

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 360

Representative Greenspan

Cosponsors: Representatives Anielski, Keller, Miller, Sheehy, Thompson

A BILL

To amend sections 2903.31, 3313.66, 3313.661, 1
3313.666, 3314.03, and 3326.11 and to enact 2
sections 3313.669 and 3345.19 of the Revised 3
Code to enact the "Ohio Anti-Bullying and Hazing 4
Act" with regard to school discipline and 5
bullying and hazing policies at public schools 6
and public colleges. 7

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

Section 1. That sections 2903.31, 3313.66, 3313.661, 8
3313.666, 3314.03, and 3326.11 be amended and sections 3313.669 9
and 3345.19 of the Revised Code be enacted to read as follows: 10

Sec. 2903.31. (A) As used in this section, "hazing" means 11
doing any act or coercing another, including the victim, to do 12
any act of initiation into any student or other organization or 13
any act to affirm, continue, or reinstate membership in or 14
affiliation with any student or other organization that causes 15
or creates a substantial risk of causing mental or physical harm 16
to any person. 17

(B) (1) No person shall recklessly participate in the 18

hazing of another. 19

(2) No administrator, employee, ~~or~~ faculty member, 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. 20
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(C) Whoever violates this section is guilty of hazing, a misdemeanor of the ~~fourth~~ second degree. If the hazing creates a substantial risk of causing the death of any person, hazing is a felony of the third degree. 25
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Sec. 3313.66. (A) Except as provided under division (B) (2) of this section and section 3313.669 of the Revised Code, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's 29
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community service or alternative consequence during the first 49
full week day of summer break. Each school district, in its 50
discretion, may develop an appropriate list of alternative 51
consequences. In the event that a pupil fails to complete 52
community service or the assigned alternative consequence, the 53
school district may determine the next course of action, which 54
shall not include requiring the pupil to serve the remaining 55
time of the out-of-school suspension at the beginning of the 56
following school year. 57

Except in the case of a pupil given an in-school 58
suspension, no pupil shall be suspended unless prior to the 59
suspension the superintendent or principal does both of the 60
following: 61

(1) Gives the pupil written notice of the intention to 62
suspend the pupil and the reasons for the intended suspension 63
and, if the proposed suspension is based on a violation listed 64
in division (A) of section 3313.662 of the Revised Code and if 65
the pupil is sixteen years of age or older, includes in the 66
notice a statement that the superintendent may seek to 67
permanently exclude the pupil if the pupil is convicted of or 68
adjudicated a delinquent child for that violation; 69

(2) Provides the pupil an opportunity to appear at an 70
informal hearing before the principal, assistant principal, 71
superintendent, or superintendent's designee and challenge the 72
reason for the intended suspension or otherwise to explain the 73
pupil's actions. 74

If a pupil is suspended pursuant to division (A) of this 75
section, the school district board may, in its discretion, 76
permit the pupil to complete any classroom assignments missed 77
because of the suspension. 78

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 79
(4), or (5) of this section and section 3313.669 of the Revised 80
Code, and subject to section 3313.668 of the Revised Code, the 81
superintendent of schools of a city, exempted village, or local 82
school district may expel a pupil from school for a period not 83
to exceed the greater of eighty school days or the number of 84
school days remaining in the semester or term in which the 85
incident that gives rise to the expulsion takes place, unless 86
the expulsion is extended pursuant to division (F) of this 87
section. If at the time an expulsion is imposed there are fewer 88
than eighty school days remaining in the school year in which 89
the incident that gives rise to the expulsion takes place, the 90
superintendent may apply any remaining part or all of the period 91
of the expulsion to the following school year. 92

(2) (a) Unless a pupil is permanently excluded pursuant to 93
section 3313.662 of the Revised Code, the superintendent of 94
schools of a city, exempted village, or local school district 95
shall expel a pupil from school for a period of one year for 96
bringing a firearm to a school operated by the board of 97
education of the district or onto any other property owned or 98
controlled by the board, except that the superintendent may 99
reduce this requirement on a case-by-case basis in accordance 100
with the policy adopted by the board under section 3313.661 of 101
the Revised Code. 102

(b) The superintendent of schools of a city, exempted 103
village, or local school district may expel a pupil from school 104
for a period of one year for bringing a firearm to an 105
interscholastic competition, an extracurricular event, or any 106
other school program or activity that is not located in a school 107
or on property that is owned or controlled by the district. The 108
superintendent may reduce this disciplinary action on a case-by- 109

case basis in accordance with the policy adopted by the board 110
under section 3313.661 of the Revised Code. 111

(c) Any expulsion pursuant to division (B)(2) of this 112
section shall extend, as necessary, into the school year 113
following the school year in which the incident that gives rise 114
to the expulsion takes place. As used in this division, 115
"firearm" has the same meaning as provided pursuant to the "Gun- 116
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 117

(3) The board of education of a city, exempted village, or 118
local school district may adopt a resolution authorizing the 119
superintendent of schools to expel a pupil from school for a 120
period not to exceed one year for bringing a knife to a school 121
operated by the board, onto any other property owned or 122
controlled by the board, or to an interscholastic competition, 123
an extracurricular event, or any other program or activity 124
sponsored by the school district or in which the district is a 125
participant, or for possessing a firearm or knife at a school, 126
on any other property owned or controlled by the board, or at an 127
interscholastic competition, an extracurricular event, or any 128
other school program or activity, which firearm or knife was 129
initially brought onto school board property by another person. 130
The resolution may authorize the superintendent to extend such 131
an expulsion, as necessary, into the school year following the 132
school year in which the incident that gives rise to the 133
expulsion takes place. 134

