

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 259

Senator Gavarone

A BILL

To enact section 3313.5313 of the Revised Code 1
regarding participation in interscholastic 2
athletics for students subjected to harassment, 3
intimidation, bullying, or other offenses. 4

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

Section 1. That section 3313.5313 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3313.5313. (A) As used in this section: 7

(1) "Harassment, intimidation, or bullying" has the same 8
meaning as in section 3313.666 of the Revised Code. 9

(2) "Home-educated student" means a student who is 10
receiving home education in accordance with section 3321.042 of 11
the Revised Code. 12

(3) "Qualifying offense" means any of the following: 13

(a) An offense of violence; 14

(b) A violation of section 2907.07 of the Revised Code; 15

(c) An attempt to commit an offense of violence or a 16
violation of section 2907.07 of the Revised Code. 17

(4) "Qualifying school" means a community school 18
established under Chapter 3314. of the Revised Code, a STEM 19
school established under Chapter 3326. of the Revised Code, a 20
chartered nonpublic school, or a nonchartered nonpublic school. 21

(5) "Resident district" means the school district in which 22
a student is entitled to attend school under section 3313.64 or 23
3313.65 of the Revised Code. 24

(B) The superintendent of any school district may afford 25
any home-educated student or any student enrolled in a 26
qualifying school or a different school district, regardless of 27
whether the superintendent's district is the student's resident 28
district, the opportunity to participate in interscholastic 29
athletics at a school of the superintendent's district, if the 30
student was subject to any of the following by a school 31
official, employee, or volunteer or another student from the 32
district or school in which the student is enrolled or the 33
district in which the student is participating in 34
interscholastic athletics under section 3313.537, 3313.5311, or 35
3313.5312 of the Revised Code: 36

(1) Harassment, intimidation, or bullying; 37

(2) A qualifying offense, for which the school official, 38
employee, or volunteer or another student has been either of the 39
following: 40

(a) Charged with, indicted for, convicted of, or pled 41
guilty to committing; 42

(b) Alleged to be or is adjudicated a delinquent child for 43
committing. 44

(3) Conduct by a school official, employee, or volunteer 45
that violates the licensure code of professional conduct for 46

Ohio educators developed by the state board of education. 47

(C) The chief administrative officer of any qualifying 48
school may afford any student enrolled in a school district, any 49
student enrolled in a different qualifying school, or any home- 50
educated student the opportunity to participate in 51
interscholastic athletics at the chief administrative officer's 52
school, if the student was subject to any of the following by a 53
school official, employee, or volunteer or another student from 54
the district or school in which the student is enrolled or the 55
district in which the student is participating in 56
interscholastic athletics under section 3313.537, 3313.5311, or 57
3313.5312 of the Revised Code: 58

(1) Harassment, intimidation, or bullying; 59

(2) A qualifying offense, for which the school official, 60
employee, or volunteer or another student has been either of the 61
following: 62

(a) Charged with, indicted for, convicted of, or pled 63
guilty to committing; 64

(b) Alleged to be or is adjudicated a delinquent child for 65
committing. 66

(3) Conduct by a school official, employee, or volunteer 67
that violates the licensure code of professional conduct for 68
Ohio educators developed by the state board of education. 69

(D) To participate in interscholastic athletics under this 70
section, a student who is not a home-educated student shall be 71
of the appropriate age and grade level, as determined by the 72
superintendent of the district or the chief administrative 73
officer of the qualifying school, for the school at which the 74
student participates in interscholastic athletics and shall 75

fulfill the same nonacademic and financial requirements as any 76
other participant. 77

(E) Divisions (C) to (E) of section 3313.5312 of the 78
Revised Code apply to a home-educated student who participates 79
in interscholastic athletics at school under this section. 80

(F) No district or school shall impose additional rules on 81
a student to participate under this section that do not apply to 82
other students participating in the same interscholastic 83
athletics activity. No district or school shall impose fees for 84
a student to participate under this section that exceed any fees 85
charged to other students participating in the same 86
interscholastic athletics activity. 87

(G) No school district board of education, STEM school 88
governing body, or governing authority of a community school, 89
chartered nonpublic school, or nonchartered nonpublic school 90
shall take any action contrary to the provisions of this 91
section. 92

(H) No school district, interscholastic conference, or 93
organization that regulates interscholastic conferences or 94
events shall do either of the following: 95

(1) Require a student who is eligible to participate in 96
interscholastic athletics under this section to meet eligibility 97
requirements that conflict with this section; 98

(2) Penalize or restrict the eligibility to participate in 99
interscholastic athletics of a student who, during a school 100
year, ceases to participate in interscholastic athletics at one 101
district or school and then begins to participate in 102
interscholastic athletics at a different district or school 103
under this section. 104