

Fall 2023 Amendment to Sponsorship Contract

The Graham School (“SCHOOL”) and the ESC of Central Ohio (“SPONSOR”) agree to this Amendment to modify the parties’ Sponsorship Contract dated July 1, 2019 (as subsequently extended and otherwise amended) (“Contract”). The SCHOOL and SPONSOR further agree:

1. The terms of this Amendment supersede any clearly irreconcilable provisions of the Contract, including but not limited to its exhibits, and any prior Amendments thereto. The term of this Amendment shall be concurrent with the Term of the Contract and any mutually-agreed extension.¹
2. Article IV, Paragraph (G) is amended to add a new subparagraph (6) that reads as follows:

Provided that the SCHOOL is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code and/or has not made a blended learning declaration, no later than the first day of August of each school year, the GOVERNING AUTHORITY shall adopt a plan to provide instruction via online delivery in order to make up hours in that school year for which it is necessary to close the SCHOOL for disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the SCHOOL’S operation, damage to the SCHOOL’S building or other temporary circumstances due to utility failure rendering the School’s building unfit for use. Such plan will comply with the requirements of section 3313.482.

3. Article IV, Paragraph (J) of the Contract is deleted in its entirety and replaced with the following language:

The SCHOOL will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3202.037, 3313.472, 3313.50, 3313.539, 3313.5310, **3313.5318, 3313.5319,** 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, **3313.6028, 3313.6029,** 3313.643, 3313.648, 3313.6411, **3313.6413,** 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, **3313.7117,** 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, **3313.819,** 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, **3319.0812,** 3319.238, 3319.318, 3319.321, **3319.324,** 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01,

¹ Language added to the provisions is bolded and underlined for purposes of this Amendment.

3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, **3322.20, 3322.24,** 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703 and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

4. Article IV, Paragraph (M) is amended to add the following paragraph after the existing text:

The GOVERNING AUTHORITY shall also, pursuant to Section 3319.391 of the Revised Code, request the Superintendent of the Bureau of Criminal Identification and Investigation (BCI) along with the Federal Bureau of Investigation (FBI) conduct a criminal records check with respect to any applicant or person hired by the GOVERNING AUTHORITY in any position that does not require a license issued by the State Board of Education, as defined in Section 3319.31 of the Revised Code, or a registration issued by the State Board of Education under Chapter 3319, and is not for the operation of a vehicle for pupil transportation. The GOVERNING AUTHORITY shall make the request for any person who did not have a criminal records check conducted one year prior to October 3, 2023 or whose records check did not include information gathered pursuant to division (A) of Section 109.57 of the Revised Code. The SCHOOL shall not hire a person, or shall release from employment as applicable, any person who does not receive a criminal records check for that person that is favorable, both under the law and to the SCHOOL, from both the Bureau of Criminal Identification and Investigation (BCI) and the Federal Bureau of Investigation (FBI). This requirement applies to any contractor or person hired by a contractor who is engaged in providing services to the SCHOOL or GOVERNING AUTHORITY; in such cases of a person hired by a contractor, the GOVERNING AUTHORITY shall ensure that the person's employer has made the request. This paragraph shall not apply to a person who volunteers at a school building of the GOVERNING AUTHORITY, including a parent volunteer in a student's classroom.

5. Article IV, Paragraph (W) is amended to add the following language after the existing text: **"If the School uses a 9 passenger van, as described in R.C. 4511.76 (F), to regularly transport students to the School, the School shall ensure compliance with the requirements of R.C. 4511.76 (G)."**

6. Article IV, Paragraph (X) is amended to add a new Subparagraph (11) that reads as follows:

(a) If the School serves any students in grades kindergarten through six, the School shall adopt curriculum for those grades that includes annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. The School's instruction and information provided shall

not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention.

- (b) **If the School serves any students in grades seven through twelve, the School shall adopt curriculum for those grades that includes developmentally appropriate instruction in sexual violence prevention education, except that upon written request of the student's parent or guardian a student shall be excused from taking instruction in sexual violence prevention.**
- a. **If the parent or legal guardian of a student less than eighteen years of age who is attending the School submits to the principal a written request to examine the sexual violence prevention education instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.**
- (c) **The School shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention of all of the following:**
- a. **That instruction related to child sexual abuse prevention and sexual violence prevention is a required part of the school's curriculum;**
- b. **That upon request, parents and legal guardians may examine such instructional materials within forty-eight hours of making a request to the principal;**
- c. **That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.**

7. Article IV, Paragraph (AA) is amended to add a third subparagraph that reads as follows:

Pursuant to Revised Code sections 3314.104 and 3314.03(A)(10)(b), the SCHOOL shall not employ an individual in any position if the state board of education permanently revoked or permanently denied the individual a license under section 3319.31 of the Revised Code or if the individual entered into a consent agreement under division (E) of section 3319.311 of the Revised Code in which the individual agreed never to apply for a license after the date on which the agreement was entered into.

8. New Article IV, Paragraph (HH)² is added and reads as follows:

If the School receives student wellness and success funds as described in R.C. 3317.26, the School shall do the following:

² Article IV, Paragraph (GG) was added in the 2021 Amendment to the Contract.

- (1) In each fiscal year the School receives such funds, it shall spend the funds on any of initiatives or combination of initiatives described in R.C. 3317.25(B)(1)(i)to(q), provided that not less than fifty percent of the funds that are attributable to the School’s staffing cost for student wellness and success component, as determined by the Department of Education and Workforce, must be spent on initiatives described under (B)(1)(i) or (o) of R.C. 3317.25.
 - (2) The School will develop a plan to utilize the student wellness and health funds it receives in coordination with a community mental health prevention or treatment provider or the local board of alcohol, drug addiction, and mental health services established under Chapter 340 of the Revised Code and one of the community partners identified under R.C 3317.25(C).
 - (3) Within thirty days of the creation or amendment of the plan, the School will share the plan at a public meeting of the Governing Authority and post the plan on the School’s website.
 - (4) All student wellness and success funds allocated in FY 2020 to 2023 will be expended by June 30, 2025. Beginning in FY 2024, all student wellness and success funds will be expended by the end of the following fiscal year. Any funds not expended by the designated deadline must be repaid to Department of Education and Workforce.
 - (5) If the School fails to properly spend the funds as required by R.C. 3317.26(C) and (D), the School may be subjected to a corrective action plan and withholding of future student wellness and success funds as set forth in R.C. 3317.26(H).
9. As of the effective date of R.C. 130.106, except with regards to matters related to the statutory powers and duties of the State Board of Education described in R.C. 3301.111, whenever the Contract and the Guidance Document refer to “ODE,” the “Ohio Department of Education,” the “Department,” the “State Board of Education,” or the “Superintendent of Public Instruction,” such references shall be deemed to refer to the Department of Education and Workforce or the Director of Education and Workforce, whichever is appropriate in context.

IN WITNESS THEREOF, the parties have executed this Amendment through their duty-authorized representatives, pursuant to and in conformance with Article VIII of the Sponsorship Contract as of the date written below.

SPONSOR
ON BEHALF OF
THE ESC OF CENTRAL OHIO

By: Thomas L. Goodney

Print Name: Thomas L. Goodney

Title: Superintendent

Date: October 27, 2023

COMMUNITY SCHOOL
ON BEHALF OF THE
GRAHAM SCHOOL

By: Stephen Gussler

Print Name: Stephen Gussler

Title: Board President

Date: 11/13/23