(4) The board of education of a city, exempted village, or 135
local school district may adopt a resolution establishing a 136
policy under section 3313.661 of the Revised Code that 137
authorizes the superintendent of schools to expel a pupil from 138
school for a period not to exceed one year for committing an act 139

that is a criminal offense when committed by an adult and that 140
results in serious physical harm to persons as defined in 141
division (A) (5) of section 2901.01 of the Revised Code or 142
serious physical harm to property as defined in division (A) (6) 143
of section 2901.01 of the Revised Code while the pupil is at 144
school, on any other property owned or controlled by the board, 145
or at an interscholastic competition, an extracurricular event, 146
or any other school program or activity. Any expulsion under 147
this division shall extend, as necessary, into the school year 148
following the school year in which the incident that gives rise 149
to the expulsion takes place. 150

(5) The board of education of any city, exempted village, 151
or local school district may adopt a resolution establishing a 152
policy under section 3313.661 of the Revised Code that 153
authorizes the superintendent of schools to expel a pupil from 154
school for a period not to exceed one year for making a bomb 155
threat to a school building or to any premises at which a school 156
activity is occurring at the time of the threat. Any expulsion 157
under this division shall extend, as necessary, into the school 158
year following the school year in which the incident that gives 159
rise to the expulsion takes place. 160

(6) No pupil shall be expelled under division (B) (1), (2), 161
(3), (4), or (5) of this section unless, prior to the pupil's 162
expulsion, the superintendent does both of the following: 163

(a) Gives the pupil and the pupil's parent, guardian, or 164
custodian written notice of the intention to expel the pupil; 165

(b) Provides the pupil and the pupil's parent, guardian, 166
custodian, or representative an opportunity to appear in person 167
before the superintendent or the superintendent's designee to 168
challenge the reasons for the intended expulsion or otherwise to 169

explain the pupil's actions. 170

The notice required in this division shall include the 171
reasons for the intended expulsion, notification of the 172
opportunity of the pupil and the pupil's parent, guardian, 173
custodian, or representative to appear before the superintendent 174
or the superintendent's designee to challenge the reasons for 175
the intended expulsion or otherwise to explain the pupil's 176
action, and notification of the time and place to appear. The 177
time to appear shall not be earlier than three nor later than 178
five school days after the notice is given, unless the 179
superintendent grants an extension of time at the request of the 180
pupil or the pupil's parent, guardian, custodian, or 181
representative. If an extension is granted after giving the 182
original notice, the superintendent shall notify the pupil and 183
the pupil's parent, guardian, custodian, or representative of 184
the new time and place to appear. If the proposed expulsion is 185
based on a violation listed in division (A) of section 3313.662 186
of the Revised Code and if the pupil is sixteen years of age or 187
older, the notice shall include a statement that the 188
superintendent may seek to permanently exclude the pupil if the 189
pupil is convicted of or adjudicated a delinquent child for that 190
violation. 191

(7) A superintendent of schools of a city, exempted 192
village, or local school district shall initiate expulsion 193
proceedings pursuant to this section with respect to any pupil 194
who has committed an act warranting expulsion under the 195
district's policy regarding expulsion even if the pupil has 196
withdrawn from school for any reason after the incident that 197
gives rise to the hearing but prior to the hearing or decision 198
to impose the expulsion. If, following the hearing, the pupil 199
would have been expelled for a period of time had the pupil 200

still been enrolled in the school, the expulsion shall be 201
imposed for the same length of time as on a pupil who has not 202
withdrawn from the school. 203

(C) If a pupil's presence poses a continuing danger to 204
persons or property or an ongoing threat of disrupting the 205
academic process taking place either within a classroom or 206
elsewhere on the school premises, the superintendent or a 207
principal or assistant principal may remove a pupil from 208
curricular activities or from the school premises, and a teacher 209
may remove a pupil from curricular activities under the 210
teacher's supervision, without the notice and hearing 211
requirements of division (A) or (B) of this section. As soon as 212
practicable after making such a removal, the teacher shall 213
submit in writing to the principal the reasons for such removal. 214

If a pupil is removed under this division from a 215
curricular activity or from the school premises, written notice 216
of the hearing and of the reason for the removal shall be given 217
to the pupil as soon as practicable prior to the hearing, which 218
shall be held within three school days from the time the initial 219
removal is ordered. The hearing shall be held in accordance with 220
division (A) of this section unless it is probable that the 221
pupil may be subject to expulsion, in which case a hearing in 222
accordance with division (B) of this section shall be held, 223
except that the hearing shall be held within three school days 224
of the initial removal. The individual who ordered, caused, or 225
requested the removal to be made shall be present at the 226
hearing. 227

If the superintendent or the principal reinstates a pupil 228
in a curricular activity under the teacher's supervision prior 229
to the hearing following a removal under this division, the 230

teacher, upon request, shall be given in writing the reasons for 231
such reinstatement. 232

(D) The superintendent or principal, within one school day 233
after the time of a pupil's expulsion or suspension, shall 234
notify in writing the parent, guardian, or custodian of the 235
pupil and the treasurer of the board of education of the 236
expulsion or suspension. The notice shall include the reasons 237
for the expulsion or suspension, notification of the right of 238
the pupil or the pupil's parent, guardian, or custodian to 239
appeal the expulsion or suspension to the board of education or 240
to its designee, to be represented in all appeal proceedings, to 241
be granted a hearing before the board or its designee in order 242
to be heard against the suspension or expulsion, and to request 243
that the hearing be held in executive session, notification that 244
the expulsion may be subject to extension pursuant to division 245
(F) of this section if the pupil is sixteen years of age or 246
older, and notification that the superintendent may seek the 247
pupil's permanent exclusion if the suspension or expulsion was 248
based on a violation listed in division (A) of section 3313.662 249
of the Revised Code that was committed when the child was 250
sixteen years of age or older and if the pupil is convicted of 251
or adjudicated a delinquent child for that violation. 252

