

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 360**

**Representative Greenspan**

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

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**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 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 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