

AN ACT

To amend sections 3313.66, 3313.661, 3313.7117, and 3319.324 of the Revised Code and to amend Section 265.270 of H.B. 33 of the 135th General Assembly as subsequently amended with respect to the expulsion of a student from a public school for actions that endanger the health and safety of other students or school employees, regarding automatic closures of community schools and the storage and use of drugs used to treat seizure, and to increase the earmarked funding for school choice program administration.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3313.66, 3313.661, 3313.7117, and 3319.324 of the Revised Code be amended to read as follows:

Sec. 3313.66. As specified in section 3314.03 of the Revised Code, each community school established under Chapter 3314. of the Revised Code shall comply with this section as if it were a school district.

(A)(1) Except as provided under division (B)(2) of this section, 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 community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the

superintendent or principal does both of the following:

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

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

(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.

(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments missed because of a pupil's suspension.

(a) The policy shall provide the pupil an opportunity to do both of the following:

(i) Complete any classroom assignments missed because of the suspension;

(ii) Receive at least partial credit for a completed assignment.

(b) The policy may permit grade reductions on account of the pupil's suspension.

(c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

(B)(1) Except as provided under division (B)(2), (3), ~~or (4)~~, (5), or (6) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code. If a pupil expelled under this division is enrolled in a district that has established a policy under division (B)(6) of this section, then the pupil's reinstatement may be subject to the district's policy.

(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an interscholastic

competition, an extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the district. The superintendent may reduce this disciplinary action on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code.

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

(3) The board of education of a city, exempted village, or local school district may adopt a resolution authorizing the superintendent of schools to expel a pupil from school for a period not to exceed one year for bringing a knife capable of causing serious bodily injury to a school operated by the board, onto any other property owned or controlled by the board, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant, or for possessing a firearm or knife capable of serious bodily injury, at a school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, which firearm or knife was initially brought onto school board property by another person. The resolution may authorize the superintendent to extend such an expulsion, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(4) The board of education of a city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

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

(6) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one hundred eighty

school days for actions that the superintendent determines pose imminent and severe endangerment to the health and safety of other pupils or school employees, even though the pupil's actions may not qualify for permanent exclusion under section 3313.662 of the Revised Code. Upon the expulsion of a pupil pursuant to this division, the superintendent shall develop conditions for that pupil to satisfy prior to the pupil's reinstatement. The superintendent shall provide a copy of these conditions in writing to the district board, the pupil, and the pupil's parent, guardian, or custodian at the beginning of the expulsion period.

One of the conditions developed by the superintendent shall be an assessment to determine whether the pupil poses a danger to the pupil's self or to other pupils or school employees. The assessment shall be completed by a psychiatrist as defined in section 5122.01 of the Revised Code, licensed psychologist, or licensed school psychologist employed or contracted by the district. The psychiatrist, psychologist, or school psychologist shall be agreed upon by both the district superintendent and the pupil's parent, guardian, or custodian. If the psychiatrist, psychologist, or school psychologist is not employed or contracted by the district, the cost of the assessment shall be referred for payment to the pupil's health insurance. Any costs not covered by the pupil's health insurance shall be paid by the district. The district shall pay in full for an assessment completed by a psychiatrist, psychologist, or school psychologist that is employed or contracted by the district. The assessment shall include a determination from the psychiatrist, psychologist, or school psychologist as to whether the pupil poses a danger to the pupil's self or to other pupils or school employees and may include recommendations for contingent conditions on the pupil's reinstatement.

(a) At the end of the expulsion period, the superintendent shall assess the pupil and determine whether the pupil has shown sufficient rehabilitation to be reinstated. For an expulsion period of one hundred eighty days or an extended expulsion period of ninety days, the superintendent shall make this determination in consultation with a multidisciplinary team selected by the superintendent. The superintendent shall take into consideration both the assessment by the psychiatrist, psychologist, or school psychologist and whether or not the pupil has met the conditions developed by the superintendent at the beginning of the expulsion period.

In making any determination under division (B)(6) of this section, including a determination by the superintendent to extend the expulsion for an additional period of ninety days, the superintendent shall comply with the procedures prescribed by divisions (B)(7) and (D) of this section.

