



Jim Kelly

*Final Analysis*  
*Legislative Service Commission*

**Am. H.B. 116**  
123rd General Assembly  
(As Passed by the General Assembly)

- Reps.** Harris, Metzger, Tiberi, Thomas, Calvert, Taylor, Brading, Metelsky, Jolivette, Olman, Vesper, Pringle, Sullivan, Patton, Van Vyven, Ford, Corbin, Damschroder, Buchy, Bender, Myers, Allen, Sulzer, Evans, Padgett, Willamowski, Young, Jones, Wilson, Roman, Krupinski, Hartnett, Flannery, Hoops, Womer Benjamin, Peterson, Smith, Ogg, Gardner, Barrett, Winkler, Goodman, Carey, Salerno, Mottley, DePiero, Lucas, D. Miller, Verich, Jerse, Cates, Netzley, Bateman, Boyd, Clancy, Gooding, Terwilleger, Coughlin, Logan, Core, Barnes, Sutton, Grendell, Maier, Austria
- Sens.** Gardner, Schafrath, Kearns, Mumper, Oelslager, Prentiss, Cupp, Latta, Nein, White, Carnes, Spada, Blessing, Shoemaker, Watts, Horn, Hagan, Drake, Wachtmann, Armbruster, Latell, DiDonato, Hottinger, Johnson, Ray, Brady, Espy, Furney, Herington, Mallory, McLin

Effective date: \*

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## ACT SUMMARY

- Requires public schools and some Cleveland private schools to devote time on or about Veterans' Day to an observance that conveys the meaning and significance of that day.

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## CONTENT AND OPERATION

Under the act, each school board must require all district schools to devote time on or about Veterans' Day to an observance that conveys the meaning and significance of that day. This observance must be at least one hour long, except in schools that schedule class periods of less than an hour. In those schools, the observance must be at least one standard class period in length. The district board is to determine the specific activities that constitute the observance in each school after consulting with the school's administrators. (R.C. 3313.602.)

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

The requirement applies to all city, local, exempted village, and joint vocational school districts. It also applies to "chartered community school districts" and the "Cleveland Scholarship and Tutoring Program." The intent appears to be to apply the requirement to community schools (popularly called "charter schools," which are individual public schools that operate independently of school districts) and to the private schools participating in the scholarship ("voucher") pilot project operating in Cleveland. It is not clear whether the intent was for community schools and the Cleveland private schools to determine their own kind of activities or for them to conduct the activities prescribed by the boards of the school districts where they are located.

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## COMMENT

Future corrective legislation might be helpful to clarify the intent to require Veterans' Day observances in community schools and the private schools participating in any scholarship program. Corrective legislation also might be helpful to reconcile a potential conflict between this act and the pre-existing community school law. The latter states that only the state laws enumerated in Revised Code Chapter 3314. apply to community schools. The new requirement of this act is not one of them. However, the statutory rules of construction direct that in general the latest enactment prevails in the event of a conflict, and that special laws supersede general laws (R.C. §§ 1.51 and 1.52, not in the act). Under both standards, the new requirement of this act would prevail, assuming the term "chartered community school *district*" would be construed to mean a community school and the term "Cleveland Scholarship and Tutoring Program" would be construed to include any private school registered to accept pilot project scholarship students.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 122
Reported, H. Education	03-10-99	pp. 284-285
Passed House (94-1)	03-17-99	pp. 313-314
Reported, S. Education	06-10-99	p. 565
Passed Senate (33-0)	06-15-99	pp. 600-601
House concurred in Senate amendments (90-3)	06-23-99	pp. 908-909

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