should abstain from sexual activity until after marriage;</del>	203
<del>(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;</del>	204
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<del>(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;</del>	208
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<del>(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;</del>	211
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<del>(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;</del>	213
<del>(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;</del>	214
<del>(6) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;</del>	215
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<del>(7) Emphasize adoption as an option for unintended pregnancies.</del>	218
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<del>(D):</del>	220
<u>(1) "Age-appropriate" means designed to teach concepts, information, and skills based on the social, cognitive, emotional, and experience level of pupils.</u>	221
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<u>(2) "Comprehensive sexual health education" means education regarding human development and sexuality, including education on sexual health, family planning, and sexually transmitted infections.</u>	224
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<u>(3) "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.</u>	228
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<u>(4) "Medically and scientifically accurate" means verified or</u>	232

supported by research conducted in compliance with scientific 233  
methods and published in peer-reviewed journals, where 234  
appropriate, and recognized as accurate and objective by 235  
professional organizations and agencies with expertise in the 236  
relevant field, such as the United States centers for disease 237  
control and prevention and the American college of obstetricians 238  
and gynecologists. 239

(B) Any school district or educational service center may 240  
offer comprehensive sexual health education. Beginning July 1, 241  
2009, each school district and educational service center that 242  
elects to offer comprehensive sexual health education shall ensure 243  
that the program meets all of the following requirements: 244

(1) Instruction and materials shall be age-appropriate. 245

(2) All factual information shall be medically and 246  
scientifically accurate. 247

(3) Instruction and materials shall be appropriate for use 248  
with all pupils regardless of gender, race, ethnic and cultural 249  
background, religion, disability, or sexual orientation. 250

(4) Instruction and materials shall encourage pupils to 251  
communicate with their parents or guardians about human sexuality. 252

(5) If age-appropriate, instruction and materials shall teach 253  
that abstinence is the only certain way to prevent unintended 254  
pregnancy and sexually transmitted infections, and shall stress 255  
the value of abstinence while not ignoring those young people who 256  
have been or are sexually active. Therefore, abstinence shall not 257  
be taught to the exclusion of other instruction and materials on 258  
contraceptive and disease reduction measures. 259

(6) If age-appropriate, instruction and materials shall 260  
provide information about the effectiveness and safety, including 261  
the health benefits and side effects, of all contraceptive methods 262  
in preventing unintended pregnancy and reducing the risk of 263

contracting sexually transmitted infections. 264

(7) Instruction about sexually transmitted infections shall 265  
commence in grade seven. That instruction shall include how 266  
sexually transmitted infections are and are not transmitted, the 267  
effectiveness and methods of reducing the risk of contracting 268  
sexually transmitted infections, and identification of local 269  
resources for testing and medical care for sexually transmitted 270  
infections. 271

(8) If age-appropriate, instruction and materials shall 272  
provide pupils with skills for negotiating intimate relationships 273  
and making and implementing responsible decisions about sexuality. 274

(9) If age-appropriate, instruction and materials shall 275  
include a discussion of the possible emotional, physical, and 276  
psychological consequences of pre-adolescent and adolescent sexual 277  
activity and the emotional, physical, and psychological 278  
consequences of unintended pregnancy. 279

(10) Instruction and materials shall teach pupils to 280  
recognize unwanted physical and verbal sexual advances, not to 281  
make unwanted physical and verbal sexual advances, and how to 282  
effectively reject unwanted sexual advances. The instruction and 283  
materials shall cover verbal, physical, and visual sexual 284  
harassment, including nonconsensual physical sexual contact and 285  
rape by an acquaintance or family member. The course information 286  
and materials shall emphasize personal accountability and respect 287  
for others and shall encourage youth to resist peer pressure. 288

(11) Comprehensive sexual health education shall not include 289  
any instruction or materials that teach or promote religious 290  
doctrine. 291

A school district or educational service center may use 292  
separate, outside speakers or prepared curricula to teach 293  
different content areas or units with the comprehensive sexual 294

health education program, as long as all speakers, curricula, and 295  
materials used comply with this section. 296

(C) Each school district and educational service center shall 297  
cooperatively plan and provide, through regional planning, joint 298  
powers agreements, or contract services, in-service training for 299  
all school district personnel who provide comprehensive sexual 300  
health education. In doing so, each district and service center 301  
shall consult with the department of education. 302

