

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 360**

**Representative Greenspan**

**Cosponsors: Representatives Anielski, Keller, Miller, Sheehy, Thompson, Antonio, Arndt, DeVitis, Edwards, Hill, LaTourette, Lepore-Hagan, Lipps, Pelanda, Smith, R., Stein, Young**

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**A BILL**

To amend sections 2903.31, 3301.22, 3313.66, 1  
3313.661, 3313.666, 3314.03, and 3326.11 and to 2  
enact sections 3313.669, 3319.318, and 3345.19 3  
of the Revised Code to enact the "Ohio Anti- 4  
Bullying and Hazing Act" with regard to school 5  
discipline and bullying and hazing policies at 6  
public schools and colleges. 7

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

**Section 1.** That sections 2903.31, 3301.22, 3313.66, 8  
3313.661, 3313.666, 3314.03, and 3326.11 be amended and sections 9  
3313.669, 3319.318, and 3345.19 of the Revised Code be enacted 10  
to read as follows: 11

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

person. 18

(B) (1) No person shall recklessly participate in the 19  
hazing of another. 20

(2) No administrator, employee, ~~or~~ faculty member, 21  
teacher, consultant, alumnus, or volunteer of any organization, 22  
including any primary, secondary, or post-secondary school or ~~of~~ 23  
any other educational institution, public or private, shall 24  
recklessly permit the hazing of any person. 25

(C) (1) No person shall knowingly participate in the hazing 26  
of another when the hazing causes serious physical harm to the 27  
other person. 28

(2) No administrator, employee, faculty member, teacher, 29  
consultant, alumnus, or volunteer of any organization, including 30  
any primary, secondary, or post-secondary school or any other 31  
educational institution, public or private, shall knowingly 32  
permit the hazing of any person when the hazing causes serious 33  
physical harm to any person. 34

(D) Whoever violates this section is guilty of hazing. 35  
A violation of division (B) (1) or (2) of this section is a 36  
misdemeanor of the ~~fourth~~ second degree. A violation of division 37  
(C) (1) or (2) of this section is a felony of the fourth degree. 38

**Sec. 3301.22.** (A) The state board of education shall 39  
develop ~~do~~ both of the following: 40

(1) Develop a model policy to prohibit harassment, 41  
intimidation, or bullying in order to assist school districts in 42  
developing their own policies under section 3313.666 of the 43  
Revised Code. ~~The board shall issue the model policy within six~~ 44  
~~months after the effective date of this section;~~ 45

(2) Provide each school district with evidence-based best practices regarding policies to prohibit harassment, intimidation, or bullying. 46  
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(B) Beginning on the effective date of this amendment, the state board shall review the model policy and best practices developed under division (A) of this section at least once every four years, and update them as necessary based on the review. 49  
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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 community service or alternative consequence during the first full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete 53  
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community service or the assigned alternative consequence, the 77  
school district may determine the next course of action, which 78  
shall not include requiring the pupil to serve the remaining 79  
time of the out-of-school suspension at the beginning of the 80  
following school year. 81

Except in the case of a pupil given an in-school 82  
suspension, no pupil shall be suspended unless prior to the 83  
suspension the superintendent or principal does both of the 84  
following: 85

(1) Gives the pupil written notice of the intention to 86  
suspend the pupil and the reasons for the intended suspension 87  
and, if the proposed suspension is based on a violation listed 88  
in division (A) of section 3313.662 of the Revised Code and if 89  
the pupil is sixteen years of age or older, includes in the 90  
notice a statement that the superintendent may seek to 91  
permanently exclude the pupil if the pupil is convicted of or 92  
adjudicated a delinquent child for that violation; 93

(2) Provides the pupil an opportunity to appear at an 94  
informal hearing before the principal, assistant principal, 95  
superintendent, or superintendent's designee and challenge the 96  
reason for the intended suspension or otherwise to explain the 97  
pupil's actions. 98

If a pupil is suspended pursuant to division (A) of this 99  
section, the school district board may, in its discretion, 100  
permit the pupil to complete any classroom assignments missed 101  
because of the suspension. 102

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 103  
(4), or (5) of this section and section 3313.669 of the Revised 104  
Code, and subject to section 3313.668 of the Revised Code, the 105

superintendent of schools of a city, exempted village, or local 106  
school district may expel a pupil from school for a period not 107  
to exceed the greater of eighty school days or the number of 108  
school days remaining in the semester or term in which the 109  
incident that gives rise to the expulsion takes place, unless 110  
the expulsion is extended pursuant to division (F) of this 111  
section. If at the time an expulsion is imposed there are fewer 112  
than eighty school days remaining in the school year in which 113  
the incident that gives rise to the expulsion takes place, the 114  
superintendent may apply any remaining part or all of the period 115  
of the expulsion to the following school year. 116

(2) (a) Unless a pupil is permanently excluded pursuant to 117  
section 3313.662 of the Revised Code, the superintendent of 118  
schools of a city, exempted village, or local school district 119  
shall expel a pupil from school for a period of one year for 120  
bringing a firearm to a school operated by the board of 121  
education of the district or onto any other property owned or 122  
controlled by the board, except that the superintendent may 123  
reduce this requirement on a case-by-case basis in accordance 124  
with the policy adopted by the board under section 3313.661 of 125  
the Revised Code. 126

(b) The superintendent of schools of a city, exempted 127  
village, or local school district may expel a pupil from school 128  
for a period of one year for bringing a firearm to an 129  
interscholastic competition, an extracurricular event, or any 130  
other school program or activity that is not located in a school 131  
or on property that is owned or controlled by the district. The 132  
superintendent may reduce this disciplinary action on a case-by- 133  
case basis in accordance with the policy adopted by the board 134  
under section 3313.661 of the Revised Code. 135

(c) Any expulsion pursuant to division (B) (2) of this 136  
section shall extend, as necessary, into the school year 137  
following the school year in which the incident that gives rise 138  
to the expulsion takes place. As used in this division, 139  
"firearm" has the same meaning as provided pursuant to the "Gun- 140  
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 141

(3) The board of education of a city, exempted village, or 142  
local school district may adopt a resolution authorizing the 143  
superintendent of schools to expel a pupil from school for a 144  
period not to exceed one year for bringing a knife to a school 145  
operated by the board, onto any other property owned or 146  
controlled by the board, or to an interscholastic competition, 147  
an extracurricular event, or any other program or activity 148  
sponsored by the school district or in which the district is a 149  
participant, or for possessing a firearm or knife at a school, 150  
on any other property owned or controlled by the board, or at an 151  
interscholastic competition, an extracurricular event, or any 152  
other school program or activity, which firearm or knife was 153  
initially brought onto school board property by another person. 154  
The resolution may authorize the superintendent to extend such 155  
an expulsion, as necessary, into the school year following the 156  
school year in which the incident that gives rise to the 157  
expulsion takes place. 158