In accordance with the policy adopted by the board of 253
education under section 3313.661 of the Revised Code, the notice 254
provided under this division shall specify the manner and date 255
by which the pupil or the pupil's parent, guardian, or custodian 256
shall notify the board of the pupil's, parent's, guardian's, or 257
custodian's intent to appeal the expulsion or suspension to the 258
board or its designee. 259

Any superintendent expelling a pupil under this section 260

for more than twenty school days or for any period of time if 261
the expulsion will extend into the following semester or school 262
year shall, in the notice required under this division, provide 263
the pupil and the pupil's parent, guardian, or custodian with 264
information about services or programs offered by public and 265
private agencies that work toward improving those aspects of the 266
pupil's attitudes and behavior that contributed to the incident 267
that gave rise to the pupil's expulsion. The information shall 268
include the names, addresses, and phone numbers of the 269
appropriate public and private agencies. 270

(E) A pupil or the pupil's parent, guardian, or custodian 271
may appeal the pupil's expulsion by a superintendent or 272
suspension by a superintendent, principal, assistant principal, 273
or other administrator to the board of education or to its 274
designee. If the pupil or the pupil's parent, guardian, or 275
custodian intends to appeal the expulsion or suspension to the 276
board or its designee, the pupil or the pupil's parent, 277
guardian, or custodian shall notify the board in the manner and 278
by the date specified in the notice provided under division (D) 279
of this section. The pupil or the pupil's parent, guardian, or 280
custodian may be represented in all appeal proceedings and shall 281
be granted a hearing before the board or its designee in order 282
to be heard against the suspension or expulsion. At the request 283
of the pupil or of the pupil's parent, guardian, custodian, or 284
attorney, the board or its designee may hold the hearing in 285
executive session but shall act upon the suspension or expulsion 286
only at a public meeting. The board, by a majority vote of its 287
full membership or by the action of its designee, may affirm the 288
order of suspension or expulsion, reinstate the pupil, or 289
otherwise reverse, vacate, or modify the order of suspension or 290
expulsion. 291

The board or its designee shall make a verbatim record of 292
hearings held under this division. The decisions of the board or 293
its designee may be appealed under Chapter 2506. of the Revised 294
Code. 295

This section shall not be construed to require notice and 296
hearing in accordance with division (A), (B), or (C) of this 297
section in the case of normal disciplinary procedures in which a 298
pupil is removed from a curricular activity for a period of less 299
than one school day and is not subject to suspension or 300
expulsion. 301

(F) (1) If a pupil is expelled pursuant to division (B) of 302
this section for committing any violation listed in division (A) 303
of section 3313.662 of the Revised Code and the pupil was 304
sixteen years of age or older at the time of committing the 305
violation, if a complaint, indictment, or information is filed 306
alleging that the pupil is a delinquent child based upon the 307
commission of the violation or the pupil is prosecuted as an 308
adult for the commission of the violation, and if the resultant 309
juvenile court or criminal proceeding is pending at the time 310
that the expulsion terminates, the superintendent of schools 311
that expelled the pupil may file a motion with the court in 312
which the proceeding is pending requesting an order extending 313
the expulsion for the lesser of an additional eighty days or the 314
number of school days remaining in the school year. Upon the 315
filing of the motion, the court immediately shall schedule a 316
hearing and give written notice of the time, date, and location 317
of the hearing to the superintendent and to the pupil and the 318
pupil's parent, guardian, or custodian. At the hearing, the 319
court shall determine whether there is reasonable cause to 320
believe that the pupil committed the alleged violation that is 321
the basis of the expulsion and, upon determining that reasonable 322

cause to believe the pupil committed the violation does exist, 323
shall grant the requested extension. 324

(2) If a pupil has been convicted of or adjudicated a 325
delinquent child for a violation listed in division (A) of 326
section 3313.662 of the Revised Code for an act that was 327
committed when the child was sixteen years of age or older, if 328
the pupil has been expelled pursuant to division (B) of this 329
section for that violation, and if the board of education of the 330
school district of the school from which the pupil was expelled 331
has adopted a resolution seeking the pupil's permanent 332
exclusion, the superintendent may file a motion with the court 333
that convicted the pupil or adjudicated the pupil a delinquent 334
child requesting an order to extend the expulsion until an 335
adjudication order or other determination regarding permanent 336
exclusion is issued by the superintendent of public instruction 337
pursuant to section 3301.121 and division (D) of section 338
3313.662 of the Revised Code. Upon the filing of the motion, the 339
court immediately shall schedule a hearing and give written 340
notice of the time, date, and location of the hearing to the 341
superintendent of the school district, the pupil, and the 342
pupil's parent, guardian, or custodian. At the hearing, the 343
court shall determine whether there is reasonable cause to 344
believe the pupil's continued attendance in the public school 345
system may endanger the health and safety of other pupils or 346
school employees and, upon making that determination, shall 347
grant the requested extension. 348

(G) The failure of the superintendent or the board of 349
education to provide the information regarding the possibility 350
of permanent exclusion in the notice required by divisions (A), 351
(B), and (D) of this section is not jurisdictional, and the 352
failure shall not affect the validity of any suspension or 353

expulsion procedure that is conducted in accordance with this 354
section or the validity of a permanent exclusion procedure that 355
is conducted in accordance with sections 3301.121 and 3313.662 356
of the Revised Code. 357

(H) With regard to suspensions and expulsions pursuant to 358
divisions (A) and (B) of this section by the board of education 359
of any city, exempted village, or local school district, this 360
section shall apply to any student, whether or not the student 361
is enrolled in the district, attending or otherwise 362
participating in any curricular program provided in a school 363
operated by the board or provided on any other property owned or 364
controlled by the board. 365