The in-service training shall be conducted periodically to 303  
enable district and service center personnel to learn new 304  
developments in the scientific understanding of sexual health. The 305  
in-service training shall be voluntary for district and service 306  
center personnel who have demonstrated expertise or received 307  
in-service training from the department or the United States 308  
centers for disease control and prevention. 309

A district or service center may contract with outside 310  
consultants with expertise in comprehensive sexual health 311  
education, including those who have developed multilingual 312  
curricula or curricula accessible to persons with disabilities, to 313  
deliver the in-service training to district or service center 314  
personnel. 315

(D) At the beginning of each school year, or at the time of 316  
enrollment in the case of a pupil who enrolls after the beginning 317  
of the school year, each school district shall notify the parent 318  
or guardian of each pupil about instruction in comprehensive 319  
sexual health education and about research on pupil health 320  
behaviors and health risks planned for that year. The notice shall 321  
advise parents and guardians of all of the following: 322

(1) That written and audio-visual educational materials used 323  
in comprehensive sexual health education are available for 324  
inspection; 325

(2) Whether comprehensive sexual health education will be 326  
taught by school district personnel or by outside consultants; 327

(3) That a parent or guardian may request a copy of this 328  
section; 329

(4) That a parent or guardian may request in writing that the 330  
child not receive comprehensive sexual health education. 331

A school district or educational service center shall not 332  
permit a pupil to attend any class in comprehensive sexual health 333  
education if the school has received a written request from the 334  
pupil's parent or guardian excusing the pupil from participation. 335  
A pupil who is so excused shall not be subject to disciplinary 336  
action, academic penalty, or other sanction, and the district or 337  
service center shall make an alternative educational activity 338  
available for the pupil while comprehensive sexual health 339  
education is conducted. 340

Each school district and educational service center shall 341  
make written and audio-visual educational materials used in 342  
comprehensive sexual health education available for inspection by 343  
the parents and guardians of pupils. Each school district shall 344  
provide a copy of this section upon request to the parent or 345  
guardian of a pupil enrolled in the district. 346

(E) Any model education program for health education the 347  
state board of education adopts shall conform to the requirements 348  
of this section. 349

~~(E) On and after March 18, 1999, and notwithstanding (F)~~ 350  
Notwithstanding section 3302.07 of the Revised Code, the 351  
superintendent of public instruction shall not approve, pursuant 352  
to that section ~~3302.07 of the Revised Code~~, any waiver of any 353  
requirement of this section or of any rule adopted by the state 354  
board of education pursuant to this section. 355

**Sec. 3313.814.** Each board of education shall adopt and 356  
enforce standards governing the types of food that may be sold on 357  
the premises of its schools, and specifying the time and place 358  
each type of food may be sold. In adopting the standards, the 359  
board shall consider each food's nutritional value. No food may be 360  
sold on any school premises except in accordance with the 361  
standards adopted by the board of education. 362

The ~~state board~~ office of healthy schools of the department 363  
of education shall formulate and adopt guidelines, which boards of 364  
education ~~may~~ shall follow in enforcing and implementing this 365  
section. 366

**Sec. 3314.03.** A copy of every contract entered into under 367  
this section shall be filed with the superintendent of public 368  
instruction. 369

(A) Each contract entered into between a sponsor and the 370  
governing authority of a community school shall specify the 371  
following: 372

(1) That the school shall be established as either of the 373  
following: 374

(a) A nonprofit corporation established under Chapter 1702. 375  
of the Revised Code, if established prior to April 8, 2003; 376

(b) A public benefit corporation established under Chapter 377  
1702. of the Revised Code, if established after April 8, 2003; 378

(2) The education program of the school, including the 379  
school's mission, the characteristics of the students the school 380  
is expected to attract, the ages and grades of students, and the 381  
focus of the curriculum; 382

(3) The academic goals to be achieved and the method of 383  
measurement that will be used to determine progress toward those 384

goals, which shall include the statewide achievement tests;	385
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	386 387
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	388 389
(6)(a) Dismissal procedures;	390
(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 one hundred five consecutive hours of the learning opportunities offered to the student.	391 392 393 394 395 396
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	397 398
(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, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	399 400 401 402 403 404
(9) The facilities to be used and their locations;	405
(10) Qualifications of teachers, including 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 per week pursuant to section 3319.301 of the Revised Code;	406 407 408 409 410 411
(11) That the school will comply with the following requirements:	412 413
(a) The school will provide learning opportunities to a	414

minimum of twenty-five students for a minimum of nine hundred 415  
twenty hours per school year. 416