(4) The board of education of a city, exempted village, or 159  
local school district may adopt a resolution establishing a 160  
policy under section 3313.661 of the Revised Code that 161  
authorizes the superintendent of schools to expel a pupil from 162  
school for a period not to exceed one year for committing an act 163  
that is a criminal offense when committed by an adult and that 164  
results in serious physical harm to persons as defined in 165  
division (A) (5) of section 2901.01 of the Revised Code or 166

serious physical harm to property as defined in division (A) (6) 167  
of section 2901.01 of the Revised Code while the pupil is at 168  
school, on any other property owned or controlled by the board, 169  
or at an interscholastic competition, an extracurricular event, 170  
or any other school program or activity. Any expulsion under 171  
this division shall extend, as necessary, into the school year 172  
following the school year in which the incident that gives rise 173  
to the expulsion takes place. 174

(5) The board of education of any city, exempted village, 175  
or local school district may adopt a resolution establishing a 176  
policy under section 3313.661 of the Revised Code that 177  
authorizes the superintendent of schools to expel a pupil from 178  
school for a period not to exceed one year for making a bomb 179  
threat to a school building or to any premises at which a school 180  
activity is occurring at the time of the threat. Any expulsion 181  
under this division shall extend, as necessary, into the school 182  
year following the school year in which the incident that gives 183  
rise to the expulsion takes place. 184

(6) No pupil shall be expelled under division (B) (1), (2), 185  
(3), (4), or (5) of this section unless, prior to the pupil's 186  
expulsion, the superintendent does both of the following: 187

(a) Gives the pupil and the pupil's parent, guardian, or 188  
custodian written notice of the intention to expel the pupil; 189

(b) Provides the pupil and the pupil's parent, guardian, 190  
custodian, or representative an opportunity to appear in person 191  
before the superintendent or the superintendent's designee to 192  
challenge the reasons for the intended expulsion or otherwise to 193  
explain the pupil's actions. 194

The notice required in this division shall include the 195

reasons for the intended expulsion, notification of the 196  
opportunity of the pupil and the pupil's parent, guardian, 197  
custodian, or representative to appear before the superintendent 198  
or the superintendent's designee to challenge the reasons for 199  
the intended expulsion or otherwise to explain the pupil's 200  
action, and notification of the time and place to appear. The 201  
time to appear shall not be earlier than three nor later than 202  
five school days after the notice is given, unless the 203  
superintendent grants an extension of time at the request of the 204  
pupil or the pupil's parent, guardian, custodian, or 205  
representative. If an extension is granted after giving the 206  
original notice, the superintendent shall notify the pupil and 207  
the pupil's parent, guardian, custodian, or representative of 208  
the new time and place to appear. If the proposed expulsion is 209  
based on a violation listed in division (A) of section 3313.662 210  
of the Revised Code and if the pupil is sixteen years of age or 211  
older, the notice shall include a statement that the 212  
superintendent may seek to permanently exclude the pupil if the 213  
pupil is convicted of or adjudicated a delinquent child for that 214  
violation. 215

(7) A superintendent of schools of a city, exempted 216  
village, or local school district shall initiate expulsion 217  
proceedings pursuant to this section with respect to any pupil 218  
who has committed an act warranting expulsion under the 219  
district's policy regarding expulsion even if the pupil has 220  
withdrawn from school for any reason after the incident that 221  
gives rise to the hearing but prior to the hearing or decision 222  
to impose the expulsion. If, following the hearing, the pupil 223  
would have been expelled for a period of time had the pupil 224  
still been enrolled in the school, the expulsion shall be 225  
imposed for the same length of time as on a pupil who has not 226



withdrawn from the school. 227

(C) If a pupil's presence poses a continuing danger to 228  
persons or property or an ongoing threat of disrupting the 229  
academic process taking place either within a classroom or 230  
elsewhere on the school premises, the superintendent or a 231  
principal or assistant principal may remove a pupil from 232  
curricular activities or from the school premises, and a teacher 233  
may remove a pupil from curricular activities under the 234  
teacher's supervision, without the notice and hearing 235  
requirements of division (A) or (B) of this section. As soon as 236  
practicable after making such a removal, the teacher shall 237  
submit in writing to the principal the reasons for such removal. 238

If a pupil is removed under this division from a 239  
curricular activity or from the school premises, written notice 240  
of the hearing and of the reason for the removal shall be given 241  
to the pupil as soon as practicable prior to the hearing, which 242  
shall be held within three school days from the time the initial 243  
removal is ordered. The hearing shall be held in accordance with 244  
division (A) of this section unless it is probable that the 245  
pupil may be subject to expulsion, in which case a hearing in 246  
accordance with division (B) of this section shall be held, 247  
except that the hearing shall be held within three school days 248  
of the initial removal. The individual who ordered, caused, or 249  
requested the removal to be made shall be present at the 250  
hearing. 251

If the superintendent or the principal reinstates a pupil 252  
in a curricular activity under the teacher's supervision prior 253  
to the hearing following a removal under this division, the 254  
teacher, upon request, shall be given in writing the reasons for 255  
such reinstatement. 256

(D) The superintendent or principal, within one school day 257  
after the time of a pupil's expulsion or suspension, shall 258  
notify in writing the parent, guardian, or custodian of the 259  
pupil and the treasurer of the board of education of the 260  
expulsion or suspension. The notice shall include the reasons 261  
for the expulsion or suspension, notification of the right of 262  
the pupil or the pupil's parent, guardian, or custodian to 263  
appeal the expulsion or suspension to the board of education or 264  
to its designee, to be represented in all appeal proceedings, to 265  
be granted a hearing before the board or its designee in order 266  
to be heard against the suspension or expulsion, and to request 267  
that the hearing be held in executive session, notification that 268  
the expulsion may be subject to extension pursuant to division 269  
(F) of this section if the pupil is sixteen years of age or 270  
older, and notification that the superintendent may seek the 271  
pupil's permanent exclusion if the suspension or expulsion was 272  
based on a violation listed in division (A) of section 3313.662 273  
of the Revised Code that was committed when the child was 274  
sixteen years of age or older and if the pupil is convicted of 275  
or adjudicated a delinquent child for that violation. 276

In accordance with the policy adopted by the board of 277  
education under section 3313.661 of the Revised Code, the notice 278  
provided under this division shall specify the manner and date 279  
by which the pupil or the pupil's parent, guardian, or custodian 280  
shall notify the board of the pupil's, parent's, guardian's, or 281  
custodian's intent to appeal the expulsion or suspension to the 282  
board or its designee. 283

Any superintendent expelling a pupil under this section 284  
for more than twenty school days or for any period of time if 285  
the expulsion will extend into the following semester or school 286  
year shall, in the notice required under this division, provide 287

the pupil and the pupil's parent, guardian, or custodian with 288  
information about services or programs offered by public and 289  
private agencies that work toward improving those aspects of the 290  
pupil's attitudes and behavior that contributed to the incident 291  
that gave rise to the pupil's expulsion. The information shall 292  
include the names, addresses, and phone numbers of the 293  
appropriate public and private agencies. 294