(I) Whenever a student is expelled under this section, the 366
expulsion shall result in removal of the student from the 367
student's regular school setting. However, during the period of 368
the expulsion, the board of education of the school district 369
that expelled the student or any board of education admitting 370
the student during that expulsion period may provide educational 371
services to the student in an alternative setting. 372

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 373
3313.64, and 3313.65 of the Revised Code, any school district, 374
after offering an opportunity for a hearing, may temporarily 375
deny admittance to any pupil if one of the following applies: 376

(a) The pupil has been suspended from the schools of 377
another district under division (A) of this section and the 378
period of suspension, as established under that division, has 379
not expired; 380

(b) The pupil has been expelled from the schools of 381
another district under division (B) of this section and the 382

period of the expulsion, as established under that division or 383
as extended under division (F) of this section, has not expired. 384

If a pupil is temporarily denied admission under this 385
division, the pupil shall be admitted to school in accordance 386
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 387
Revised Code no later than upon expiration of the suspension or 388
expulsion period, as applicable. 389

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 390
and 3313.65 of the Revised Code, any school district, after 391
offering an opportunity for a hearing, may temporarily deny 392
admittance to any pupil if the pupil has been expelled or 393
otherwise removed for disciplinary purposes from a public school 394
in another state and the period of expulsion or removal has not 395
expired. If a pupil is temporarily denied admission under this 396
division, the pupil shall be admitted to school in accordance 397
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 398
Revised Code no later than the earlier of the following: 399

(a) Upon expiration of the expulsion or removal period 400
imposed by the out-of-state school; 401

(b) Upon expiration of a period established by the 402
district, beginning with the date of expulsion or removal from 403
the out-of-state school, that is no greater than the period of 404
expulsion that the pupil would have received under the policy 405
adopted by the district under section 3313.661 of the Revised 406
Code had the offense that gave rise to the expulsion or removal 407
by the out-of-state school been committed while the pupil was 408
enrolled in the district. 409

(K) As used in this section: 410

(1) "Permanently exclude" and "permanent exclusion" have 411

the same meanings as in section 3313.662 of the Revised Code. 412

(2) "In-school suspension" means the pupil will serve all 413
of the suspension in a school setting. 414

Sec. 3313.661. (A) The board of education of each city, 415
exempted village, and local school district shall adopt a policy 416
regarding suspension, expulsion, removal, and permanent 417
exclusion that specifies the types of misconduct for which a 418
pupil may be suspended, expelled, or removed. The types of 419
misconduct may include misconduct by a pupil that occurs off of 420
property owned or controlled by the district but that is 421
connected to activities or incidents that have occurred on 422
property owned or controlled by that district and misconduct by 423
a pupil that, regardless of where it occurs, is directed at a 424
district official or employee, or the property of such official 425
or employee. The policy shall specify the reasons for which the 426
superintendent of the district may reduce the expulsion 427
requirement in division (B)(2) of section 3313.66 of the Revised 428
Code. If a board of education adopts a resolution pursuant to 429
division (B)(3) of section 3313.66 of the Revised Code, the 430
policy shall define the term "knife" or "firearm," as 431
applicable, for purposes of expulsion under that resolution and 432
shall specify any reasons for which the superintendent of the 433
district may reduce any required expulsion period on a case-by- 434
case basis. If a board of education adopts a resolution pursuant 435
to division (B)(4) or (5) of section 3313.66 of the Revised 436
Code, the policy shall specify any reasons for which the 437
superintendent of the district may reduce any required expulsion 438
period on a case-by-case basis. The policy also shall set forth 439
the acts listed in section 3313.662 of the Revised Code for 440
which a pupil may be permanently excluded. 441

The policy adopted under this division shall specify the 442
date and manner by which a pupil or a pupil's parent, guardian, 443
or custodian may notify the board of the pupil's, parent's, 444
guardian's, or custodian's intent to appeal an expulsion or 445
suspension to the board or its designee pursuant to division (E) 446
of section 3313.66 of the Revised Code. In the case of any 447
expulsion, the policy shall not specify a date that is less than 448
fourteen days after the date of the notice provided to the pupil 449
or the pupil's parent, guardian, or custodian under division (D) 450
of that section. 451

A copy of the policy shall be posted on the district's web 452
site, if the district has one, and in a central location in the 453
school and shall be made available to pupils upon request. No 454
pupil shall be suspended, expelled, or removed except in 455
accordance with the policy adopted by the board of education of 456
the school district in which the pupil attends school, and no 457
pupil shall be permanently excluded except in accordance with 458
sections 3301.121 and 3313.662 of the Revised Code. 459

(B) (1) A board of education may establish a program and 460
adopt guidelines under which a superintendent may require a 461
pupil to perform community service in conjunction with a 462
suspension or expulsion imposed under section 3313.66 of the 463
Revised Code or in place of a suspension or expulsion imposed 464
under section 3313.66 of the Revised Code except for an 465
expulsion imposed pursuant to division (B) (2) of that section. 466
If a board adopts guidelines under this division, they shall 467
permit, except with regard to an expulsion pursuant to division 468
(B) (2) of section 3313.66 of the Revised Code, a superintendent 469
to impose a community service requirement beyond the end of the 470
school year in lieu of applying an expulsion into the following 471
school year. Any guidelines adopted shall be included in the 472

policy adopted under this section. 473

(2) If a pupil is suspended or expelled for an offense of 474
harassment, intimidation, or bullying under section 3313.669 of 475
the Revised Code, the board of education shall file a notice 476
with a municipal court that has jurisdiction in the school 477
district. Within three days after the notice is filed, the court 478
or a person, agency, or organization appointed by the court, in 479
consultation with the child, the child's parent or guardian, and 480
the child's school, shall develop a community service plan. The 481
plan shall include specific goals and timelines under which the 482
pupil must perform community service during the term of the 483
pupil's suspension or expulsion. 484