(b) The governing authority will purchase liability 417  
insurance, or otherwise provide for the potential liability of the 418  
school. 419

(c) The school will be nonsectarian in its programs, 420  
admission policies, employment practices, and all other 421  
operations, and will not be operated by a sectarian school or 422  
religious institution. 423

(d) The school will comply with sections 9.90, 9.91, 109.65, 424  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 425  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 426  
3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 427  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 428  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 429  
3313.718, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 430  
3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 431  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 432  
2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised 433  
Code as if it were a school district and will comply with section 434  
3301.0714 of the Revised Code in the manner specified in section 435  
3314.17 of the Revised Code. 436

(e) The school shall comply with Chapter 102. and section 437  
2921.42 of the Revised Code. 438

(f) The school will comply with sections 3313.61, 3313.611, 439  
and 3313.614 of the Revised Code, except that for students who 440  
enter ninth grade for the first time before July 1, 2010, the 441  
requirement in sections 3313.61 and 3313.611 of the Revised Code 442  
that a person must successfully complete the curriculum in any 443  
high school prior to receiving a high school diploma may be met by 444  
completing the curriculum adopted by the governing authority of 445

the community school rather than the curriculum specified in Title 446  
XXXIII of the Revised Code or any rules of the state board of 447  
education. Beginning with students who enter ninth grade for the 448  
first time on or after July 1, 2010, the requirement in sections 449  
3313.61 and 3313.611 of the Revised Code that a person must 450  
successfully complete the curriculum of a high school prior to 451  
receiving a high school diploma shall be met by completing the 452  
Ohio core curriculum prescribed in division (C) of section 453  
3313.603 of the Revised Code, unless the person qualifies under 454  
division (D) or (F) of that section. Each school shall comply with 455  
the plan for awarding high school credit based on demonstration of 456  
subject area competency, adopted by the state board of education 457  
under division (J) of section 3313.603 of the Revised Code. 458

(g) The school governing authority will submit within four 459  
months after the end of each school year a report of its 460  
activities and progress in meeting the goals and standards of 461  
divisions (A)(3) and (4) of this section and its financial status 462  
to the sponsor and the parents of all students enrolled in the 463  
school. 464

(h) The school, unless it is an internet- or computer-based 465  
community school, will comply with section 3313.801 of the Revised 466  
Code as if it were a school district. 467

(12) Arrangements for providing health and other benefits to 468  
employees; 469

(13) The length of the contract, which shall begin at the 470  
beginning of an academic year. No contract shall exceed five years 471  
unless such contract has been renewed pursuant to division (E) of 472  
this section. 473

(14) The governing authority of the school, which shall be 474  
responsible for carrying out the provisions of the contract; 475

(15) A financial plan detailing an estimated school budget 476

for each year of the period of the contract and specifying the 477  
total estimated per pupil expenditure amount for each such year. 478  
The plan shall specify for each year the base formula amount that 479  
will be used for purposes of funding calculations under section 480  
3314.08 of the Revised Code. This base formula amount for any year 481  
shall not exceed the formula amount defined under section 3317.02 482  
of the Revised Code. The plan may also specify for any year a 483  
percentage figure to be used for reducing the per pupil amount of 484  
the subsidy calculated pursuant to section 3317.029 of the Revised 485  
Code the school is to receive that year under section 3314.08 of 486  
the Revised Code. 487

(16) Requirements and procedures regarding the disposition of 488  
employees of the school in the event the contract is terminated or 489  
not renewed pursuant to section 3314.07 of the Revised Code; 490

(17) Whether the school is to be created by converting all or 491  
part of an existing public school or educational service center 492  
building or is to be a new start-up school, and if it is a 493  
converted public school or service center building, specification 494  
of any duties or responsibilities of an employer that the board of 495  
education or service center governing board that operated the 496  
school or building before conversion is delegating to the 497  
governing authority of the community school with respect to all or 498  
any specified group of employees provided the delegation is not 499  
prohibited by a collective bargaining agreement applicable to such 500  
employees; 501

(18) Provisions establishing procedures for resolving 502  
disputes or differences of opinion between the sponsor and the 503  
governing authority of the community school; 504

(19) A provision requiring the governing authority to adopt a 505  
policy regarding the admission of students who reside outside the 506  
district in which the school is located. That policy shall comply 507  
with the admissions procedures specified in sections 3314.06 and 508