(E) A pupil or the pupil's parent, guardian, or custodian 295  
may appeal the pupil's expulsion by a superintendent or 296  
suspension by a superintendent, principal, assistant principal, 297  
or other administrator to the board of education or to its 298  
designee. If the pupil or the pupil's parent, guardian, or 299  
custodian intends to appeal the expulsion or suspension to the 300  
board or its designee, the pupil or the pupil's parent, 301  
guardian, or custodian shall notify the board in the manner and 302  
by the date specified in the notice provided under division (D) 303  
of this section. The pupil or the pupil's parent, guardian, or 304  
custodian may be represented in all appeal proceedings and shall 305  
be granted a hearing before the board or its designee in order 306  
to be heard against the suspension or expulsion. At the request 307  
of the pupil or of the pupil's parent, guardian, custodian, or 308  
attorney, the board or its designee may hold the hearing in 309  
executive session but shall act upon the suspension or expulsion 310  
only at a public meeting. The board, by a majority vote of its 311  
full membership or by the action of its designee, may affirm the 312  
order of suspension or expulsion, reinstate the pupil, or 313  
otherwise reverse, vacate, or modify the order of suspension or 314  
expulsion. 315

The board or its designee shall make a verbatim record of 316  
hearings held under this division. The decisions of the board or 317  
its designee may be appealed under Chapter 2506. of the Revised 318

Code. 319

This section shall not be construed to require notice and 320  
hearing in accordance with division (A), (B), or (C) of this 321  
section in the case of normal disciplinary procedures in which a 322  
pupil is removed from a curricular activity for a period of less 323  
than one school day and is not subject to suspension or 324  
expulsion. 325

(F)(1) If a pupil is expelled pursuant to division (B) of 326  
this section for committing any violation listed in division (A) 327  
of section 3313.662 of the Revised Code and the pupil was 328  
sixteen years of age or older at the time of committing the 329  
violation, if a complaint, indictment, or information is filed 330  
alleging that the pupil is a delinquent child based upon the 331  
commission of the violation or the pupil is prosecuted as an 332  
adult for the commission of the violation, and if the resultant 333  
juvenile court or criminal proceeding is pending at the time 334  
that the expulsion terminates, the superintendent of schools 335  
that expelled the pupil may file a motion with the court in 336  
which the proceeding is pending requesting an order extending 337  
the expulsion for the lesser of an additional eighty days or the 338  
number of school days remaining in the school year. Upon the 339  
filing of the motion, the court immediately shall schedule a 340  
hearing and give written notice of the time, date, and location 341  
of the hearing to the superintendent and to 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 that the pupil committed the alleged violation that is 345  
the basis of the expulsion and, upon determining that reasonable 346  
cause to believe the pupil committed the violation does exist, 347  
shall grant the requested extension. 348

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

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that

is conducted in accordance with sections 3301.121 and 3313.662 380  
of the Revised Code. 381

(H) With regard to suspensions and expulsions pursuant to 382  
divisions (A) and (B) of this section by the board of education 383  
of any city, exempted village, or local school district, this 384  
section shall apply to any student, whether or not the student 385  
is enrolled in the district, attending or otherwise 386  
participating in any curricular program provided in a school 387  
operated by the board or provided on any other property owned or 388  
controlled by the board. 389

(I) Whenever a student is expelled under this section, the 390  
expulsion shall result in removal of the student from the 391  
student's regular school setting. However, during the period of 392  
the expulsion, the board of education of the school district 393  
that expelled the student or any board of education admitting 394  
the student during that expulsion period may provide educational 395  
services to the student in an alternative setting. 396

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 397  
3313.64, and 3313.65 of the Revised Code, any school district, 398  
after offering an opportunity for a hearing, may temporarily 399  
deny admittance to any pupil if one of the following applies: 400

(a) The pupil has been suspended from the schools of 401  
another district under division (A) of this section and the 402  
period of suspension, as established under that division, has 403  
not expired; 404

(b) The pupil has been expelled from the schools of 405  
another district under division (B) of this section and the 406  
period of the expulsion, as established under that division or 407  
as extended under division (F) of this section, has not expired. 408

If a pupil is temporarily denied admission under this 409  
division, the pupil shall be admitted to school in accordance 410  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 411  
Revised Code no later than upon expiration of the suspension or 412  
expulsion period, as applicable. 413

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 414  
and 3313.65 of the Revised Code, any school district, after 415  
offering an opportunity for a hearing, may temporarily deny 416  
admittance to any pupil if the pupil has been expelled or 417  
otherwise removed for disciplinary purposes from a public school 418  
in another state and the period of expulsion or removal has not 419  
expired. If a pupil is temporarily denied admission under this 420  
division, the pupil shall be admitted to school in accordance 421  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 422  
Revised Code no later than the earlier of the following: 423

(a) Upon expiration of the expulsion or removal period 424  
imposed by the out-of-state school; 425

(b) Upon expiration of a period established by the 426  
district, beginning with the date of expulsion or removal from 427  
the out-of-state school, that is no greater than the period of 428  
expulsion that the pupil would have received under the policy 429  
adopted by the district under section 3313.661 of the Revised 430  
Code had the offense that gave rise to the expulsion or removal 431  
by the out-of-state school been committed while the pupil was 432  
enrolled in the district. 433

(K) As used in this section: 434

(1) "Permanently exclude" and "permanent exclusion" have 435  
the same meanings as in section 3313.662 of the Revised Code. 436

(2) "In-school suspension" means the pupil will serve all 437

of the suspension in a school setting. 438

**Sec. 3313.661.** (A) The board of education of each city, 439  
exempted village, and local school district shall adopt a policy 440  
regarding suspension, expulsion, removal, and permanent 441  
exclusion that specifies the types of misconduct for which a 442  
pupil may be suspended, expelled, or removed. The types of 443  
misconduct may include misconduct by a pupil that occurs off of 444  
property owned or controlled by the district but that is 445  
connected to activities or incidents that have occurred on 446  
property owned or controlled by that district and misconduct by 447  
a pupil that, regardless of where it occurs, is directed at a 448  
district official or employee, or the property of such official 449  
or employee. The policy shall specify the reasons for which the 450  
superintendent of the district may reduce the expulsion 451  
requirement in division (B) (2) of section 3313.66 of the Revised 452  
Code. If a board of education adopts a resolution pursuant to 453  
division (B) (3) of section 3313.66 of the Revised Code, the 454  
policy shall define the term "knife" or "firearm," as 455  
applicable, for purposes of expulsion under that resolution and 456  
shall specify any reasons for which the superintendent of the 457  
district may reduce any required expulsion period on a case-by- 458  
case basis. If a board of education adopts a resolution pursuant 459  
to division (B) (4) or (5) of section 3313.66 of the Revised 460  
Code, the policy shall specify any reasons for which the 461  
superintendent of the district may reduce any required expulsion 462  
period on a case-by-case basis. The policy also shall set forth 463  
the acts listed in section 3313.662 of the Revised Code for 464  
which a pupil may be permanently excluded. 465

The policy adopted under this division shall specify the 466  
date and manner by which a pupil or a pupil's parent, guardian, 467  
or custodian may notify the board of the pupil's, parent's, 468



guardian's, or custodian's intent to appeal an expulsion or 469  
suspension to the board or its designee pursuant to division (E) 470  
of section 3313.66 of the Revised Code. In the case of any 471  
expulsion, the policy shall not specify a date that is less than 472  
fourteen days after the date of the notice provided to the pupil 473  
or the pupil's parent, guardian, or custodian under division (D) 474  
of that section. 475