(C) The written policy of each board of education that is 485
adopted pursuant to section 3313.20 of the Revised Code shall be 486
posted on the district's web site, if the district has one, and 487
in a central location in each school that is subject to the 488
policy and shall be made available to pupils upon request. 489

(D) Any policy, program, or guideline adopted by a board 490
of education under this section with regard to suspensions or 491
expulsions pursuant to division (A) or (B) of section 3313.66 of 492
the Revised Code shall apply to any student, whether or not the 493
student is enrolled in the district, attending or otherwise 494
participating in any curricular program provided in a school 495
operated by the board or provided on any other property owned or 496
controlled by the board. 497

(E) As used in this section, ~~"permanently :~~ 498

(1) "Permanently exclude" and "permanent exclusion" have 499
the same meanings as in section 3313.662 of the Revised Code. 500

(2) "Harassment, intimidation, or bullying" has the same 501

meaning as in section 3313.666 of the Revised Code. 502

Sec. 3313.666. (A) As used in this section: 503

(1) "Electronic act" means an act committed through the 504
use of a cellular telephone, computer, pager, personal 505
communication device, or other electronic communication device. 506

(2) "Harassment, intimidation, or bullying" means ~~either~~ 507
any of the following: 508

(a) Any intentional written, verbal, electronic, or 509
physical act that a student has exhibited toward another 510
particular student or an administrator, employee, faculty 511
member, consultant, or volunteer of the district more than once 512
and the behavior both: 513

(i) Causes mental or physical harm to the other student or 514
the administrator, employee, faculty member, consultant, or 515
volunteer of the district; 516

(ii) Is sufficiently severe, persistent, or pervasive that 517
it creates an intimidating, threatening, or abusive educational 518
environment for the other student or the administrator, 519
employee, faculty member, consultant, or volunteer of the 520
district. 521

(b) Violence within a dating relationship; 522

(c) Hazing as defined in section 2903.31 of the Revised 523
Code. 524

(B) The board of education of each city, local, exempted 525
village, and joint vocational school district shall establish a 526
policy prohibiting the harassment, intimidation, or bullying of 527
students and administrators, employees, faculty members, 528
consultants, and volunteers of the district. The policy shall be 529

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 incident⁷. 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 558
from new or additional harassment, intimidation, or bullying, 559
and from retaliation following a report, including a means by 560
which a person may report an incident anonymously; 561

(9) A disciplinary procedure for any student guilty of 562
harassment, intimidation, or bullying, which shall not infringe 563
on any student's rights under the first amendment to the 564
Constitution of the United States~~7~~. The disciplinary procedure 565
shall comply with section 3313.669 of the Revised Code. 566

(10) A disciplinary procedure for any student guilty of 567
retaliation against a student who reports an incident of 568
harassment, intimidation, or bullying; 569

(11) A statement prohibiting students from deliberately 570
making false reports of harassment, intimidation, or bullying 571
and a disciplinary procedure for any student responsible for 572
deliberately making a false report of that nature; 573

~~(11)~~(12) A requirement that the district administration 574
semiannually provide the president of the district board a 575
written summary of all reported incidents and post the summary 576
on its web site, if the district has a web site, to the extent 577
permitted by section 3319.321 of the Revised Code and the 578
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 579
571, 20 U.S.C. 1232g, as amended. 580

(C) Each board's policy shall appear in any student 581
handbooks, and in any of the publications that set forth the 582
comprehensive rules, procedures, and standards of conduct for 583
schools and students in the district. The policy and an 584
explanation of the seriousness of bullying by electronic means 585
shall be made available to students in the district and to their 586

custodial parents or guardians. Information regarding the policy 587
shall be incorporated into employee training materials. 588

(D) (1) To the extent that state or federal funds are 589
appropriated for this purpose, each board shall require that all 590
students enrolled in the district annually be provided with age- 591
appropriate instruction, as determined by the board, on the 592
board's policy, including a written or verbal discussion of the 593
consequences for violations of the policy. 594

(2) Each board shall require that once each school year a 595
written statement describing the policy and the consequences for 596
violations of the policy be sent to each student's custodial 597
parent or guardian. The statement may be sent with regular 598
student report cards or may be delivered electronically. 599

(E) A school district employee, student, or volunteer 600
shall be individually immune from liability in a civil action 601
for damages arising from reporting an incident in accordance 602
with a policy adopted pursuant to this section if that person 603
reports an incident of harassment, intimidation, or bullying 604
promptly in good faith and in compliance with the procedures as 605
specified in the policy. 606

(F) Except as provided in division (E) of this section, 607
nothing in this section prohibits a victim from seeking redress 608
under any other provision of the Revised Code or common law that 609
may apply. 610

(G) This section does not create a new cause of action or 611
a substantive legal right for any person. 612

(H) Each board shall update the policy adopted under this 613
section to include violence within a dating relationship ~~and~~, 614
harassment, intimidation, or bullying by electronic means, and 615

hazing. The board also shall review and update the policy 616
adopted under this section at least once every three years. 617

Sec. 3313.669. (A) The board of education of each city, 618
exempted village, or local school district shall adopt a 619
resolution establishing a policy under section 3313.661 of the 620
Revised Code that requires the superintendent of schools to do 621
the following for a pupil who commits an offense of harassment, 622
intimidation, or bullying: 623

(1) For the first offense, suspend that pupil for up to 624
ten days; 625

(2) For the second offense within the same calendar year, 626
expel that pupil for up to one hundred eighty-two days. 627

If at the time a suspension or expulsion is imposed under 628
this section there are fewer school days remaining in the school 629
year in which the incident that gives rise to the suspension or 630
expulsion takes place than the number of days for which the 631
pupil is suspended or expelled, the superintendent shall apply 632
any remaining part of the period of the suspension or expulsion 633
to the following school year. 634