3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance

with criteria for student participation established by the 539  
department under division (L)(2) of section 3314.08 of the Revised 540  
Code; 541

(24) The school will comply with sections 3302.04 and 542  
3302.041 of the Revised Code, except that any action required to 543  
be taken by a school district pursuant to those sections shall be 544  
taken by the sponsor of the school. However, the sponsor shall not 545  
be required to take any action described in division (F) of 546  
section 3302.04 of the Revised Code. 547

(25) Beginning in the 2006-2007 school year, the school will 548  
open for operation not later than the thirtieth day of September 549  
each school year, unless the mission of the school as specified 550  
under division (A)(2) of this section is solely to serve dropouts. 551  
In its initial year of operation, if the school fails to open by 552  
the thirtieth day of September, or within one year after the 553  
adoption of the contract pursuant to division (D) of section 554  
3314.02 of the Revised Code if the mission of the school is solely 555  
to serve dropouts, the contract shall be void. 556

(B) The community school shall also submit to the sponsor a 557  
comprehensive plan for the school. The plan shall specify the 558  
following: 559

(1) The process by which the governing authority of the 560  
school will be selected in the future; 561

(2) The management and administration of the school; 562

(3) If the community school is a currently existing public 563  
school or educational service center building, alternative 564  
arrangements for current public school students who choose not to 565  
attend the converted school and for teachers who choose not to 566  
teach in the school or building after conversion; 567

(4) The instructional program and educational philosophy of 568  
the school; 569

(5) Internal financial controls.	570
(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.	571 572 573 574 575 576 577 578 579
(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:	580 581 582 583 584
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	585 586
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	587 588 589
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	590 591 592 593
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	594 595 596
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant	597 598 599 600

to section 3314.072 of the Revised Code, or terminate the contract 601  
of the school pursuant to section 3314.07 of the Revised Code as 602  
determined necessary by the sponsor; 603

(6) Have in place a plan of action to be undertaken in the 604  
event the community school experiences financial difficulties or 605  
closes prior to the end of a school year. 606

(E) Upon the expiration of a contract entered into under this 607  
section, the sponsor of a community school may, with the approval 608  
of the governing authority of the school, renew that contract for 609  
a period of time determined by the sponsor, but not ending earlier 610  
than the end of any school year, if the sponsor finds that the 611  
school's compliance with applicable laws and terms of the contract 612  
and the school's progress in meeting the academic goals prescribed 613  
in the contract have been satisfactory. Any contract that is 614  
renewed under this division remains subject to the provisions of 615  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 616

(F) If a community school fails to open for operation within 617  
one year after the contract entered into under this section is 618  
adopted pursuant to division (D) of section 3314.02 of the Revised 619  
Code or permanently closes prior to the expiration of the 620  
contract, the contract shall be void and the school shall not 621  
enter into a contract with any other sponsor. A school shall not 622  
be considered permanently closed because the operations of the 623  
school have been suspended pursuant to section 3314.072 of the 624  
Revised Code. Any contract that becomes void under this division 625  
shall not count toward any statewide limit on the number of such 626  
contracts prescribed by section 3314.013 of the Revised Code. 627

**Sec. 3326.11.** Each science, technology, engineering, and 628  
mathematics school established under this chapter and its 629  
governing body shall comply with sections 9.90, 9.91, 109.65, 630  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 631

3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 632  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 633  
3313.50, 3313.536, 3313.608, 3313.6011, 3313.6012, 3313.6013, 634  
3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 635  
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 636  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 637  
3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, 3319.32, 638  
3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 3321.01, 3321.13, 639  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 640  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 641  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 642  
Revised Code as if it were a school district. 643

**Section 2.** That existing sections 3301.0718, 3313.60, 644  
3313.6011, 3313.814, 3314.03, and 3326.11 of the Revised Code are 645  
hereby repealed. 646

**Section 3.** On the effective date of this section, the 647  
Superintendent of Public Instruction shall consolidate into the 648  
Office of Healthy Schools all functions and personnel of the 649  
Office for Safety, Health, and Nutrition and the Pupil 650  
Transportation Office, and shall transfer to the Office of Healthy 651  
Schools services and programs administered by any other office, 652  
division, or center of the Department of Education that are 653  
assigned to the Office of Healthy Schools by section 3301.23 of 654  
the Revised Code. 655

**Section 4.** This act shall be known as the "Healthy Students 656  
Act." 657