A copy of the policy shall be posted on the district's web 476  
site, if the district has one, and in a central location in the 477  
school and shall be made available to pupils upon request. No 478  
pupil shall be suspended, expelled, or removed except in 479  
accordance with the policy adopted by the board of education of 480  
the school district in which the pupil attends school, and no 481  
pupil shall be permanently excluded except in accordance with 482  
sections 3301.121 and 3313.662 of the Revised Code. 483

(B) (1) A board of education may establish a program and 484  
adopt guidelines under which a superintendent may require a 485  
pupil to perform community service in conjunction with a 486  
suspension or expulsion imposed under section 3313.66 of the 487  
Revised Code or in place of a suspension or expulsion imposed 488  
under section 3313.66 of the Revised Code except for an 489  
expulsion imposed pursuant to division (B) (2) of that section. 490  
If a board adopts guidelines under this division, they shall 491  
permit, except with regard to an expulsion pursuant to division 492  
(B) (2) of section 3313.66 of the Revised Code, a superintendent 493  
to impose a community service requirement beyond the end of the 494  
school year in lieu of applying an expulsion into the following 495  
school year. Any guidelines adopted shall be included in the 496  
policy adopted under this section. 497

(2) If a pupil is suspended or expelled for an offense of 498

harassment, intimidation, or bullying under section 3313.669 of 499  
the Revised Code, the board of education may develop a community 500  
service plan that a pupil suspended or expelled under that 501  
section must complete. The plan shall include specific goals and 502  
timelines under which the pupil must perform community service 503  
during the term of the pupil's suspension or expulsion. 504

(C) The written policy of each board of education that is 505  
adopted pursuant to section 3313.20 of the Revised Code shall be 506  
posted on the district's web site, if the district has one, and 507  
in a central location in each school that is subject to the 508  
policy and shall be made available to pupils upon request. 509

(D) Any policy, program, or guideline adopted by a board 510  
of education under this section with regard to suspensions or 511  
expulsions pursuant to division (A) or (B) of section 3313.66 of 512  
the Revised Code shall apply to any student, whether or not the 513  
student is enrolled in the district, attending or otherwise 514  
participating in any curricular program provided in a school 515  
operated by the board or provided on any other property owned or 516  
controlled by the board. 517

(E) As used in this section, ~~"permanently~~ : 518

(1) "Permanently exclude" and "permanent exclusion" have 519  
the same meanings as in section 3313.662 of the Revised Code. 520

(2) "Harassment, intimidation, or bullying" has the same 521  
meaning as in section 3313.666 of the Revised Code. 522

**Sec. 3313.666.** (A) As used in this section: 523

(1) "Electronic act" means an act committed through the 524  
use of a cellular telephone, computer, pager, personal 525  
communication device, or other electronic communication device. 526

(2) "Harassment, intimidation, or bullying" means ~~either~~ 527  
any of the following: 528

(a) Any intentional written, verbal, electronic, or 529  
physical act that a student has exhibited toward another 530  
particular student or an administrator, employee, faculty 531  
member, teacher, consultant, or volunteer of the district or 532  
school more than once and the behavior both: 533

(i) Causes mental or physical harm to the other student or 534  
the administrator, employee, faculty member, teacher, 535  
consultant, or volunteer of the district or school; 536

(ii) Is sufficiently severe, persistent, or pervasive that 537  
it creates an intimidating, threatening, or abusive educational 538  
environment for the other student or the administrator, 539  
employee, faculty member, teacher, consultant, or volunteer of 540  
the district or school. 541

(b) Violence within a dating relationship; 542

(c) Hazing as defined in section 2903.31 of the Revised 543  
Code. 544

(B) The board of education of each city, local, exempted 545  
village, and joint vocational school district shall establish a 546  
policy prohibiting the harassment, intimidation, or bullying of 547  
students and administrators, employees, faculty members, 548  
teachers, consultants, and volunteers of the district or school. 549  
The policy shall be developed in consultation with parents, 550  
school employees, school volunteers, students, and community 551  
members, and shall apply to grades kindergarten through twelve. 552  
The policy shall include the following: 553

(1) A statement prohibiting harassment, intimidation, or 554  
bullying of any student on school property, on a school bus, or 555

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

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

(3) A procedure for reporting prohibited incidents;

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

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

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

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

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

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

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on any student's rights under the first amendment to the 584  
Constitution of the United States~~†~~. The disciplinary procedure 585  
shall comply with section 3313.669 of the Revised Code. 586

(10) A disciplinary procedure for any student guilty of 587  
retaliation against a student, administrator, employee, faculty 588  
member, teacher, consultant, or volunteer of the district or 589  
school who reports an incident of harassment, intimidation, or 590  
bullying; 591

(11) A statement prohibiting students from deliberately 592  
making false reports of harassment, intimidation, or bullying 593  
and a disciplinary procedure for any student responsible for 594  
deliberately making a false report of that nature; 595

~~(11)~~ (12) A requirement that the district administration 596  
semiannually provide the president of the district board a 597  
written summary of all reported incidents and post the summary 598  
on its web site, if the district has a web site, to the extent 599  
permitted by section 3319.321 of the Revised Code and the 600  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 601  
571, 20 U.S.C. 1232g, as amended. 602

(C) Each board's policy shall appear in any student 603  
handbooks, and in any of the publications that set forth the 604  
comprehensive rules, procedures, and standards of conduct for 605  
schools and students in the district. The policy and an 606  
explanation of the seriousness of bullying by electronic means 607  
shall be made available to students in the district and to their 608  
custodial parents or guardians. Information regarding the policy 609  
shall be incorporated into employee training materials. 610

(D) (1) To the extent that state or federal funds are 611  
appropriated for this purpose, each board shall require that all 612

students enrolled in the district annually be provided with age- 613  
appropriate instruction, as determined by the board, on the 614  
board's policy, including a written or verbal discussion of the 615  
consequences for violations of the policy. 616

(2) Each board shall require that once each school year a 617  
written statement describing the policy and the consequences for 618  
violations of the policy be sent to each student's custodial 619  
parent or guardian. The statement may be sent with regular 620  
student report cards or may be delivered electronically. 621

(E) A school district employee, student, or volunteer 622  
shall be individually immune from liability in a civil action 623  
for damages arising from reporting an incident in accordance 624  
with a policy adopted pursuant to this section if that person 625  
reports an incident of harassment, intimidation, or bullying 626  
promptly in good faith and in compliance with the procedures as 627  
specified in the policy. 628

(F) Except as provided in division (E) of this section, 629  
nothing in this section prohibits a victim from seeking redress 630  
under any other provision of the Revised Code or common law that 631  
may apply. 632

(G) This section does not create a new cause of action or 633  
a substantive legal right for any person. 634

