

I\_133\_0162-3

133rd General Assembly  
Regular Session  
2019-2020

Sub. H. B. No. 310

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**A BILL**

To amend sections 2903.31, 3301.22, 3313.661,  
3313.666, 3314.03, and 3326.11 and to enact  
sections 3301.165, 3313.669, 3319.318, and  
3345.19 of the Revised Code to enact the "Ohio  
Anti-Bullying and Hazing Act" with regard to  
school discipline and bullying and hazing  
policies at schools and colleges.

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

**Section 1.** That sections 2903.31, 3301.22, 3313.661,  
3313.666, 3314.03, and 3326.11 be amended and sections 3301.165,  
3313.669, 3319.318, and 3345.19 of the Revised Code be enacted  
to read as follows:

**Sec. 2903.31.** (A) As used in this section, "hazing" means  
doing any act or coercing another, including the victim, to do  
any act of initiation into any student or other organization or  
any act to continue or reinstate membership in or affiliation  
with any student or other organization that causes or creates a  
substantial risk of causing mental or physical harm to any  
person.



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(B) (1) No person shall recklessly participate in the hazing of another. 19  
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(2) No administrator, employee, ~~or~~ faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person. 21  
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(C) (1) No person shall knowingly participate in the hazing of another when the hazing causes serious physical harm to the other person. 26  
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(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall knowingly permit the hazing of any person when the hazing causes serious physical harm to any person. 29  
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(3) No parent or guardian whose child is a student at any primary, secondary, or post-secondary school or any other educational institution, public or private, shall knowingly permit the hazing of any person when the hazing causes serious physical harm to any person. 35  
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(D) Whoever violates this section is guilty of hazing. A violation of division (B) (1) or (2) of this section is a misdemeanor of the ~~fourth~~ second degree. A violation of division (C) (1), (2), or (3) of this section is a felony of the fourth degree. 40  
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**Sec. 3301.165.** (A) As used in this section, "harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code. 45  
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(B) The governing authority of each chartered nonpublic school shall adopt a policy that addresses harassment, intimidation, or bullying. The governing authority shall review the policy adopted under this section at least once every three years and update it as necessary based on the review. 48  
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(C) The governing authority shall submit to the department of education the policy adopted under division (B) of this section in a form and manner determined by the department. 53  
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(D) If the school has a web site and has publicly posted its code of conduct on that web site, the governing authority also shall post the policy adopted under division (B) of this section on that web site. 56  
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**Sec. 3301.22.** (A) The state board of education shall develop do both of the following: 60  
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(1) Develop a model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies under section 3313.666 of the Revised Code. The board shall issue the model policy within six months after the effective date of this section; 62  
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(2) Provide each school district with evidence-based best practices regarding policies to prohibit harassment, intimidation, or bullying. 67  
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(B) Beginning on the effective date of this amendment, the state board shall review the model policy and best practices developed under division (A) of this section at least once every four years, and update them as necessary based on the review. 70  
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**Sec. 3313.661.** (A) Subject to the limitations set forth in section 3313.668 of the Revised Code, the board of education of each city, exempted village, and local school district shall 74  
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adopt a policy regarding suspension, expulsion, removal, and 77  
permanent exclusion that specifies the types of misconduct for 78  
which a pupil may be suspended, expelled, or removed. The types 79  
of misconduct may include misconduct by a pupil that occurs off 80  
of property owned or controlled by the district but that is 81  
connected to activities or incidents that have occurred on 82  
property owned or controlled by that district and misconduct by 83  
a pupil that, regardless of where it occurs, is directed at a 84  
district official or employee, or the property of such official 85  
or employee. The policy shall specify the reasons for which the 86  
superintendent of the district may reduce the expulsion 87  
requirement in division (B) (2) of section 3313.66 of the Revised 88  
Code. If a board of education adopts a resolution pursuant to 89  
division (B) (3) of section 3313.66 of the Revised Code, the 90  
policy shall define the term "knife capable of causing serious 91  
bodily injury" or "firearm," as applicable, for purposes of 92  
expulsion under that resolution and shall specify any reasons 93  
for which the superintendent of the district may reduce any 94  
required expulsion period on a case-by-case basis. If a board of 95  
education adopts a resolution pursuant to division (B) (4) or (5) 96  
of section 3313.66 of the Revised Code, the policy shall specify 97  
any reasons for which the superintendent of the district may 98  
reduce any required expulsion period on a case-by-case basis. 99  
The policy also shall set forth the acts listed in section 100  
3313.662 of the Revised Code for which a pupil may be 101  
permanently excluded. 102