(B) If a pupil is suspended or expelled for an offense of 635
harassment, intimidation, or bullying under this section, the 636
board of education shall file a notice with a municipal court 637
that has jurisdiction in the school district. Within three days 638
after the notice is filed, the court or a person, agency, or 639
organization appointed by the court, in consultation with the 640
child, the child's parent or guardian, and the child's school, 641
shall develop a community service plan. The plan shall include 642
specific goals and timelines under which the pupil must perform 643
community service during the term of the pupil's suspension or 644

expulsion. The duration of the community service performed under 645
the plan shall equal the number of days for which a pupil is 646
suspended or expelled. In order to complete the required number 647
of days, the community service plan may continue beyond the date 648
upon which a pupil returns to school. 649

(C) During the period of a pupil's suspension or expulsion 650
under this section, the district shall do all of the following: 651

(1) Permit the pupil to complete all missed schoolwork. 652
For this purpose, the district may offer tutoring and academic 653
support to the student. 654

(2) Permit the pupil to take any required state 655
assessment. For this purpose, the pupil shall be permitted to 656
take the assessment in the student's regular school setting. 657

(3) Provide counseling for the suspended or expelled 658
pupil, so long as the parent, guardian, or custodian of the 659
pupil gives permission for the pupil to undergo such counseling; 660

(4) Prohibit the pupil from participating in any 661
extracurricular activity, as defined in section 3313.537 of the 662
Revised Code. 663

The district also shall offer counseling services to the 664
victim of the offense. However, the victim is not required to 665
participate in the counseling. 666

(D) As a condition of returning to school, a pupil who is 667
suspended or expelled under this section shall complete all 668
missed schoolwork and the required amount of counseling, as 669
determined by the superintendent. If the pupil does not complete 670
these requirements, the pupil may be permitted to return to 671
school provided the superintendent determines that the pupil has 672
made sufficient progress towards completing the requirements. 673

If a parent, guardian, or custodian does not give 674
permission for a suspended or expelled pupil to undergo 675
counseling, the pupil shall not be permitted to return to 676
school. 677

(E) No pupil shall be suspended or expelled under this 678
section unless, prior to the pupil's suspension or expulsion, 679
the superintendent does both of the following: 680

(1) Gives the pupil and the pupil's parent, guardian, or 681
custodian written notice of the intention to suspend or expel 682
the pupil; 683

(2) Provides the pupil and the pupil's parent, guardian, 684
custodian, or representative an opportunity to appear in person 685
before the superintendent or the superintendent's designee to 686
challenge the reasons for the intended suspension or expulsion 687
or otherwise to explain the pupil's actions. 688

The notice required in this division shall include the 689
reasons for the intended suspension or expulsion, notification 690
of the opportunity of the pupil and the pupil's parent, 691
guardian, custodian, or representative to appear before the 692
superintendent or the superintendent's designee to challenge the 693
reasons for the intended suspension or expulsion or otherwise to 694
explain the pupil's action, and notification of the time and 695
place to appear. The time to appear shall not be earlier than 696
three nor later than five school days after the notice is given, 697
unless the superintendent grants an extension of time at the 698
request of the pupil or the pupil's parent, guardian, custodian, 699
or representative. If an extension is granted after giving the 700
original notice, the superintendent shall notify the pupil and 701
the pupil's parent, guardian, custodian, or representative of 702
the new time and place to appear. 703

(F) The superintendent or principal, within one school day 704
after the time of a pupil's expulsion or suspension, shall 705
notify in writing the parent, guardian, or custodian of the 706
pupil and the treasurer of the board of education of the 707
expulsion or suspension. The notice shall include the reasons 708
for the expulsion or suspension, notification of the right of 709
the pupil or the pupil's parent, guardian, or custodian to 710
appeal the expulsion or suspension to the board of education or 711
to its designee, to be represented in all appeal proceedings, to 712
be granted a hearing before the board or its designee in order 713
to be heard against the suspension or expulsion, and to request 714
that the hearing be held in executive session. 715

In accordance with the policy adopted by the board of 716
education under this section, the notice provided under this 717
division shall specify the manner and date by which the pupil or 718
the pupil's parent, guardian, or custodian shall notify the 719
board of the pupil's, parent's, guardian's, or custodian's 720
intent to appeal the expulsion or suspension to the board or its 721
designee. 722

(G) A pupil or the pupil's parent, guardian, or custodian 723
may appeal the pupil's suspension or expulsion by a 724
superintendent or suspension by a superintendent, principal, 725
assistant principal, or other administrator to the board of 726
education or to its designee. If the pupil or the pupil's 727
parent, guardian, or custodian intends to appeal the suspension 728
or expulsion to the board or its designee, the pupil or the 729
pupil's parent, guardian, or custodian shall notify the board in 730
the manner and by the date specified in the notice provided 731
under division (E) of this section. The pupil or the pupil's 732
parent, guardian, or custodian may be represented in all appeal 733
proceedings and shall be granted a hearing before the board or 734

its designee in order to be heard against the suspension or 735
expulsion. At the request of the pupil or of the pupil's parent, 736
guardian, custodian, or attorney, the board or its designee may 737
hold the hearing in executive session but shall act upon the 738
suspension or expulsion only at a public meeting. The board, by 739
a majority vote of its full membership or by the action of its 740
designee, may affirm the order of suspension or expulsion, 741
reinstate the pupil, or otherwise reverse, vacate, or modify the 742
order of suspension or expulsion. 743

The board or its designee shall make a verbatim record of 744
hearings held under this division. The decisions of the board or 745
its designee may be appealed under Chapter 2506. of the Revised 746
Code. 747