(H) Each board shall update the policy adopted under this 635  
section to include violence within a dating relationship ~~and,~~ 636  
harassment, intimidation, or bullying by electronic means, and 637  
hazing. The board also shall review the policy adopted under 638  
this section at least once every three years and update it as 639  
necessary based on the review. 640

Sec. 3313.669. (A) Except as provided in division (F) of 641

this section, the board of education of each city, exempted 642  
village, or local school district shall adopt a resolution 643  
establishing a policy under section 3313.661 of the Revised Code 644  
that requires the superintendent of schools to do the following 645  
for a pupil who commits an offense of harassment, intimidation, 646  
or bullying: 647

(1) For the first offense, suspend that pupil with an in- 648  
school suspension for up to ten days. A district may impose an 649  
out-of-school suspension or an expulsion if it determines it is 650  
more appropriate. If a district determines that an expulsion is 651  
more appropriate, it shall determine the number of days of the 652  
expulsion. 653

(2) For the second offense within the same school year, 654  
suspend that pupil with an in-school suspension for up to thirty 655  
days. A district may impose an out-of-school suspension or 656  
expulsion if it determines it is more appropriate. If a district 657  
determines that an expulsion is more appropriate, it shall 658  
determine the number of days of the expulsion. 659

(3) For the third offense within the same school year, 660  
suspend or expel that pupil for up to one hundred eighty-two 661  
days. 662

If at the time a suspension or expulsion is imposed under 663  
this section there are fewer school days remaining in the school 664  
year in which the incident that gives rise to the suspension or 665  
expulsion takes place than the number of days for which the 666  
pupil is suspended or expelled, the superintendent shall apply 667  
any remaining part of the period of the suspension or expulsion 668  
to the following school year. 669

(B) If a pupil is suspended or expelled for an offense of 670

harassment, intimidation, or bullying under this section, the 671  
board of education may develop a community service plan that the 672  
board may require such a pupil to complete. The plan shall 673  
include specific goals and timelines under which the pupil must 674  
perform community service during the term of the pupil's 675  
suspension or expulsion. The board shall determine the duration 676  
of the community service performed under the plan. The community 677  
service plan may continue beyond the date upon which a pupil 678  
returns to school. 679

(C) During the period of a pupil's suspension or expulsion 680  
under this section, the district shall do all of the following: 681

(1) Permit the pupil to complete all missed schoolwork. 682  
For this purpose, the district may offer tutoring and academic 683  
support to the student. 684

(2) Permit the pupil to take any required state 685  
assessment. For this purpose, the pupil shall be permitted to 686  
take the assessment in the student's regular school setting. 687

(3) Prohibit the pupil from participating in any 688  
extracurricular activity. 689

The district may provide counseling or intervention 690  
services for the suspended or expelled pupil, so long as the 691  
parent, guardian, or custodian of the pupil gives permission for 692  
the pupil to undergo such counseling or intervention services. 693  
If the district does not offer counseling or intervention 694  
services, the district may coordinate with community 695  
organizations that can provide counseling or intervention 696  
services and help identify counseling or intervention resources. 697

For any student suspended or expelled under this section, 698  
a school district may impose additional measures, other than 699



those prescribed in divisions (B) and (C) of this section, as 700  
the district board determines appropriate. 701

(D) As a condition of returning to school, a pupil who is 702  
suspended or expelled under this section shall complete all 703  
missed schoolwork, as determined by the superintendent. If the 704  
pupil does not complete this requirement, the pupil may be 705  
permitted to return to school provided the superintendent 706  
determines that the pupil has made sufficient progress towards 707  
completing the requirement. 708

(E) (1) Upon receiving a report or being notified of a 709  
potential incident of harassment, intimidation, or bullying at 710  
school or on school grounds, the principal or other 711  
administrator, shall conduct an investigation to determine if 712  
harassment, intimidation, or bullying has occurred. 713

(2) No pupil shall be suspended or expelled under this 714  
section if the board of education has approved an alternative 715  
form of discipline as prescribed in division (F) of this 716  
section. 717

(3) No pupil shall be suspended or expelled under this 718  
section unless, prior to the pupil's suspension or expulsion, 719  
the superintendent does both of the following: 720

(a) Gives the pupil and the pupil's parent, guardian, or 721  
custodian written notice of the intention to suspend or expel 722  
the pupil; 723

(b) Provides the pupil and the pupil's parent, guardian, 724  
custodian, or representative an opportunity to appear in person 725  
before the superintendent or the superintendent's designee to 726  
challenge the reasons for the intended suspension or expulsion 727  
or otherwise to explain the pupil's actions. 728

The notice required in this division shall include the 729  
reasons for the intended suspension or expulsion, notification 730  
of the opportunity of the pupil and the pupil's parent, 731  
guardian, custodian, or representative to appear before the 732  
superintendent or the superintendent's designee to challenge the 733  
reasons for the intended suspension or expulsion or otherwise to 734  
explain the pupil's action, and notification of the time and 735  
place to appear. The time to appear shall not be earlier than 736  
three nor later than five school days after the notice is given, 737  
unless the superintendent grants an extension of time at the 738  
request of the pupil or the pupil's parent, guardian, custodian, 739  
or representative. If an extension is granted after giving the 740  
original notice, the superintendent shall notify the pupil and 741  
the pupil's parent, guardian, custodian, or representative of 742  
the new time and place to appear. 743

(F) (1) After the investigation prescribed in division (E) 744  
(1) of this section, but prior to issuing any suspension or 745  
expulsion prescribed in division (A) of this section, a school 746  
administrator, including the superintendent or the principal, 747  
may petition the school district board of education to approve 748  
an alternative form of discipline for the pupil in lieu of 749  
suspension or expulsion if the administrator, based on the 750  
investigation's findings, believes that the pupil: 751

(a) Has extenuating circumstances specific to that pupil; 752

(b) Has a high chance of successful reintegration into the 753  
school using the alternative form of discipline; 754

(c) Does not pose a risk to the safety of the school and 755  
the victim. 756

(2) The board, by a majority vote of its full membership, 757

may approve the alternative form of discipline. 758

(G) The superintendent or principal, within one school day 759  
after the time of a pupil's expulsion or suspension, shall 760  
notify in writing the parent, guardian, or custodian of the 761  
pupil and the treasurer of the board of education of the 762  
expulsion or suspension. The notice shall include the reasons 763  
for the expulsion or suspension, notification of the right of 764  
the pupil or the pupil's parent, guardian, or custodian to 765  
appeal the expulsion or suspension to the board of education or 766  
to its designee, to be represented in all appeal proceedings, to 767  
be granted a hearing before the board or its designee in order 768  
to be heard against the suspension or expulsion, and to request 769  
that the hearing be held in executive session. 770

In accordance with the policy adopted by the board of 771  
education under this section, the notice provided under this 772  
division shall specify the manner and date by which the pupil or 773  
the pupil's parent, guardian, or custodian shall notify the 774  
board of the pupil's, parent's, guardian's, or custodian's 775  
intent to appeal the expulsion or suspension to the board or its 776  
designee. 777