The policy adopted under this division shall specify the 103  
date and manner by which a pupil or a pupil's parent, guardian, 104  
or custodian may notify the board of the pupil's, parent's, 105  
guardian's, or custodian's intent to appeal an expulsion or 106  
suspension to the board or its designee pursuant to division (E) 107

of section 3313.66 of the Revised Code. In the case of any 108  
expulsion, the policy shall not specify a date that is less than 109  
fourteen days after the date of the notice provided to the pupil 110  
or the pupil's parent, guardian, or custodian under division (D) 111  
of that section. 112

A copy of the policy shall be posted on the district's web 113  
site, if the district has one, and in a central location in the 114  
school and shall be made available to pupils upon request. No 115  
pupil shall be suspended, expelled, or removed except in 116  
accordance with the policy adopted by the board of education of 117  
the school district in which the pupil attends school, and no 118  
pupil shall be permanently excluded except in accordance with 119  
sections 3301.121 and 3313.662 of the Revised Code. 120

(B) (1) A board of education may establish a program and 121  
adopt guidelines under which a superintendent may require a 122  
pupil to perform community service in conjunction with a 123  
suspension or expulsion imposed under section 3313.66 of the 124  
Revised Code or in place of a suspension or expulsion imposed 125  
under section 3313.66 of the Revised Code except for an 126  
expulsion imposed pursuant to division (B) (2) of that section. 127  
If a board adopts guidelines under this division, they shall 128  
permit, except with regard to an expulsion pursuant to division 129  
(B) (2) of section 3313.66 of the Revised Code, a superintendent 130  
to impose a community service requirement beyond the end of the 131  
school year in lieu of applying an expulsion into the following 132  
school year. Any guidelines adopted shall be included in the 133  
policy adopted under this section. 134

(2) If a pupil is subject to detention, suspension, or 135  
expulsion for an offense of harassment, intimidation, or 136  
bullying under section 3313.669 of the Revised Code, the board 137

of education may develop a community service plan that a pupil 138  
who is issued a detention, suspension, or expulsion under that 139  
section must complete. The plan shall include specific goals and 140  
timelines under which the pupil must perform community service 141  
during the term of the pupil's suspension or expulsion. 142

(C) The written policy of each board of education that is 143  
adopted pursuant to section 3313.20 of the Revised Code shall be 144  
posted on the district's web site, if the district has one, and 145  
in a central location in each school that is subject to the 146  
policy and shall be made available to pupils upon request. 147

(D) Except as described in division (B) of section 148  
3313.668 of the Revised Code, any policy, program, or guideline 149  
adopted by a board of education under this section with regard 150  
to suspensions or expulsions pursuant to division (A) or (B) of 151  
section 3313.66 of the Revised Code shall apply to any student, 152  
whether or not the student is enrolled in the district, 153  
attending or otherwise participating in any curricular program 154  
provided in a school operated by the board or provided on any 155  
other property owned or controlled by the board. 156

(E) As used in this section, ~~"permanently:~~ 157

(1) "Permanently exclude" and "permanent exclusion" have 158  
the same meanings as in section 3313.662 of the Revised Code. 159

(2) "Harassment, intimidation, or bullying" has the same 160  
meaning as in section 3313.666 of the Revised Code. 161

**Sec. 3313.666.** (A) As used in this section: 162

(1) "Electronic act" means an act committed through the 163  
use of a cellular telephone, computer, pager, personal 164  
communication device, or other electronic communication device. 165

(2) "Harassment, intimidation, or bullying" means ~~either~~ 166  
any of the following: 167

(a) Any intentional written, verbal, electronic, or 168  
physical act that a student has exhibited toward another 169  
particular student or an administrator, employee, faculty 170  
member, teacher, consultant, or volunteer of the district more 171  
than once and the behavior both: 172

(i) Causes mental or physical harm to the other student or 173  
the administrator, employee, faculty member, teacher, 174  
consultant, or volunteer of the district; 175

(ii) Is sufficiently severe, persistent, or pervasive that 176  
it creates an intimidating, threatening, or abusive educational 177  
environment for the other student or the administrator, 178  
employee, faculty member, teacher, consultant, or volunteer of 179  
the district. 180

(b) Violence within a dating relationship; 181

(c) Hazing as defined in section 2903.31 of the Revised 182  
Code. 183

(B) The board of education of each city, local, exempted 184  
village, and joint vocational school district shall establish a 185  
policy prohibiting the harassment, intimidation, or bullying of 186  
students and administrators, employees, faculty members, 187  
teachers, consultants, and volunteers of the district. The 188  
policy shall be developed in consultation with parents, school 189  
employees, school volunteers, students, and community members, 190  
and shall apply to grades four through twelve. The policy shall 191  
include the following: 192

(1) A statement prohibiting harassment, intimidation, or 193  
bullying of any student on school property, on a school bus, or 194

at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;

(2) A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;

(3) A procedure for reporting prohibited incidents;

(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;

(5) A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, have access to any written reports pertaining to the prohibited incident~~†~~. For each prohibited incident, the district shall maintain a record verifying that the custodial parent or guardian was notified of the incident.