(i) Upon the assessment of a pupil as required by division (B)(6)(a) of this section, if the superintendent determines that the pupil has shown sufficient rehabilitation, the superintendent may reinstate that pupil.

(ii) Upon the assessment of a pupil as required by division (B)(6)(a) of this section, if the superintendent determines that the pupil has not shown sufficient rehabilitation, the superintendent may extend the expulsion for an additional period not to exceed ninety school days.

(b) If the superintendent extends the expulsion period under division (B)(6)(a)(ii) of this

section, the superintendent shall develop conditions for that pupil to satisfy prior to that pupil's reinstatement, which may be the same as those developed for the original expulsion period. The superintendent shall provide a copy of these conditions in writing to the district board, the pupil, and the pupil's parent, guardian, or custodian at the beginning of the extended expulsion period. At the end of the extended expulsion period, the superintendent shall reassess the pupil in the manner prescribed by division (B)(6)(a) of this section and may reinstate the pupil or may extend the expulsion for another term, not to exceed ninety school days, in the same manner as provided in divisions (B)(6)(a)(i) and (ii) of this section. There is no limit on the number of times the superintendent may extend an expulsion under division (B)(6)(a) (ii) of this section.

(c) Prior to the end of the original expulsion period or of an extended expulsion period, if the pupil has met all of the conditions developed by the superintendent at the beginning of the expulsion period, the superintendent may reduce the expulsion on a case-by-case basis. In making the determination, the superintendent shall comply with the district's policy regarding the reduction of an expulsion period, adopted pursuant to section 3313.661 of the Revised Code.

(d) Prior to the end of the original expulsion period or of an extended expulsion period, the pupil or the pupil's parent, guardian, or custodian may request the superintendent to complete an early assessment of the pupil. If requested, the superintendent shall assess the pupil and make a determination in the manner prescribed by division (B)(6)(a) of this section. In making the determination, the superintendent shall comply with the district's policy regarding the reduction of an expulsion period, adopted pursuant to section 3313.661 of the Revised Code. A pupil or pupil's parent, guardian, or custodian may request one early assessment for the original expulsion period and for each extended expulsion period under this division.

(e) A superintendent may develop contingent conditions for a pupil's reinstatement under divisions (B)(6)(a)(i), (B)(6)(c), and (B)(6)(d) of this section. The conditions may include the conditions developed for the original expulsion period and recommendations made by a psychiatrist, psychologist, or school psychologist in an assessment conducted under division (B)(6) of this section. The superintendent shall establish a duration under which a pupil must meet the contingent conditions that may extend to a pupil's graduation date. The superintendent shall provide a copy of these conditions in writing to the district board, the pupil, and the pupil's parent, guardian, or custodian when the superintendent makes a reinstatement determination. If a pupil fails to meet the contingent conditions set under this division, the superintendent may revoke the pupil's reinstatement and establish an extended expulsion period under the same process as in division (B)(6)(b) of this section.

(f) Not later than fifteen school days after the beginning of the original expulsion period or of any extended expulsion period under division (B)(6) of this section for a pupil who does not have an individualized education program developed under Chapter 3323. of the Revised Code, or not later than ten school days after the beginning of the original expulsion period or of any extended expulsion period under division (B)(6) of this section for a pupil who has an individualized

education program, the superintendent, in consultation with the pupil, the pupil's parent, guardian, or custodian, and the pupil's IEP team, as defined in section 3323.01 of the Revised Code, if the pupil has one, shall develop a plan for the continued education of the pupil, which may include education by the district in an alternative setting under division (I) of this section, including instruction at home, enrollment in another district or other type of public or nonpublic school, or any other form of instruction that complies with Chapter 3321. of the Revised Code.

(g) The pupil or the pupil's parent, guardian, or custodian may appeal any determination made by the superintendent pursuant to division (B)(6) of this section in the manner prescribed by division (E) of this section.

(h) A board shall provide the department of education and workforce records of each expulsion made under division (B)(6) of this section and any changes to a pupil's expulsion status. Such records shall not include a pupil's name and shall be provided to the department in accordance with sections 3301.0714 and 3319.321 of the Revised Code. Such records shall include all of the following:

(i) The name of the pupil's school;

(ii) The reason or reasons for the pupil's expulsion;

(iii) The duration of the pupil's expulsion and any extension of the expulsion;

(iv) The total number of pupils expelled by the district in the school year as of the date of the report;

(v) The pupil's age, gender, race, and other demographic information.