(H) This section does not apply to any pupil in grades 748
kindergarten through three or a pupil who has a developmental 749
disability. 750

Sec. 3314.03. A copy of every contract entered into under 751
this section shall be filed with the superintendent of public 752
instruction. The department of education shall make available on 753
its web site a copy of every approved, executed contract filed 754
with the superintendent under this section. 755

(A) Each contract entered into between a sponsor and the 756
governing authority of a community school shall specify the 757
following: 758

(1) That the school shall be established as either of the 759
following: 760

(a) A nonprofit corporation established under Chapter 761
1702. of the Revised Code, if established prior to April 8, 762
2003; 763

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	764 765
(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;	766 767 768 769
(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;	770 771 772 773
(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;	774 775 776 777
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	778 779 780
(6) (a) Dismissal procedures;	781
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	782 783 784 785 786 787
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	788 789
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the	790 791

school to be maintained in the same manner as are financial 792
records of school districts, pursuant to rules of the auditor of 793
state. Audits shall be conducted in accordance with section 794
117.10 of the Revised Code. 795

(9) An addendum to the contract outlining the facilities 796
to be used that contains at least the following information: 797

(a) A detailed description of each facility used for 798
instructional purposes; 799

(b) The annual costs associated with leasing each facility 800
that are paid by or on behalf of the school; 801

(c) The annual mortgage principal and interest payments 802
that are paid by the school; 803

(d) The name of the lender or landlord, identified as 804
such, and the lender's or landlord's relationship to the 805
operator, if any. 806

(10) Qualifications of teachers, including a requirement 807
that the school's classroom teachers be licensed in accordance 808
with sections 3319.22 to 3319.31 of the Revised Code, except 809
that a community school may engage noncertificated persons to 810
teach up to twelve hours per week pursuant to section 3319.301 811
of the Revised Code. 812

(11) That the school will comply with the following 813
requirements: 814

(a) The school will provide learning opportunities to a 815
minimum of twenty-five students for a minimum of nine hundred 816
twenty hours per school year. 817

(b) The governing authority will purchase liability 818
insurance, or otherwise provide for the potential liability of 819

the school. 820

(c) The school will be nonsectarian in its programs, 821
admission policies, employment practices, and all other 822
operations, and will not be operated by a sectarian school or 823
religious institution. 824

(d) The school will comply with sections 9.90, 9.91, 825
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 826
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 827
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 828
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 829
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 830
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 831
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 832
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 833
3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 834
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 835
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 836
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 837
4112., 4123., 4141., and 4167. of the Revised Code as if it were 838
a school district and will comply with section 3301.0714 of the 839
Revised Code in the manner specified in section 3314.17 of the 840
Revised Code. 841

(e) The school shall comply with Chapter 102. and section 842
2921.42 of the Revised Code. 843

(f) The school will comply with sections 3313.61, 844
3313.611, and 3313.614 of the Revised Code, except that for 845
students who enter ninth grade for the first time before July 1, 846
2010, the requirement in sections 3313.61 and 3313.611 of the 847
Revised Code that a person must successfully complete the 848
curriculum in any high school prior to receiving a high school 849

diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII 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 in the school.

(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; 909
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- (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. 911
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- (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; 914
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- (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; 918
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 929
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- (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: 932
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	938 939
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	940 941 942
(c) Permit the enrollment of students who reside in any other district in the state.	943 944
(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;	945 946 947 948
(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;	949 950 951
(22) A provision recognizing both of the following:	952
(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;	953 954 955 956
(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.	957 958 959 960 961 962 963
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	964 965

classroom-based learning opportunities that is in compliance 966
with criteria for student participation established by the 967
department under division (H) (2) of section 3314.08 of the 968
Revised Code; 969

(24) The school will comply with sections 3302.04 and 970
3302.041 of the Revised Code, except that any action required to 971
be taken by a school district pursuant to those sections shall 972
be taken by the sponsor of the school. However, the sponsor 973
shall not be required to take any action described in division 974
(F) of section 3302.04 of the Revised Code. 975

(25) Beginning in the 2006-2007 school year, the school 976
will open for operation not later than the thirtieth day of 977
September each school year, unless the mission of the school as 978
specified under division (A) (2) of this section is solely to 979
serve dropouts. In its initial year of operation, if the school 980
fails to open by the thirtieth day of September, or within one 981
year after the adoption of the contract pursuant to division (D) 982
of section 3314.02 of the Revised Code if the mission of the 983
school is solely to serve dropouts, the contract shall be void. 984

(26) Whether the school's governing authority is planning 985
to seek designation for the school as a STEM school equivalent 986
under section 3326.032 of the Revised Code; 987

(27) That the school's attendance and participation 988
policies will be available for public inspection; 989

(28) That the school's attendance and participation 990
records shall be made available to the department of education, 991
auditor of state, and school's sponsor to the extent permitted 992
under and in accordance with the "Family Educational Rights and 993
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 994

and any regulations promulgated under that act, and section	995
3319.321 of the Revised Code;	996
(29) If a school operates using the blended learning	997
model, as defined in section 3301.079 of the Revised Code, all	998
of the following information:	999
(a) An indication of what blended learning model or models	1000
will be used;	1001
(b) A description of how student instructional needs will	1002
be determined and documented;	1003
(c) The method to be used for determining competency,	1004
granting credit, and promoting students to a higher grade level;	1005
(d) The school's attendance requirements, including how	1006
the school will document participation in learning	1007
opportunities;	1008
(e) A statement describing how student progress will be	1009
monitored;	1010
(f) A statement describing how private student data will	1011
be protected;	1012
(g) A description of the professional development	1013
activities that will be offered to teachers.	1014
(30) A provision requiring that all moneys the school's	1015
operator loans to the school, including facilities loans or cash	1016
flow assistance, must be accounted for, documented, and bear	1017
interest at a fair market rate;	1018
(31) A provision requiring that, if the governing	1019
authority contracts with an attorney, accountant, or entity	1020
specializing in audits, the attorney, accountant, or entity	1021

shall be independent from the operator with which the school has 1022
contracted. 1023

