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Representative Greenspan

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

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

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 Revised Code;	990 991
(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;	992 993 994 995 996 997 998 999 1000 1001 1002
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	1003 1004 1005
(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:	1006 1007 1008 1009 1010 1011
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	1012 1013
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	1014 1015 1016
(c) Permit the enrollment of students who reside in any other district in the state.	1017 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