(6) A procedure for documenting any prohibited incident that is reported;

(7) A procedure for responding to and investigating any reported incident;

(8) A strategy for protecting a victim or other person from new or additional harassment, intimidation, or bullying, and from retaliation following a report, including a means by which a person may report an incident anonymously;

(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe



on any student's rights under the first amendment to the 223  
Constitution of the United States~~r~~. The disciplinary procedure 224  
shall comply with section 3313.669 of the Revised Code. 225

(10) A disciplinary procedure for any student guilty of 226  
retaliation against a student, administrator, employee, faculty 227  
member, teacher, consultant, or volunteer of the district who 228  
reports an incident of harassment, intimidation, or bullying; 229

(11) A statement prohibiting students from deliberately 230  
making false reports of harassment, intimidation, or bullying 231  
and a disciplinary procedure for any student responsible for 232  
deliberately making a false report of that nature; 233

~~(11)~~ (12) A requirement that the district administration 234  
semiannually provide the president of the district board a 235  
written summary of all reported incidents and post the summary 236  
on its web site, if the district has a web site, to the extent 237  
permitted by section 3319.321 of the Revised Code and the 238  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 239  
571, 20 U.S.C. 1232g, as amended. 240

(C) Each board's policy shall appear in any student 241  
handbooks, and in any of the publications that set forth the 242  
comprehensive rules, procedures, and standards of conduct for 243  
schools and students in the district. The policy and an 244  
explanation of the seriousness of bullying by electronic means 245  
shall be made available to students in the district and to their 246  
custodial parents or guardians. Information regarding the policy 247  
shall be incorporated into employee training materials. 248

(D) (1) To the extent that state or federal funds are 249  
appropriated for this purpose, each board shall require that all 250  
students enrolled in the district annually be provided with age- 251

appropriate instruction, as determined by the board, on the 252  
board's policy, including a written or verbal discussion of the 253  
consequences for violations of the policy. 254

(2) Each board shall require that once each school year a 255  
written statement describing the policy and the consequences for 256  
violations of the policy be sent to each student's custodial 257  
parent or guardian. The statement may be sent with regular 258  
student report cards or may be delivered electronically. 259

(E) A school district employee, student, or volunteer 260  
shall be individually immune from liability in a civil action 261  
for damages arising from reporting an incident in accordance 262  
with a policy adopted pursuant to this section if that person 263  
reports an incident of harassment, intimidation, or bullying 264  
promptly in good faith and in compliance with the procedures as 265  
specified in the policy. 266

(F) Except as provided in division (E) of this section, 267  
nothing in this section prohibits a victim from seeking redress 268  
under any other provision of the Revised Code or common law that 269  
may apply. 270

(G) This section does not create a new cause of action or 271  
a substantive legal right for any person. 272

(H) Each board shall update the policy adopted under this 273  
section to include violence within a dating relationship ~~and,~~ 274  
harassment, intimidation, or bullying by electronic means, ~~and~~ 275  
hazing. The board also shall review the policy adopted under 276  
this section at least once every three years and update it as 277  
necessary based on the review. 278

Sec. 3313.669. (A) Except as provided in division (F) of 279  
this section, the board of education of each city, exempted 280

village, or local school district shall adopt a resolution 281  
establishing a policy under section 3313.661 of the Revised Code 282  
that requires the district superintendent to take a disciplinary 283  
action against any pupil who commits an offense of harassment, 284  
intimidation, or bullying. The policy shall authorize the 285  
imposition of any of the following actions for each offense by a 286  
pupil as determined appropriate under the circumstances: 287

(1) A detention requiring the pupil to be present in 288  
school before or after the instructional day, or on days the 289  
school is not normally open for instruction, for up to the total 290  
number of hours equivalent to ten school days to complete 291  
supervised learning activities or a community service plan 292  
prescribed under division (B) (1) of this section; 293

(2) An in-school suspension of up to ten school days; 294

(3) An out-of-school suspension of up to ten school days; 295

(4) An expulsion. 296

(B) (1) The board may develop a community service plan for 297  
any pupil subject to detention, suspension, or expulsion under 298  
this section and require that the pupil complete the plan. The 299  
plan shall include specific goals and timelines under which the 300  
pupil shall perform community service during the term of the 301  
pupil's detention, suspension, or expulsion under this section. 302  
The board shall determine the duration of the community service 303  
performed under the plan. The community service plan may 304  
continue beyond the date upon which a pupil returns to school. 305

