As Introduced

133rd General Assembly
Regular Session
2019-2020

Representative Greenspan

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 public 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.

(B)(1) No person shall recklessly participate in the
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Hazing of another.

(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 recklessly permit the hazing of any person.

(C)(1) No person shall knowingly participate in the hazing of another when the hazing causes serious physical harm to the other person.

(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.

(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 degree. A violation of division (C)(1) or (2) of this section is a felony of the fourth degree.

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.

(B) The governing authority of each chartered nonpublic school shall adopt a policy that requires the school to take disciplinary action against any pupil who commits an offense of harassment, intimidation, or bullying. The policy shall address issues such as disciplinary actions and due process in a manner similar to a policy adopted by a school district under section 3313.669 of the Revised Code. 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.

(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.

(D) If the school has a web site, the governing authority shall post the policy adopted under division (B) of this section on that web site.

Sec. 3301.22. (A) The state board of education shall develop do both of the following:

(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:

(2) Provide each school district with evidence-based best practices regarding policies to prohibit harassment, intimidation, or bullying.

(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.

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 adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off
of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the term "knife capable of causing serious bodily injury" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B)(4) or (5) of section 3313.66 of the Revised Code, the policy shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. The policy also shall set forth the acts listed in section 3313.662 of the Revised Code for which a pupil may be permanently excluded.

The policy adopted under this division shall specify the date and manner by which a pupil or a pupil's parent, guardian, or custodian may notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal an expulsion or suspension to the board or its designee pursuant to division (E) of section 3313.66 of the Revised Code. In the case of any expulsion, the policy shall not specify a date that is less than fourteen days after the date of the notice provided to the pupil or the pupil's parent, guardian, or custodian under division (D)
of that section.

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

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

(2) If a pupil is subject to detention, suspension, or expulsion for an offense of harassment, intimidation, or bullying under section 3313.669 of the Revised Code, the board of education may develop a community service plan that a pupil who is issued a detention, suspension, or expulsion under that section must complete. The plan shall include specific goals and timelines under which the pupil must perform community service.
As Introduced during the term of the pupil's suspension or expulsion.

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

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

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

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

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

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

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

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

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

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

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

(b) Violence within a dating relationship;

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

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

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or 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 Constitution of the United States. The disciplinary procedure shall comply with section 3313.669 of the Revised Code.

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

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

(11) (12) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, 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.

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

(D)(1) To the extent that state or federal funds are appropriated for this purpose, each board shall require that all students enrolled in the district annually be provided with age-appropriate instruction, as determined by the board, on the board's policy, including a written or verbal discussion of the consequences for violations of the policy.

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

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

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

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

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

Sec. 3313.669. (A) Except as provided in division (F) of this section, the board of education of each city, exempted village, or local school district shall adopt a resolution establishing a policy under section 3313.661 of the Revised Code that requires the district superintendent to take a disciplinary action against any pupil who commits an offense of harassment,
intimidation, or bullying. The policy shall authorize the imposition of any of the following actions for each offense by a pupil as determined appropriate under the circumstances:

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

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

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

(4) An expulsion.

Subject to division (D) of this section, any suspension or expulsion issued under this section shall be issued in accordance with sections 3313.66, 3313.661, and 3313.668 of the Revised Code.

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

(2) The district shall prohibit a pupil from participating in any extracurricular activity during the period of a pupil's detention, suspension, or expulsion under this section.
(3) As determined appropriate by the board, the district may impose additional measures, other than those prescribed under this division, on a pupil subject to detention, suspension, or expulsion under this section.

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

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

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

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

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

(E)(1) Upon receiving a report or being notified of a
potential incident of harassment, intimidation, or bullying at
school or on school grounds, the principal or another
administrator shall conduct an investigation to determine if
harassment, intimidation, or bullying has occurred.

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

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

(a) Has extenuating circumstances specific to that pupil;

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

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

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

(G) No pupil shall be subject to detention under this
section unless, prior to the pupil's detention, the
superintendent does both of the following:

(1) Gives the pupil and the pupil's parent, guardian, or
custodian written notice of the intention to issue a detention
(2) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended detention or otherwise to explain the pupil's actions.

The notice required in this division shall include the reasons for the intended detention, notification of the opportunity of the pupil and the pupil's parent, guardian, custodian, or representative to appear before the superintendent or the superintendent's designee to challenge the reasons for the intended detention or otherwise to explain the pupil's action, and notification of the time and place to appear. The time to appear shall not be earlier than three nor later than five school days after the notice is given, unless the superintendent grants an extension of time at the request of the pupil or the pupil's parent, guardian, custodian, or representative. If an extension is granted after giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear.

(H) Any suspension or expulsion issued under this section shall be subject to the due process procedures prescribed under section 3313.66 of the Revised Code.

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

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

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

(K) Nothing in this section shall affect a district's obligation to provide a free and appropriate education to children with disabilities under 20 U.S.C. 1400, et seq. and Chapter 3323. of the Revised Code.

(L) As used in this section:

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

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

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

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

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

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

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

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

(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;  

(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;  

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

(6)(a) Dismissal procedures;  

(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.  

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

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(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.

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

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

(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.


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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the
Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled.
(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in
sections 3314.06 and 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 department under division (H)(2) of section 3314.08 of the Revised Code;

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

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

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

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

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted

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

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(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;

(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.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

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

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

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

(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 monitoring, oversight, and technical assistance 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.

(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:

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

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

(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;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract.
(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 to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

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

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section...
Sec. 3319.318. (A) The superintendent of a school district, or the superintendent's designee, shall investigate any report of harassment, intimidation, or bullying by an administrator, employee, faculty member, teacher, consultant, or volunteer of a school district against a student and shall determine the proper course of action pursuant to Chapter 3319 of the Revised Code.

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

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

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

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719,
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

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

(B) As used in this section:

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

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

(b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or the administrator, employee, faculty member, teacher, consultant, or volunteer.
(2) "Hazing" has the same meaning as in section 2903.31 of the Revised Code.

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

Section 2. That existing sections 2903.31, 3301.22, 3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are hereby repealed.

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