(H) A pupil or the pupil's parent, guardian, or custodian 778  
may appeal the pupil's suspension or expulsion by a 779  
superintendent or suspension by a superintendent, principal, 780  
assistant principal, or other administrator to the board of 781  
education or to its designee. If the pupil or the pupil's 782  
parent, guardian, or custodian intends to appeal the suspension 783  
or expulsion to the board or its designee, the pupil or the 784  
pupil's parent, guardian, or custodian shall notify the board in 785  
the manner and by the date specified in the notice provided 786  
under division (E) (3) of this section. The pupil or the pupil's 787

parent, guardian, or custodian may be represented in all appeal 788  
proceedings and shall be granted a hearing before the board or 789  
its designee in order to be heard against the suspension or 790  
expulsion. At the request of the pupil or of the pupil's parent, 791  
guardian, custodian, or attorney, the board or its designee may 792  
hold the hearing in executive session but shall act upon the 793  
suspension or expulsion only at a public meeting. The board, by 794  
a majority vote of its full membership or by the action of its 795  
designee, may affirm the order of suspension or expulsion, 796  
reinstate the pupil, or otherwise reverse, vacate, or modify the 797  
order of suspension or expulsion. 798

The board or its designee shall make a verbatim record of 799  
hearings held under this division. The decisions of the board or 800  
its designee may be appealed under Chapter 2506. of the Revised 801  
Code. 802

(I) This section does not apply to any pupil in grades 803  
kindergarten through three or a pupil who has a developmental 804  
disability. 805

(J) (1) The board of education of each city, exempted 806  
village, or local school district may offer counseling services 807  
to the victim of the offense. However, the victim is not 808  
required to participate in the counseling. 809

(2) Each district board shall permit a victim of 810  
harassment, intimidation, or bullying to complete all missed 811  
schoolwork due to harassment, intimidation, or bullying. For 812  
this purpose, the district may offer tutoring and academic 813  
support to the victim. 814

(K) As used in this section: 815

(1) "Extracurricular activity" has the same meaning as in 816

section 3313.537 of the Revised Code. 817

(2) "Harassment, intimidation, or bullying" has the same 818  
meaning as in section 3313.666 of the Revised Code. 819

(L) Nothing in this section shall create a new requirement 820  
on the part of a school district board of education to provide 821  
the same services it would provide to a pupil attending school 822  
in the district to a pupil permanently excluded pursuant to 823  
section 3313.662 of the Revised Code. 824

**Sec. 3314.03.** A copy of every contract entered into under 825  
this section shall be filed with the superintendent of public 826  
instruction. The department of education shall make available on 827  
its web site a copy of every approved, executed contract filed 828  
with the superintendent under this section. 829

(A) Each contract entered into between a sponsor and the 830  
governing authority of a community school shall specify the 831  
following: 832

(1) That the school shall be established as either of the 833  
following: 834

(a) A nonprofit corporation established under Chapter 835  
1702. of the Revised Code, if established prior to April 8, 836  
2003; 837

(b) A public benefit corporation established under Chapter 838  
1702. of the Revised Code, if established after April 8, 2003. 839

(2) The education program of the school, including the 840  
school's mission, the characteristics of the students the school 841  
is expected to attract, the ages and grades of students, and the 842  
focus of the curriculum; 843

(3) The academic goals to be achieved and the method of 844

measurement that will be used to determine progress toward those 845  
goals, which shall include the statewide achievement 846  
assessments; 847

(4) Performance standards, including but not limited to 848  
all applicable report card measures set forth in section 3302.03 849  
or 3314.017 of the Revised Code, by which the success of the 850  
school will be evaluated by the sponsor; 851

(5) The admission standards of section 3314.06 of the 852  
Revised Code and, if applicable, section 3314.061 of the Revised 853  
Code; 854

(6) (a) Dismissal procedures; 855

(b) A requirement that the governing authority adopt an 856  
attendance policy that includes a procedure for automatically 857  
withdrawing a student from the school if the student without a 858  
legitimate excuse fails to participate in one hundred five 859  
consecutive hours of the learning opportunities offered to the 860  
student. 861

(7) The ways by which the school will achieve racial and 862  
ethnic balance reflective of the community it serves; 863

(8) Requirements for financial audits by the auditor of 864  
state. The contract shall require financial records of the 865  
school to be maintained in the same manner as are financial 866  
records of school districts, pursuant to rules of the auditor of 867  
state. Audits shall be conducted in accordance with section 868  
117.10 of the Revised Code. 869

(9) An addendum to the contract outlining the facilities 870  
to be used that contains at least the following information: 871

(a) A detailed description of each facility used for 872

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|---|-----|
| instructional purposes;   | 873 |
| (b) The annual costs associated with leasing each facility      | 874 |
| that are paid by or on behalf of the school;                    | 875 |
| (c) The annual mortgage principal and interest payments         | 876 |
| that are paid by the school;                                    | 877 |
| (d) The name of the lender or landlord, identified as           | 878 |
| such, and the lender's or landlord's relationship to the        | 879 |
| operator, if any.   | 880 |
| (10) Qualifications of teachers, including a requirement        | 881 |
| that the school's classroom teachers be licensed in accordance  | 882 |
| with sections 3319.22 to 3319.31 of the Revised Code, except    | 883 |
| that a community school may engage noncertificated persons to   | 884 |
| teach up to twelve hours per week pursuant to section 3319.301  | 885 |
| of the Revised Code.  | 886 |
| (11) That the school will comply with the following             | 887 |
| requirements:   | 888 |
| (a) The school will provide learning opportunities to a         | 889 |
| minimum of twenty-five students for a minimum of nine hundred   | 890 |
| twenty hours per school year.                                   | 891 |
| (b) The governing authority will purchase liability             | 892 |
| insurance, or otherwise provide for the potential liability of  | 893 |
| the school.   | 894 |
| (c) The school will be nonsectarian in its programs,            | 895 |
| admission policies, employment practices, and all other         | 896 |
| operations, and will not be operated by a sectarian school or   | 897 |
| religious institution.  | 898 |
| (d) The school will comply with sections 9.90, 9.91,            | 899 |
| 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, | 900 |

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 901  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 902  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 903  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 904  
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 905  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 906  
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 907  
3313.86, 3313.89, 3313.96, 3319.073, 3319.318, 3319.321, 908  
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 909  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 910  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 911  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 912  
it were a school district and will comply with section 3301.0714 913  
of the Revised Code in the manner specified in section 3314.17 914  
of the Revised Code. 915

(e) The school shall comply with Chapter 102. and section 916  
2921.42 of the Revised Code. 917