(2) The district shall prohibit a pupil from participating 306  
in any extracurricular activity during the period of a pupil's 307  
detention, suspension, or expulsion under this section. 308

(3) As determined appropriate by the board, the district 309

may impose additional measures, other than those prescribed 310  
under this division, on a pupil subject to detention, 311  
suspension, or expulsion under this section. 312

(C) (1) During the period of a pupil's suspension or 313  
expulsion under this section, the district shall permit the 314  
pupil to do both of the following: 315

(a) Complete all missed schoolwork. For this purpose, the 316  
district may offer tutoring and academic support to the pupil. 317

(b) Take any required state assessment. For this purpose, 318  
the pupil shall be permitted to take the assessment in the 319  
pupil's regular school setting. 320

(2) The district may provide counseling or intervention 321  
services for a pupil subject to detention, suspension, or 322  
expulsion under this section, so long as the pupil's parent, 323  
guardian, or custodian gives permission for the pupil to undergo 324  
such counseling or intervention services. If the district does 325  
not offer counseling or intervention services, the district may 326  
coordinate with community organizations that provide counseling 327  
or intervention services and help identify counseling or 328  
intervention resources. 329

(D) As a condition of returning to school, a pupil who is 330  
suspended or expelled under this section shall complete all 331  
missed schoolwork, as determined by the superintendent. If the 332  
pupil does not complete this requirement, the pupil may be 333  
permitted to return to school provided the superintendent 334  
determines that the pupil has made sufficient progress towards 335  
completing the requirement. 336

(E) (1) Upon receiving a report or being notified of a 337  
potential incident of harassment, intimidation, or bullying at 338

school or on school grounds, the principal or another 339  
administrator shall conduct an investigation to determine if 340  
harassment, intimidation, or bullying has occurred. The 341  
principal or another administrator shall notify the parent, 342  
guardian, or custodian of any pupil involved in a potential 343  
incident of harassment, intimidation, or bullying of an 344  
investigation conducted under this division. 345

(2) No pupil shall be subject to detention, suspension, or 346  
expulsion under this section if the board has approved an 347  
alternative form of discipline as prescribed in division (F) of 348  
this section. 349

(3) No pupil shall be issued a detention, suspension, or 350  
expulsion under this section unless, prior to the pupil's 351  
detention, suspension, or expulsion under this section, the 352  
superintendent does both of the following: 353

(a) Gives the pupil and the pupil's parent, guardian, or 354  
custodian written notice of the intention to issue a detention, 355  
suspension, or expulsion under this section; 356

(b) Provides the pupil and the pupil's parent, guardian, 357  
custodian, or representative an opportunity to appear in person 358  
before the superintendent or the superintendent's designee to 359  
challenge the reasons for the intended detention, suspension, or 360  
expulsion under this section or otherwise to explain the pupil's 361  
actions. 362

The notice required under division (E) (3) of this section 363  
shall include the reasons for the intended detention, 364  
suspension, or expulsion under this section, notification of the 365  
opportunity of the pupil and the pupil's parent, guardian, 366  
custodian, or representative to appear before the superintendent 367

or the superintendent's designee to challenge the reasons for 368  
the intended detention, suspension, or expulsion under this 369  
section or otherwise to explain the pupil's action, and 370  
notification of the time and place to appear. The time to appear 371  
shall not be earlier than three nor later than five school days 372  
after the notice is given, unless the superintendent grants an 373  
extension of time at the request of the pupil or the pupil's 374  
parent, guardian, custodian, or representative. If an extension 375  
is granted after giving the original notice, the superintendent 376  
shall notify the pupil and the pupil's parent, guardian, 377  
custodian, or representative of the new time and place to 378  
appear. 379

(F) (1) After the investigation prescribed in division (E) 380  
(1) of this section, but prior to issuing any detention, 381  
suspension, or expulsion prescribed in division (A) of this 382  
section, an administrator, such as the superintendent or 383  
principal, may petition the board to approve an alternative form 384  
of discipline for the pupil in lieu of detention, suspension, or 385  
expulsion under this section if the administrator, based on the 386  
investigation's findings, believes that the pupil: 387

(a) Has extenuating circumstances specific to that pupil; 388

(b) Has a high chance of successful reintegration into the 389  
school using the alternative form of discipline; 390

(c) Does not pose a risk to the safety of the school and 391  
the victim. 392

(2) The board, by a majority vote of its full membership, 393  
may approve the alternative form of discipline. 394