(i) A district or school to which a pupil with an expulsion record under division (B)(6) of this section transfers may request such records from the district in which the pupil was enrolled prior to the transfer or from the department. The district or department shall provide the requested records to the requesting district or school as authorized under section 3319.321 of the Revised Code.

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

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

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

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

giving the original notice, the superintendent shall notify the pupil and the pupil's parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, the notice shall include a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation.

~~(7)~~(8) A superintendent of schools of a city, exempted village, or local school district shall initiate expulsion proceedings pursuant to this section with respect to any pupil who has committed an act warranting expulsion under the district's policy regarding expulsion even if the pupil has withdrawn from school for any reason after the incident that gives rise to the hearing but prior to the hearing or decision to impose the expulsion. If, following the hearing, the pupil would have been expelled for a period of time had the pupil still been enrolled in the school, the expulsion shall be imposed for the same length of time as on a pupil who has not withdrawn from the school.

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held on

the next school day after the date of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

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

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil of the expulsion or suspension. In the case of an expulsion, the superintendent or principal, within one school day after the time of a pupil's expulsion, also shall notify in writing the treasurer of the board of education. Each notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the suspension or expulsion was based on a violation listed in division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation.

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

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

(E) A pupil or the pupil's parent, guardian, or custodian may appeal the pupil's expulsion by a superintendent or suspension by a superintendent, principal, assistant principal, or other administrator to the board of education or to its designee. If the pupil or the pupil's parent, guardian, or custodian intends to appeal the expulsion or suspension to the board or its designee, the pupil or the pupil's parent, guardian, or custodian shall notify the board in the manner and by the date specified in the notice provided under division (D) of this section. The pupil or the pupil's parent, guardian, or custodian may be represented in all appeal proceedings and shall be granted a hearing

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

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

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

(F)(1) If a pupil is expelled pursuant to division (B) of this section for committing any violation listed in division (A) of section 3313.662 of the Revised Code and the pupil was sixteen years of age or older at the time of committing the violation, if a complaint, indictment, or information is filed alleging that the pupil is a delinquent child based upon the commission of the violation or the pupil is prosecuted as an adult for the commission of the violation, and if the resultant juvenile court or criminal proceeding is pending at the time that the expulsion terminates, the superintendent of schools that expelled the pupil may file a motion with the court in which the proceeding is pending requesting an order extending the expulsion for the lesser of an additional eighty days or the number of school days remaining in the school year. 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 and to the pupil and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe that the pupil committed the alleged violation that is the basis of the expulsion and, upon determining that reasonable cause to believe the pupil committed the violation does exist, shall grant the requested extension.

(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 director of education and workforce 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 of the Revised Code.

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

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

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

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

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

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

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

later than the earlier of the following:

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

(K) As used in this section:

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

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

(3) "School day" has the same meaning as in section 3313.481 of the Revised Code.

(4) "Imminent and severe endangerment" means any of the following actions taken by a pupil:

(a) Bringing a firearm to a school operated by the board or any other property owned or controlled by the board, as described in division (B)(2)(a) of this section;

(b) Bringing a firearm to an interscholastic competition, extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant;

(c) Bringing a knife capable of causing serious bodily injury to a school operated by the board, any other property owned or controlled by the board, or to an interscholastic competition, extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant;

(d) Committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at a school operated by the board, any other property owned or controlled by the board, or an interscholastic competition, extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant;

(e) Making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat;

(f) Making an articulated or verbalized threat, including a hit list, threatening manifesto, or social media post, that would lead a reasonable person to conclude that the pupil poses a serious threat.

(5) "Sufficient rehabilitation" means that a pupil has met all conditions for reinstatement set by the pupil's superintendent under division (B)(6) of this section and has been determined by the superintendent to no longer pose a danger to the pupil's self or to other pupils or school employees.