(f) The school will comply with sections 3313.61, 918  
3313.611, and 3313.614 of the Revised Code, except that for 919  
students who enter ninth grade for the first time before July 1, 920  
2010, the requirement in sections 3313.61 and 3313.611 of the 921  
Revised Code that a person must successfully complete the 922  
curriculum in any high school prior to receiving a high school 923  
diploma may be met by completing the curriculum adopted by the 924  
governing authority of the community school rather than the 925  
curriculum specified in Title XXXVIII of the Revised Code or any 926  
rules of the state board of education. Beginning with students 927  
who enter ninth grade for the first time on or after July 1, 928  
2010, the requirement in sections 3313.61 and 3313.611 of the 929  
Revised Code that a person must successfully complete the 930  
curriculum of a high school prior to receiving a high school 931



diploma shall be met by completing the requirements prescribed 932  
in division (C) of section 3313.603 of the Revised Code, unless 933  
the person qualifies under division (D) or (F) of that section. 934  
Each school shall comply with the plan for awarding high school 935  
credit based on demonstration of subject area competency, and 936  
beginning with the 2017-2018 school year, with the updated plan 937  
that permits students enrolled in seventh and eighth grade to 938  
meet curriculum requirements based on subject area competency 939  
adopted by the state board of education under divisions (J) (1) 940  
and (2) of section 3313.603 of the Revised Code. Beginning with 941  
the 2018-2019 school year, the school shall comply with the 942  
framework for granting units of high school credit to students 943  
who demonstrate subject area competency through work-based 944  
learning experiences, internships, or cooperative education 945  
developed by the department under division (J) (3) of section 946  
3313.603 of the Revised Code. 947

(g) The school governing authority will submit within four 948  
months after the end of each school year a report of its 949  
activities and progress in meeting the goals and standards of 950  
divisions (A) (3) and (4) of this section and its financial 951  
status to the sponsor and the parents of all students enrolled 952  
in the school. 953

(h) The school, unless it is an internet- or computer- 954  
based community school, will comply with section 3313.801 of the 955  
Revised Code as if it were a school district. 956

(i) If the school is the recipient of moneys from a grant 957  
awarded under the federal race to the top program, Division (A), 958  
Title XIV, Sections 14005 and 14006 of the "American Recovery 959  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 960  
the school will pay teachers based upon performance in 961

accordance with section 3317.141 and will comply with section 962  
3319.111 of the Revised Code as if it were a school district. 963

(j) If the school operates a preschool program that is 964  
licensed by the department of education under sections 3301.52 965  
to 3301.59 of the Revised Code, the school shall comply with 966  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 967  
standards for preschool programs prescribed in rules adopted by 968  
the state board under section 3301.53 of the Revised Code. 969

(k) The school will comply with sections 3313.6021 and 970  
3313.6023 of the Revised Code as if it were a school district 971  
unless it is either of the following: 972

(i) An internet- or computer-based community school; 973

(ii) A community school in which a majority of the 974  
enrolled students are children with disabilities as described in 975  
division (A) (4) (b) of section 3314.35 of the Revised Code. 976

(12) Arrangements for providing health and other benefits 977  
to employees; 978

(13) The length of the contract, which shall begin at the 979  
beginning of an academic year. No contract shall exceed five 980  
years unless such contract has been renewed pursuant to division 981  
(E) of this section. 982

(14) The governing authority of the school, which shall be 983  
responsible for carrying out the provisions of the contract; 984

(15) A financial plan detailing an estimated school budget 985  
for each year of the period of the contract and specifying the 986  
total estimated per pupil expenditure amount for each such year. 987

(16) Requirements and procedures regarding the disposition 988  
of employees of the school in the event the contract is 989

|  |      |
|--|------|
| terminated or not renewed pursuant to section 3314.07 of the     | 990  |
| Revised Code;  | 991  |
| (17) Whether the school is to be created by converting all       | 992  |
| or part of an existing public school or educational service      | 993  |
| center building or is to be a new start-up school, and if it is  | 994  |
| a converted public school or service center building,            | 995  |
| specification of any duties or responsibilities of an employer   | 996  |
| that the board of education or service center governing board    | 997  |
| that operated the school or building before conversion is        | 998  |
| delegating to the governing authority of the community school    | 999  |
| with respect to all or any specified group of employees provided | 1000 |
| the delegation is not prohibited by a collective bargaining      | 1001 |
| agreement applicable to such employees;                          | 1002 |
| (18) Provisions establishing procedures for resolving            | 1003 |
| disputes or differences of opinion between the sponsor and the   | 1004 |
| governing authority of the community school;                     | 1005 |
| (19) A provision requiring the governing authority to            | 1006 |
| adopt a policy regarding the admission of students who reside    | 1007 |
| outside the district in which the school is located. That policy | 1008 |
| shall comply with the admissions procedures specified in         | 1009 |
| sections 3314.06 and 3314.061 of the Revised Code and, at the    | 1010 |
| sole discretion of the authority, shall do one of the following: | 1011 |
| (a) Prohibit the enrollment of students who reside outside       | 1012 |
| the district in which the school is located;                     | 1013 |
| (b) Permit the enrollment of students who reside in              | 1014 |
| districts adjacent to the district in which the school is        | 1015 |
| located;   | 1016 |
| (c) Permit the enrollment of students who reside in any          | 1017 |
| other district in the state.                                     | 1018 |

(20) A provision recognizing the authority of the 1019  
department of education to take over the sponsorship of the 1020  
school in accordance with the provisions of division (C) of 1021  
section 3314.015 of the Revised Code; 1022

(21) A provision recognizing the sponsor's authority to 1023  
assume the operation of a school under the conditions specified 1024  
in division (B) of section 3314.073 of the Revised Code; 1025

(22) A provision recognizing both of the following: 1026

(a) The authority of public health and safety officials to 1027  
inspect the facilities of the school and to order the facilities 1028  
closed if those officials find that the facilities are not in 1029  
compliance with health and safety laws and regulations; 1030

(b) The authority of the department of education as the 1031  
community school oversight body to suspend the operation of the 1032  
school under section 3314.072 of the Revised Code if the 1033  
department has evidence of conditions or violations of law at 1034  
the school that pose an imminent danger to the health and safety 1035  
of the school's students and employees and the sponsor refuses 1036  
to take such action. 1037

(23) A description of the learning opportunities that will 1038  
be offered to students including both classroom-based and non- 1039  
classroom-based learning opportunities that is in compliance 1040  
with criteria for student participation established by the 1041  
department under division (H) (2) of section 3314.08 of the 1042  
Revised Code; 1043

(24) The school will comply with sections 3302.04 and 1044  
3302.041 of the Revised Code, except that any action required to 1045  
be taken by a school district pursuant to those sections shall 1046  
be taken by the sponsor of the school. However, the sponsor 1047

shall not be required to take any action described in division 1048  
(F) of section 3302.04 of the Revised Code. 1049

(25) Beginning in the 2006-2007 school year, the school 1050  
will open for operation not later than the thirtieth day of 1051  
September each school year, unless the mission of the school as 1052  
specified under division (A) (2) of this section is solely to 1053  
serve dropouts. In its initial year of operation, if the school 1054  
fails to open by the thirtieth day of September, or within one 1055  
year after the adoption of the contract pursuant to division (D) 1056  
of section 3314.02 of the Revised Code if the mission of the 1057  
school is solely to serve dropouts, the contract shall be void. 1058

(26) Whether the school's governing authority is planning 1059  
to seek designation for the school as a STEM school equivalent 1060  
under section 3326.032 of the Revised Code; 1061

(27) That the school's attendance and participation 1062  
policies will be available for public inspection; 1063