(B) The community school shall also submit to the sponsor 1024
a comprehensive plan for the school. The plan shall specify the 1025
following: 1026

(1) The process by which the governing authority of the 1027
school will be selected in the future; 1028

(2) The management and administration of the school; 1029

(3) If the community school is a currently existing public 1030
school or educational service center building, alternative 1031
arrangements for current public school students who choose not 1032
to attend the converted school and for teachers who choose not 1033
to teach in the school or building after conversion; 1034

(4) The instructional program and educational philosophy 1035
of the school; 1036

(5) Internal financial controls. 1037

When submitting the plan under this division, the school 1038
shall also submit copies of all policies and procedures 1039
regarding internal financial controls adopted by the governing 1040
authority of the school. 1041

(C) A contract entered into under section 3314.02 of the 1042
Revised Code between a sponsor and the governing authority of a 1043
community school may provide for the community school governing 1044
authority to make payments to the sponsor, which is hereby 1045
authorized to receive such payments as set forth in the contract 1046
between the governing authority and the sponsor. The total 1047
amount of such payments for monitoring, oversight, and technical 1048
assistance of the school shall not exceed three per cent of the 1049

total amount of payments for operating expenses that the school 1050
receives from the state. 1051

(D) The contract shall specify the duties of the sponsor 1052
which shall be in accordance with the written agreement entered 1053
into with the department of education under division (B) of 1054
section 3314.015 of the Revised Code and shall include the 1055
following: 1056

(1) Monitor the community school's compliance with all 1057
laws applicable to the school and with the terms of the 1058
contract; 1059

(2) Monitor and evaluate the academic and fiscal 1060
performance and the organization and operation of the community 1061
school on at least an annual basis; 1062

(3) Report on an annual basis the results of the 1063
evaluation conducted under division (D) (2) of this section to 1064
the department of education and to the parents of students 1065
enrolled in the community school; 1066

(4) Provide technical assistance to the community school 1067
in complying with laws applicable to the school and terms of the 1068
contract; 1069

(5) Take steps to intervene in the school's operation to 1070
correct problems in the school's overall performance, declare 1071
the school to be on probationary status pursuant to section 1072
3314.073 of the Revised Code, suspend the operation of the 1073
school pursuant to section 3314.072 of the Revised Code, or 1074
terminate the contract of the school pursuant to section 3314.07 1075
of the Revised Code as determined necessary by the sponsor; 1076

(6) Have in place a plan of action to be undertaken in the 1077
event the community school experiences financial difficulties or 1078

closes prior to the end of a school year. 1079

(E) Upon the expiration of a contract entered into under 1080
this section, the sponsor of a community school may, with the 1081
approval of the governing authority of the school, renew that 1082
contract for a period of time determined by the sponsor, but not 1083
ending earlier than the end of any school year, if the sponsor 1084
finds that the school's compliance with applicable laws and 1085
terms of the contract and the school's progress in meeting the 1086
academic goals prescribed in the contract have been 1087
satisfactory. Any contract that is renewed under this division 1088
remains subject to the provisions of sections 3314.07, 3314.072, 1089
and 3314.073 of the Revised Code. 1090

(F) If a community school fails to open for operation 1091
within one year after the contract entered into under this 1092
section is adopted pursuant to division (D) of section 3314.02 1093
of the Revised Code or permanently closes prior to the 1094
expiration of the contract, the contract shall be void and the 1095
school shall not enter into a contract with any other sponsor. A 1096
school shall not be considered permanently closed because the 1097
operations of the school have been suspended pursuant to section 1098
3314.072 of the Revised Code. 1099

Sec. 3326.11. Each science, technology, engineering, and 1100
mathematics school established under this chapter and its 1101
governing body shall comply with sections 9.90, 9.91, 109.65, 1102
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1103
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1104
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1105
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1106
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1107
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1108

3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1109
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 1110
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1111
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 1112
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 1113
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 1114
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 1115
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 1116
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 1117
4112., 4123., 4141., and 4167. of the Revised Code as if it were 1118
a school district. 1119

Sec. 3345.19. (A) Each state institution of higher 1120
education shall adopt a policy, including rules, regarding 1121
harassment, intimidation, or bullying and hazing. The policy 1122
shall include penalties for harassment, intimidation, or 1123
bullying and hazing, including sanctions, fines, the withholding 1124
of a diploma or transcript, probation, suspension, and 1125
expulsion. 1126

(B) As used in this section: 1127

(1) "Harassment, intimidation, or bullying" means any 1128
intentional written, verbal, electronic, or physical act that a 1129
student has exhibited toward another particular student or an 1130
administrator, employee, faculty member, consultant, or 1131
volunteer of the institution more than once and the behavior 1132
both: 1133

(a) Causes mental or physical harm to the other student or 1134
the administrator, employee, faculty member, consultant, or 1135
volunteer; 1136

(b) Is sufficiently severe, persistent, or pervasive that 1137

it creates an intimidating, threatening, or abusive educational 1138
environment for the other student or the administrator, 1139
employee, faculty member, consultant, or volunteer. 1140

(2) "Hazing" has the same meaning as in section 2903.31 of 1141
the Revised Code. 1142

(3) "State institution of higher education" has the same 1143
meaning as in section 3345.011 of the Revised Code. 1144

Section 2. That existing sections 2903.31, 3313.66, 1145
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 1146
hereby repealed. 1147

Section 3. This act shall be known as the "Ohio Anti- 1148
Bullying and Hazing Act." 1149