(G) The superintendent or principal, within one school day 395  
after the time of a pupil's detention, suspension, or expulsion 396

under this section shall notify in writing the parent, guardian, 397  
or custodian of the pupil and the district treasurer of the 398  
detention, suspension, or expulsion under this section. The 399  
notice shall include the reasons for the detention, suspension, 400  
or expulsion under this section, notification of the right of 401  
the pupil or the pupil's parent, guardian, or custodian to 402  
appeal the detention, suspension, or expulsion under this 403  
section to the board or to its designee, to be represented in 404  
all appeal proceedings, to be granted a hearing before the board 405  
or its designee in order to be heard against the detention, 406  
suspension, or expulsion under this section, and to request that 407  
the hearing be held in executive session. 408

In accordance with the policy adopted by the board under 409  
this section, the notice provided under this division shall 410  
specify the manner and date by which the pupil or the pupil's 411  
parent, guardian, or custodian shall notify the board of the 412  
pupil's, parent's, guardian's, or custodian's intent to appeal 413  
the detention, suspension, or expulsion under this section to 414  
the board or its designee. 415

(H) A pupil or the pupil's parent, guardian, or custodian 416  
may appeal the pupil's detention, suspension, or expulsion under 417  
this section to the board or to its designee. If the pupil or 418  
the pupil's parent, guardian, or custodian intends to appeal the 419  
detention, suspension, or expulsion under this section to the 420  
board or its designee, the pupil or the pupil's parent, 421  
guardian, or custodian shall notify the board in the manner and 422  
by the date specified in the notice provided under division (E) 423  
(3) of this section. The pupil or the pupil's parent, guardian, 424  
or custodian may be represented in all appeal proceedings and 425  
shall be granted a hearing before the board or its designee in 426  
order to be heard against the detention, suspension, or 427

expulsion under this section. At the request of the pupil or of 428  
the pupil's parent, guardian, custodian, or attorney, the board 429  
or its designee may hold the hearing in executive session but 430  
shall act upon the detention, suspension, or expulsion under 431  
this section only at a public meeting. The board, by a majority 432  
vote of its full membership or by the action of its designee, 433  
may affirm the order of detention, suspension, or expulsion 434  
under this section, reinstate the pupil, or otherwise reverse, 435  
vacate, or modify the order of detention, suspension, or 436  
expulsion under this section. 437

The board or its designee shall make a verbatim record of 438  
hearings held under this division. The decisions of the board or 439  
its designee may be appealed under Chapter 2506. of the Revised 440  
Code. 441

(I) (1) The board may offer counseling services to the 442  
victim of an offense of harassment, intimidation, or bullying. 443  
However, the victim is not required to participate in the 444  
counseling. 445

(2) The board shall permit a victim of harassment, 446  
intimidation, or bullying to complete all missed schoolwork due 447  
to harassment, intimidation, or bullying. For this purpose, the 448  
district may offer tutoring and academic support to the victim. 449

(J) Nothing in this section shall create a new requirement 450  
on the part of a board to provide the same services it would 451  
provide to a pupil attending school in the district to a pupil 452  
permanently excluded pursuant to section 3313.662 of the Revised 453  
Code. 454

(K) Nothing in this section shall affect a district's 455  
obligation to provide a free and appropriate education to 456



children with disabilities under 20 U.S.C. 1400, et seq. and 457  
Chapter 3323. of the Revised Code. 458

(L) This section shall not apply to any pupil in grades 459  
pre-kindergarten through three. 460

(M) As used in this section: 461

(1) "Extracurricular activity" has the same meaning as in 462  
section 3313.537 of the Revised Code. 463

(2) "Harassment, intimidation, or bullying" has the same 464  
meaning as in section 3313.666 of the Revised Code. 465

**Sec. 3314.03.** A copy of every contract entered into under 466  
this section shall be filed with the superintendent of public 467  
instruction. The department of education shall make available on 468  
its web site a copy of every approved, executed contract filed 469  
with the superintendent under this section. 470

(A) Each contract entered into between a sponsor and the 471  
governing authority of a community school shall specify the 472  
following: 473

(1) That the school shall be established as either of the 474  
following: 475

(a) A nonprofit corporation established under Chapter 476  
1702. of the Revised Code, if established prior to April 8, 477  
2003; 478

(b) A public benefit corporation established under Chapter 479  
1702. of the Revised Code, if established after April 8, 2003. 480

(2) The education program of the school, including the 481  
school's mission, the characteristics of the students the school 482  
is expected to attract, the ages and grades of students, and the 483

focus of the curriculum;	484
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	485 486 487 488
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	489 490 491 492
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	493 494 495
(6) (a) Dismissal procedures;	496
(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 seventy-two consecutive hours of the learning opportunities offered to the student.	497 498 499 500 501 502
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	503 504
(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. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	505 506 507 508 509 510
(9) An addendum to the contract outlining the facilities	511

to be used that contains at least the following information:	512
(a) A detailed description of each facility used for instructional purposes;	513 514
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	515 516
(c) The annual mortgage principal and interest payments that are paid by the school;	517 518
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	519 520 521
(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.	522 523 524 525 526 527
(11) That the school will comply with the following requirements:	528 529
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	530 531 532
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	533 534 535
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	536 537 538 539