Sec. 3313.661. (A) Subject to the limitations set forth in section 3313.668 of the Revised

Code, the board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B)(3) of section 3313.66 of the Revised Code, the policy shall define the term "knife capable of causing serious bodily injury" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B)(4) ~~or~~, (5), or (6) of section 3313.66 of the Revised Code, the policy shall specify any reasons for which the superintendent of the district may reduce any ~~required~~ expulsion period on a case-by-case basis. The policy also shall set forth the acts listed in section 3313.662 of the Revised Code for which a pupil may be permanently excluded.

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

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

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

(C) The written policy of each board of education that is adopted pursuant to section 3313.20

of the Revised Code shall be posted in a central location in each school that is subject to the policy and shall be made available to pupils upon request.

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

(E) If a board of education adopts a resolution pursuant to division (B)(6) of section 3313.66 of the Revised Code, the board shall establish guidelines for appropriate conditions that the superintendent may develop pursuant to division (B)(6) of section 3313.66 of the Revised Code.

(F) The district superintendent shall develop a list of alternative educational options for pupils who are expelled under division (B)(6) of section 3313.66 of the Revised Code.

(G) As used in this section, "permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

Sec. 3313.7117. (A) As used in this section:

(1) "Licensed health care professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code.

(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions.

(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;

(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(B) A school nurse, or another district or school employee if a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in collaboration with a student's parents or guardian, shall create an individualized seizure action plan for each student enrolled in the school district or chartered nonpublic school who has an active seizure disorder diagnosis. A plan shall include all of the following components:

(1) A written request signed by the parent, guardian, or other person having care or charge of the student, required by division (C)(1) of section 3313.713 of the Revised Code, to have one or more drugs prescribed for a seizure disorder administered to the student;

(2) A written statement from the student's treating practitioner providing the drug information required by division (C)(2) of section 3313.713 of the Revised Code for each drug prescribed to the student for a seizure disorder.

(3) Any other component required by the department of education and workforce.

(C)(1) The school nurse or a school administrator if the district does not employ a school nurse, shall notify a school employee, contractor, and volunteer in writing regarding the existence and content of each seizure action plan in force if the employee, contractor, or volunteer does any of the following:

(a) Regularly interacts with the student;

(b) Has legitimate educational interest in the student or is responsible for the direct supervision of the student;

(c) Is responsible for transportation of the student to and from school.

(2) The school nurse or a school administrator if the district does not employ a school nurse, shall identify each individual who has received training under division (G) of this section in the administration of drugs prescribed for seizure disorders. The school nurse, or another district employee if a district does not employ a school nurse, shall coordinate seizure disorder care at that school and ensure that all staff described in division (C)(1) of this section are trained in the care of students with seizure disorders.

~~(D)~~(D)(1) A drug prescribed to a student with a seizure disorder shall be provided to the school nurse or another person at the school who is authorized to administer it to the student if the district does not employ a full-time school nurse. The drug shall be provided in the container in which it was dispensed by the prescriber or a licensed pharmacist. Notwithstanding division (D) of section 3313.713 of the Revised Code, drugs prescribed for a seizure disorder that are to be administered to students under this section may be kept in an easily accessible location.

(2) Notwithstanding division (D)(1) of this section, section 3313.713 of the Revised Code, or any policy adopted under that section, a student enrolled in a school district or chartered nonpublic school may possess a drug prescribed to the student designed to prevent the onset of a seizure or to alleviate the symptoms of a seizure if both of the following conditions are satisfied:

(a) The student has the written approval of the student's physician and, if the student is a

minor, the written approval of the parent, guardian, or other person having care or charge of the student. The physician's written approval shall include at least all of the following information:

- (i) The student's name and address;
 - (ii) The name of the drug and the dosage, if any, to be administered;
 - (iii) The circumstances under which the drug is to be administered to the student;
 - (iv) How the drug is to be administered to the student;
 - (v) Written instructions that outline procedures school personnel should follow in the event that the drug does not prevent the onset of a seizure or alleviate the symptoms of a seizure;
 - (vi) Any severe adverse reactions that may occur to the student for whom the drug is prescribed and that should be reported to the physician;
 - (vii) Any severe adverse reactions that may occur to another student for whom the drug is not prescribed, should such a student receive a dose of the drug;
 - (viii) At least one emergency telephone number for contacting the physician in an emergency;
 - (ix) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;
 - (x) Any other special instructions from the physician.
- (b) The school principal and, if a school nurse is assigned to the student's school building, the school nurse have received copies of the written approvals required by division (D)(2)(a) of this section.