(28) That the school's attendance and participation 1064  
records shall be made available to the department of education, 1065  
auditor of state, and school's sponsor to the extent permitted 1066  
under and in accordance with the "Family Educational Rights and 1067  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 1068  
and any regulations promulgated under that act, and section 1069  
3319.321 of the Revised Code; 1070

(29) If a school operates using the blended learning 1071  
model, as defined in section 3301.079 of the Revised Code, all 1072  
of the following information: 1073

(a) An indication of what blended learning model or models 1074  
will be used; 1075

(b) A description of how student instructional needs will 1076

|  |      |
|--|------|
| be determined and documented;                                    | 1077 |
| (c) The method to be used for determining competency,            | 1078 |
| granting credit, and promoting students to a higher grade level; | 1079 |
| (d) The school's attendance requirements, including how          | 1080 |
| the school will document participation in learning               | 1081 |
| opportunities;   | 1082 |
| (e) A statement describing how student progress will be          | 1083 |
| monitored;   | 1084 |
| (f) A statement describing how private student data will         | 1085 |
| be protected;  | 1086 |
| (g) A description of the professional development                | 1087 |
| activities that will be offered to teachers.                     | 1088 |
| (30) A provision requiring that all moneys the school's          | 1089 |
| operator loans to the school, including facilities loans or cash | 1090 |
| flow assistance, must be accounted for, documented, and bear     | 1091 |
| interest at a fair market rate;                                  | 1092 |
| (31) A provision requiring that, if the governing                | 1093 |
| authority contracts with an attorney, accountant, or entity      | 1094 |
| specializing in audits, the attorney, accountant, or entity      | 1095 |
| shall be independent from the operator with which the school has | 1096 |
| contracted.  | 1097 |
| (B) The community school shall also submit to the sponsor        | 1098 |
| a comprehensive plan for the school. The plan shall specify the  | 1099 |
| following:   | 1100 |
| (1) The process by which the governing authority of the          | 1101 |
| school will be selected in the future;                           | 1102 |
| (2) The management and administration of the school;             | 1103 |

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

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

(5) Internal financial controls.

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

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

contract; 1133

(2) Monitor and evaluate the academic and fiscal 1134  
performance and the organization and operation of the community 1135  
school on at least an annual basis; 1136

(3) Report on an annual basis the results of the 1137  
evaluation conducted under division (D) (2) of this section to 1138  
the department of education and to the parents of students 1139  
enrolled in the community school; 1140

(4) Provide technical assistance to the community school 1141  
in complying with laws applicable to the school and terms of the 1142  
contract; 1143

(5) Take steps to intervene in the school's operation to 1144  
correct problems in the school's overall performance, declare 1145  
the school to be on probationary status pursuant to section 1146  
3314.073 of the Revised Code, suspend the operation of the 1147  
school pursuant to section 3314.072 of the Revised Code, or 1148  
terminate the contract of the school pursuant to section 3314.07 1149  
of the Revised Code as determined necessary by the sponsor; 1150

(6) Have in place a plan of action to be undertaken in the 1151  
event the community school experiences financial difficulties or 1152  
closes prior to the end of a school year. 1153

(E) Upon the expiration of a contract entered into under 1154  
this section, the sponsor of a community school may, with the 1155  
approval of the governing authority of the school, renew that 1156  
contract for a period of time determined by the sponsor, but not 1157  
ending earlier than the end of any school year, if the sponsor 1158  
finds that the school's compliance with applicable laws and 1159  
terms of the contract and the school's progress in meeting the 1160  
academic goals prescribed in the contract have been 1161



satisfactory. Any contract that is renewed under this division 1162  
remains subject to the provisions of sections 3314.07, 3314.072, 1163  
and 3314.073 of the Revised Code. 1164

(F) If a community school fails to open for operation 1165  
within one year after the contract entered into under this 1166  
section is adopted pursuant to division (D) of section 3314.02 1167  
of the Revised Code or permanently closes prior to the 1168  
expiration of the contract, the contract shall be void and the 1169  
school shall not enter into a contract with any other sponsor. A 1170  
school shall not be considered permanently closed because the 1171  
operations of the school have been suspended pursuant to section 1172  
3314.072 of the Revised Code. 1173

Sec. 3319.318. (A) The superintendent of a school 1174  
district, or the superintendent's designee, shall investigate 1175  
any report of harassment, intimidation, or bullying by an 1176  
administrator, employee, faculty member, teacher, consultant, or 1177  
volunteer of a school district against a student and shall 1178  
determine the proper course of action pursuant to Chapter 3319. 1179  
of the Revised Code. 1180

(B) As used in this section, "harassment, intimidation, or 1181  
bullying" means any intentional written, verbal, electronic, or 1182  
physical act that an administrator, employee, faculty member, 1183  
teacher, consultant, or volunteer of a school district has 1184  
exhibited toward a student more than once and the behavior both: 1185

(1) Causes mental or physical harm to the student; 1186

(2) Is sufficiently severe, persistent, or pervasive that 1187  
it creates an intimidating, threatening, or abusive educational 1188  
environment for the student. 1189

**Sec. 3326.11.** Each science, technology, engineering, and 1190

mathematics school established under this chapter and its 1191  
governing body shall comply with sections 9.90, 9.91, 109.65, 1192  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1193  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1194  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1195  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1196  
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1197  
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1198  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1199  
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 1200  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1201  
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 1202  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 1203  
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 1204  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 1205  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 1206  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 1207  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 1208  
the Revised Code as if it were a school district. 1209

Sec. 3345.19. (A) Each state institution of higher 1210  
education shall adopt a policy, including rules, regarding 1211  
harassment, intimidation, or bullying and hazing. The policy 1212  
shall include penalties for harassment, intimidation, or 1213  
bullying and hazing, including sanctions, fines, the withholding 1214  
of a diploma or transcript, probation, suspension, and 1215  
expulsion. 1216

(B) As used in this section: 1217

(1) "Harassment, intimidation, or bullying" means any 1218  
intentional written, verbal, electronic, or physical act that a 1219  
student has exhibited toward another particular student or an 1220

administrator, employee, faculty member, teacher, consultant, or 1221  
volunteer of the institution more than once and the behavior 1222  
both: 1223

(a) Causes mental or physical harm to the other student or 1224  
the administrator, employee, faculty member, teacher, 1225  
consultant, or volunteer; 1226

(b) Is sufficiently severe, persistent, or pervasive that 1227  
it creates an intimidating, threatening, or abusive educational 1228  
environment for the other student or the administrator, 1229  
employee, faculty member, teacher, consultant, or volunteer. 1230

(2) "Hazing" has the same meaning as in section 2903.31 of 1231  
the Revised Code. 1232

(3) "State institution of higher education" has the same 1233  
meaning as in section 3345.011 of the Revised Code. 1234

**Section 2.** That existing sections 2903.31, 3301.22, 1235  
3313.66, 3313.661, 3313.666, 3314.03, and 3326.11 of the Revised 1236  
Code are hereby repealed. 1237

**Section 3.** This act shall be known as the "Ohio Anti- 1238  
Bullying and Hazing Act." 1239