(d) The school will comply with sections 9.90, 9.91, 540  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 541  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 542  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 543  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 544  
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 545  
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 546  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 547  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 548  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 549  
3319.073, 3319.318, 3319.321, 3319.39, 3319.391, 3319.41, 550  
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 551  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 552  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 553  
4123., 4141., and 4167. of the Revised Code as if it were a 554  
school district and will comply with section 3301.0714 of the 555  
Revised Code in the manner specified in section 3314.17 of the 556  
Revised Code. 557

(e) The school shall comply with Chapter 102. and section 558  
2921.42 of the Revised Code. 559

(f) The school will comply with sections 3313.61, 560  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 561  
Revised Code, except that for students who enter ninth grade for 562  
the first time before July 1, 2010, the requirement in sections 563  
3313.61 and 3313.611 of the Revised Code that a person must 564  
successfully complete the curriculum in any high school prior to 565  
receiving a high school diploma may be met by completing the 566  
curriculum adopted by the governing authority of the community 567  
school rather than the curriculum specified in Title XXXIII of 568  
the Revised Code or any rules of the state board of education. 569  
Beginning with students who enter ninth grade for the first time 570

on or after July 1, 2010, the requirement in sections 3313.61 571  
and 3313.611 of the Revised Code that a person must successfully 572  
complete the curriculum of a high school prior to receiving a 573  
high school diploma shall be met by completing the requirements 574  
prescribed in division (C) of section 3313.603 of the Revised 575  
Code, unless the person qualifies under division (D) or (F) of 576  
that section. Each school shall comply with the plan for 577  
awarding high school credit based on demonstration of subject 578  
area competency, and beginning with the 2017-2018 school year, 579  
with the updated plan that permits students enrolled in seventh 580  
and eighth grade to meet curriculum requirements based on 581  
subject area competency adopted by the state board of education 582  
under divisions (J) (1) and (2) of section 3313.603 of the 583  
Revised Code. Beginning with the 2018-2019 school year, the 584  
school shall comply with the framework for granting units of 585  
high school credit to students who demonstrate subject area 586  
competency through work-based learning experiences, internships, 587  
or cooperative education developed by the department under 588  
division (J) (3) of section 3313.603 of the Revised Code. 589

(g) The school governing authority will submit within four 590  
months after the end of each school year a report of its 591  
activities and progress in meeting the goals and standards of 592  
divisions (A) (3) and (4) of this section and its financial 593  
status to the sponsor and the parents of all students enrolled 594  
in the school. 595

(h) The school, unless it is an internet- or computer- 596  
based community school, will comply with section 3313.801 of the 597  
Revised Code as if it were a school district. 598

(i) If the school is the recipient of moneys from a grant 599  
awarded under the federal race to the top program, Division (A), 600

Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the

total estimated per pupil expenditure amount for each such year.	629
(16) Requirements and procedures regarding the disposition	630
of employees of the school in the event the contract is	631
terminated or not renewed pursuant to section 3314.07 of the	632
Revised Code;	633
(17) Whether the school is to be created by converting all	634
or part of an existing public school or educational service	635
center building or is to be a new start-up school, and if it is	636
a converted public school or service center building,	637
specification of any duties or responsibilities of an employer	638
that the board of education or service center governing board	639
that operated the school or building before conversion is	640
delegating to the governing authority of the community school	641
with respect to all or any specified group of employees provided	642
the delegation is not prohibited by a collective bargaining	643
agreement applicable to such employees;	644
(18) Provisions establishing procedures for resolving	645
disputes or differences of opinion between the sponsor and the	646
governing authority of the community school;	647
(19) A provision requiring the governing authority to	648
adopt a policy regarding the admission of students who reside	649
outside the district in which the school is located. That policy	650
shall comply with the admissions procedures specified in	651
sections 3314.06 and 3314.061 of the Revised Code and, at the	652
sole discretion of the authority, shall do one of the following:	653
(a) Prohibit the enrollment of students who reside outside	654
the district in which the school is located;	655
(b) Permit the enrollment of students who reside in	656
districts adjacent to the district in which the school is	657

located; 658

(c) Permit the enrollment of students who reside in any 659  
other district in the state. 660

(20) A provision recognizing the authority of the 661  
department of education to take over the sponsorship of the 662  
school in accordance with the provisions of division (C) of 663  
section 3314.015 of the Revised Code; 664