If these conditions are satisfied, the student may possess a drug described in division (D)(2) of this section at school or at any activity, event, or program sponsored by or in which the student's school is a participant.

(3) Notwithstanding division (B)(2) of section 3313.713 of the Revised Code or any policy adopted under that section, any individual identified in division (C)(1) of this section may administer to a student a prescribed drug that is designed to prevent the onset of a seizure or to alleviate the symptoms of a seizure if both of the following conditions are satisfied:

- (a) The individual has received a copy of the written approval issued by the student's physician which contains the information required by division (D)(2)(a) of this section.
- (b) The individual has received training regarding the circumstances under which the drug is to be administered to the student and how the drug is to be administered to the student.

(E) A seizure action plan is effective only for the school year in which the written request described in division (B)(1) of this section was submitted and must be renewed at the beginning of each school year.

(F) A seizure action plan created under division (B) of this section shall be maintained in the office of the school nurse or school administrator if the district does not employ a full-time school nurse.

(G) A school district or governing authority of a chartered nonpublic school shall designate

at least one employee at each school building it operates, aside from a school nurse, to be trained on the implementation of seizure action plans every two years. The district or governing authority shall provide or arrange for the training of the employee. The training must include and be consistent with guidelines and best practices established by a nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other similar organizations as determined by the department, and address all of the following:

- (1) Recognizing the signs and symptoms of a seizure;
- (2) The appropriate treatment for a student who exhibits the symptoms of a seizure;
- (3) Administering drugs prescribed for seizure disorders, subject to this section and section

3313.713 of the Revised Code.

A seizure training program under division (G) of this section shall not exceed one hour and shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. If the training is provided to a school district on portable media by a nonprofit entity, the training shall be provided free of charge.

(H) A board of education or governing authority shall require each person it employs as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one hour of self-study training or in-person training on seizure disorders not later than twenty-four months after ~~the effective date of this section~~ October 3, 2023. Any such person employed after that date shall complete the training within ninety days of employment. The training shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code.

(I)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

Sec. 3319.324. (A) As used in this section, "school records" includes any academic records, student assessment data, or other information for which there is a legitimate educational interest.

(B) Except as provided for in division (C) of this section, when any school district or

chartered nonpublic school receives a request from another district or school to which a student has transferred for that student's school records, the district or school receiving the request shall respond, within five school days after receiving the request, by transmitting to the requesting district or school either the student's school records as authorized under section 3319.321 of the Revised Code or, if the district or school has no record of the student's attendance, a statement of that fact.

(C) ~~A~~ Except as provided for in division (E) of this section, a district or school may withhold a student's school records if there is two thousand five hundred dollars or more of outstanding debt attributed to the student. The district or school shall transmit the student's school records in the manner specified under division (A) of this section once the debt is paid.

(D) The provisions of this section are in addition to, and do not affect the obligations of a school district or school to comply with, the requirements of division (D) of section 3313.642 and section 3313.672 of the Revised Code.

(E) A district or school shall not withhold records related to a student's expulsion under division (B)(6) of section 3313.66 of the Revised Code due to outstanding debt attributed to the student.

SECTION 2. That existing sections 3313.66, 3313.661, 3313.7117, and 3319.324 of the Revised Code are hereby repealed.

SECTION 3. That Section 265.270 of H.B. 33 of the 135th General Assembly (as amended by S.B. 168 of the 135th General Assembly) be amended to read as follows:

Sec. 265.270. FOUNDATION FUNDING - ALL STUDENTS

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education and Workforce, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$5,357,606 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$45,650,000 in fiscal year 2024 and up to \$47,600,000 in fiscal year 2025 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for school improvement initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may

distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$7,000,000 in each fiscal year shall be reserved for payments under the section of H.B. 33 of the 135th General Assembly entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Director of Education and Workforce may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding - All Students, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$4,000,000 in each fiscal year 2024 and up to \$8,140,000 in fiscal year 2025 shall be used to support the administration of state scholarship programs.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, up to \$1,000,000 in each fiscal year shall be distributed to the Cleveland Municipal School District to provide tutorial assistance as provided in division (B) of section 3313.979 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with sections 3317.16 and 3317.162 of the Revised Code and the section of H.B. 33 of the 135th General Assembly entitled "FORMULA TRANSITION SUPPLEMENT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of H.B. 33 of the 135th General Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,760,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,500,000 in each fiscal year shall be distributed to the Ohio STEM Learning Network to support the expansion of free STEM programming aligned to Ohio's STEM priorities, to create regional STEM supports targeting underserved student populations, and to support the Ohio STEM Committee's STEM school designation process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$4,500,000 in each fiscal year shall be used to make supplemental payments under section 3317.22 of the Revised Code. If the amount appropriated is insufficient, the Director of Education and Workforce may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding - All Students, is not exceeded.

The remainder of the foregoing appropriation item 200550, Foundation Funding - All Students, shall be used to distribute the amounts calculated for formula aid under division (A)(1) of section 3317.019, section 3317.022 of the Revised Code, and the sections of H.B. 33 of the 135th General Assembly entitled "COMMUNITY SCHOOL EQUITY SUPPLEMENT" and "FORMULA TRANSITION SUPPLEMENT."

Appropriation items 200502, Pupil Transportation, and 200550, Foundation Funding - All Students, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, joint vocational school districts, and state scholarship programs under H.B. 33 of the 135th General Assembly. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other General Revenue Fund appropriation items in the Department of Education and Workforce's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Director of Education and Workforce shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Director of Education and Workforce may use a portion of the funds encumbered in fiscal year 2023 and any unexpended and unencumbered balance from fiscal year 2024 from appropriation item 200550, Foundation Funding - All Students, to comply with Title II, Sec. 2004(b) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

The Director of Education and Workforce shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Director, until at least the effective date of the amendments and enactments made to Title XXXIII of the Revised Code by H.B. 33 of the 135th General Assembly. Any funds paid to districts or schools under this section shall be credited toward

the annual funds calculated for the district or school after the changes made to Title XXXIII of the Revised Code in H.B. 33 of the 135th General Assembly are effective. Upon the effective date of changes made to Title XXXIII of the Revised Code in H.B. 33 of the 135th General Assembly, funds shall be calculated as an annual amount.

SECTION 4. That existing Section 265.270 of H.B. 33 of the 135th General Assembly (as amended by S.B. 168 of the 135th General Assembly) is hereby repealed.

SECTION 5. (A) Notwithstanding any provision in the Revised Code to the contrary, a community school that meets the criteria for closure prescribed under division (A) of section 3314.35 of the Revised Code in the 2024-2025 school year shall not be subject to closure under that section if, in any of the 2022-2023, 2023-2024, or 2024-2025 school years, the school received a performance index score within five points below the score required to receive two stars on the achievement component on the school's report card for that school year.

(B) If a school to which division (A) of this section applies continues to meet the criteria for closure under section 3314.35 of the Revised Code for the 2025-2026 school year, then the school shall close pursuant to division (C) of that section.

(C) If a school to which division (A) of this section applies does not meet the criteria for closure under section 3314.35 of the Revised Code for the 2025-2026 school year, the school shall not be subject to closure under section 3314.35 of the Revised Code in the 2026-2027 school year.

(D) If a school to which division (C) of this section applies meets one of the following criteria for the 2026-2027 school year, then the school shall close pursuant to division (C) of section 3314.35 of the Revised Code:

(1) The school does not offer a grade level higher than three and satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code.

(b) The school has received an overall performance rating of less than two stars under division (D)(3) of section 3302.03 of the Revised Code.

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and satisfies either of the following criteria:

(a) The school has received a performance rating of one star for both achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D)(3)(c) of that section.

(3) The school offers any of grade levels ten to twelve and satisfies either of the following

criteria:

(a) The school has received a performance rating of one star for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D)(3)(a) of that section, as determined by the department.

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D)(1)(b) of that section.

(E) If a school to which division (C) of this section applies does not meet any of the criteria listed in division (D) of this section for the 2026-2027 school year, the report card ratings for the 2026-2027 school year shall be the new starting point to determine closure over multiple years under section 3314.35 of the Revised Code.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 206

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____