(21) A provision recognizing the sponsor's authority to 665  
assume the operation of a school under the conditions specified 666  
in division (B) of section 3314.073 of the Revised Code; 667

(22) A provision recognizing both of the following: 668

(a) The authority of public health and safety officials to 669  
inspect the facilities of the school and to order the facilities 670  
closed if those officials find that the facilities are not in 671  
compliance with health and safety laws and regulations; 672

(b) The authority of the department of education as the 673  
community school oversight body to suspend the operation of the 674  
school under section 3314.072 of the Revised Code if the 675  
department has evidence of conditions or violations of law at 676  
the school that pose an imminent danger to the health and safety 677  
of the school's students and employees and the sponsor refuses 678  
to take such action. 679

(23) A description of the learning opportunities that will 680  
be offered to students including both classroom-based and non- 681  
classroom-based learning opportunities that is in compliance 682  
with criteria for student participation established by the 683  
department under division (H) (2) of section 3314.08 of the 684  
Revised Code; 685



(24) The school will comply with sections 3302.04 and 686  
3302.041 of the Revised Code, except that any action required to 687  
be taken by a school district pursuant to those sections shall 688  
be taken by the sponsor of the school. However, the sponsor 689  
shall not be required to take any action described in division 690  
(F) of section 3302.04 of the Revised Code. 691

(25) Beginning in the 2006-2007 school year, the school 692  
will open for operation not later than the thirtieth day of 693  
September each school year, unless the mission of the school as 694  
specified under division (A)(2) of this section is solely to 695  
serve dropouts. In its initial year of operation, if the school 696  
fails to open by the thirtieth day of September, or within one 697  
year after the adoption of the contract pursuant to division (D) 698  
of section 3314.02 of the Revised Code if the mission of the 699  
school is solely to serve dropouts, the contract shall be void. 700

(26) Whether the school's governing authority is planning 701  
to seek designation for the school as a STEM school equivalent 702  
under section 3326.032 of the Revised Code; 703

(27) That the school's attendance and participation 704  
policies will be available for public inspection; 705

(28) That the school's attendance and participation 706  
records shall be made available to the department of education, 707  
auditor of state, and school's sponsor to the extent permitted 708  
under and in accordance with the "Family Educational Rights and 709  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 710  
and any regulations promulgated under that act, and section 711  
3319.321 of the Revised Code; 712

(29) If a school operates using the blended learning 713  
model, as defined in section 3301.079 of the Revised Code, all 714

of the following information:	715
(a) An indication of what blended learning model or models will be used;	716 717
(b) A description of how student instructional needs will be determined and documented;	718 719
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	720 721
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	722 723 724
(e) A statement describing how student progress will be monitored;	725 726
(f) A statement describing how private student data will be protected;	727 728
(g) A description of the professional development activities that will be offered to teachers.	729 730
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	731 732 733 734
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	735 736 737 738 739
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a	740 741

student's parent to notify the community school in which the 742  
student is enrolled when there is a change in the location of 743  
the parent's or student's primary residence. 744

(33) A provision requiring the governing authority to 745  
adopt a student residence and address verification policy for 746  
students enrolling in or attending the school. 747

(B) The community school shall also submit to the sponsor 748  
a comprehensive plan for the school. The plan shall specify the 749  
following: 750

(1) The process by which the governing authority of the 751  
school will be selected in the future; 752

(2) The management and administration of the school; 753

(3) If the community school is a currently existing public 754  
school or educational service center building, alternative 755  
arrangements for current public school students who choose not 756  
to attend the converted school and for teachers who choose not 757  
to teach in the school or building after conversion; 758

(4) The instructional program and educational philosophy 759  
of the school; 760

(5) Internal financial controls. 761

When submitting the plan under this division, the school 762  
shall also submit copies of all policies and procedures 763  
regarding internal financial controls adopted by the governing 764  
authority of the school. 765

(C) A contract entered into under section 3314.02 of the 766  
Revised Code between a sponsor and the governing authority of a 767  
community school may provide for the community school governing 768  
authority to make payments to the sponsor, which is hereby 769

authorized to receive such payments as set forth in the contract 770  
between the governing authority and the sponsor. The total 771  
amount of such payments for monitoring, oversight, and technical 772  
assistance of the school shall not exceed three per cent of the 773  
total amount of payments for operating expenses that the school 774  
receives from the state. 775

(D) The contract shall specify the duties of the sponsor 776  
which shall be in accordance with the written agreement entered 777  
into with the department of education under division (B) of 778  
section 3314.015 of the Revised Code and shall include the 779  
following: 780

(1) Monitor the community school's compliance with all 781  
laws applicable to the school and with the terms of the 782  
contract; 783

(2) Monitor and evaluate the academic and fiscal 784  
performance and the organization and operation of the community 785  
school on at least an annual basis; 786

(3) Report on an annual basis the results of the 787  
evaluation conducted under division (D) (2) of this section to 788  
the department of education and to the parents of students 789  
enrolled in the community school; 790

(4) Provide technical assistance to the community school 791  
in complying with laws applicable to the school and terms of the 792  
contract; 793

(5) Take steps to intervene in the school's operation to 794  
correct problems in the school's overall performance, declare 795  
the school to be on probationary status pursuant to section 796  
3314.073 of the Revised Code, suspend the operation of the 797  
school pursuant to section 3314.072 of the Revised Code, or 798

terminate the contract of the school pursuant to section 3314.07 799  
of the Revised Code as determined necessary by the sponsor; 800

(6) Have in place a plan of action to be undertaken in the 801  
event the community school experiences financial difficulties or 802  
closes prior to the end of a school year. 803

(E) Upon the expiration of a contract entered into under 804  
this section, the sponsor of a community school may, with the 805  
approval of the governing authority of the school, renew that 806  
contract for a period of time determined by the sponsor, but not 807  
ending earlier than the end of any school year, if the sponsor 808  
finds that the school's compliance with applicable laws and 809  
terms of the contract and the school's progress in meeting the 810  
academic goals prescribed in the contract have been 811  
satisfactory. Any contract that is renewed under this division 812  
remains subject to the provisions of sections 3314.07, 3314.072, 813  
and 3314.073 of the Revised Code. 814

(F) If a community school fails to open for operation 815  
within one year after the contract entered into under this 816  
section is adopted pursuant to division (D) of section 3314.02 817  
of the Revised Code or permanently closes prior to the 818  
expiration of the contract, the contract shall be void and the 819  
school shall not enter into a contract with any other sponsor. A 820  
school shall not be considered permanently closed because the 821  
operations of the school have been suspended pursuant to section 822  
3314.072 of the Revised Code. 823

Sec. 3319.318. (A) The superintendent of a school 824  
district, or the superintendent's designee, shall investigate 825  
any report of harassment, intimidation, or bullying by an 826  
administrator, employee, faculty member, teacher, consultant, or 827  
volunteer of a school district against a student and shall 828

determine the proper course of action pursuant to Chapter 3319. 829  
of the Revised Code. 830

(B) As used in this section, "harassment, intimidation, or 831  
bullying" means any intentional written, verbal, electronic, or 832  
physical act that an administrator, employee, faculty member, 833  
teacher, consultant, or volunteer of a school district has 834  
exhibited toward a student more than once and the behavior both: 835

(1) Causes mental or physical harm to the student; 836

(2) Is sufficiently severe, persistent, or pervasive that 837  
it creates an intimidating, threatening, or abusive educational 838  
environment for the student. 839

**Sec. 3326.11.** Each science, technology, engineering, and 840  
mathematics school established under this chapter and its 841  
governing body shall comply with sections 9.90, 9.91, 109.65, 842  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 843  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 844  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 845  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 846  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 847  
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 848  
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 849  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 850  
3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 851  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 852  
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 853  
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.318, 3319.32, 854  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 855  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 856  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 857  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 858

3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 859  
as if it were a school district. 860

Sec. 3345.19. (A) Each state institution of higher 861  
education shall adopt a policy, including rules, regarding 862  
harassment, intimidation, or bullying and hazing. The policy 863  
shall include penalties for harassment, intimidation, or 864  
bullying and hazing, including sanctions, fines, the withholding 865  
of a diploma or transcript, probation, suspension, and 866  
expulsion. 867

(B) As used in this section: 868

(1) "Harassment, intimidation, or bullying" means any 869  
intentional written, verbal, electronic, or physical act that a 870  
student has exhibited toward another particular student or an 871  
administrator, employee, faculty member, teacher, consultant, or 872  
volunteer of the institution more than once and the behavior 873  
both: 874

(a) Causes mental or physical harm to the other student or 875  
the administrator, employee, faculty member, teacher, 876  
consultant, or volunteer; 877

(b) Is sufficiently severe, persistent, or pervasive that 878  
it creates an intimidating, threatening, or abusive educational 879  
environment for the other student or the administrator, 880  
employee, faculty member, teacher, consultant, or volunteer. 881

(2) "Hazing" has the same meaning as in section 2903.31 of 882  
the Revised Code. 883

(3) "State institution of higher education" has the same 884  
meaning as in section 3345.011 of the Revised Code. 885

**Section 2.** That existing sections 2903.31, 3301.22, 886

3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 887  
hereby repealed. 888

**Section 3.** This act shall be known as the "Ohio Anti- 889  
Bullying and Hazing Act." 890