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Senator Timken

Cosponsors: Senators Brenner, Koehler, Cirino, Cutrona, Gavarone, Lang, O'Brien, Patton, Reineke, Reynolds, Roegner, Romanchuk, Schaffer, Wilkin

To amend sections 3313.753 and 5502.262 of the 1
Revised Code to generally prohibit student 2
cellular telephone use in public schools. 3

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

Section 1. That sections 3313.753 and 5502.262 of the 4
Revised Code be amended to read as follows: 5

Sec. 3313.753. (A) As used in this section: 6

(1) "Electronic communications device" means any device 7
that is powered by batteries or electricity and that is capable 8
of receiving, transmitting, or receiving and transmitting 9
communications between two or more persons or a communication 10
from or to a person. 11

(2) "School" means any school that is operated by a board 12
of education of a city, local, exempted village, or joint 13
vocational school district. 14

(3) "School building" means any building in which any of 15
the instruction, extracurricular activities, or training 16
provided by a school is conducted. 17

(4) "School grounds or premises" means either of the following: 18
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(a) The parcel of real property on which any school building is situated; 20
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(b) Any other parcel of real property that is owned or leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted. 22
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(B) The board of education of any city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy prohibiting students from carrying an electronic communications device in any school building or on any school grounds or premises of the district. The policy may provide for exceptions to this prohibition as specified in the policy. The policy shall specify any disciplinary measures that will be taken for violation of this prohibition. 26
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If a board of education adopts a policy under this division, the board shall post the policy in a central location in each school building and make it available to students and parents upon request. 34
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~~(C)(C) (1) Not later than the first day of July that immediately follows the effective date of this amendment~~ September 1, 2025, each school district board of education shall adopt a policy governing the use of cellular telephones by students during school hours. The policy shall ~~do~~ all of the following: 38
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~~(1) Emphasize that student cellular telephone use be as limited as possible during school hours;~~ 44
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~~(2) Reduce cellular telephone-related distractions in~~ 46

~~classroom settings,~~ 47

~~(3) prohibit all cellular telephone use by students during~~ 48
~~the instructional day, except as described in division (C) (2) of~~ 49
~~this section or if permitted under the building's comprehensive~~ 50
~~emergency management plan adopted under section 5502.262 of the~~ 51
~~Revised Code.~~ 52

(2) If determined appropriate by the district board, or if 53
included in a student's individualized education program 54
developed under Chapter 3323. of the Revised Code or plan 55
developed under section 504 of the "Rehabilitation Act of 1973," 56
29 U.S.C. 794, ~~permit~~ students ~~to~~ may use cellular telephones or 57
other electronic communications devices for student learning or 58
to monitor or address a health concern. 59

A district board shall permit a student to use a cellular 60
telephone or other electronic communications device to monitor 61
or address a health concern if the board receives a written 62
statement from the student's physician requiring such use. 63

(D) ~~Division (C) of this section shall not be construed to~~ 64
~~require a district board to adopt a policy that prohibits all~~ 65
~~cellular telephone use by students. Nonetheless, any~~ Any 66
district board that adopts a policy that prohibits all cellular 67
telephone use by students shall be considered to have met the 68
requirements in division (C) of this section. 69

(E) Any district board that adopts a policy that meets the 70
requirements prescribed in division (C) of this section prior to 71
~~the effective date of this amendment~~ the effective date of this 72
amendment, shall be considered to have met the requirement to 73
adopt a policy under this section. 74

(F) Each district board that adopts a policy under this 75

section after ~~the effective date of this amendment~~the effective 76
date of this amendment, shall do so at a public meeting of the 77
board. 78

(G) Each district board shall make any policy it adopts 79
under this section publicly available and post it prominently on 80
its publicly accessible web site, if it has one. 81

~~(H) Not later than sixty days after the effective date of~~ 82
~~this amendment, the department of education and workforce shall~~ 83
~~develop a model policy that meets the requirements prescribed in~~ 84
~~division (C) of this section. To the extent possible, the model~~ 85
~~policy shall take into account available research concerning the~~ 86
~~effect of the use of cellular telephones by students in school~~ 87
~~settings. The model policy may be utilized by districts and~~ 88
~~schools.~~ 89

Sec. 5502.262. (A) As used in this section: 90

(1) "Administrator" means the superintendent, principal, 91
chief administrative officer, or other person having supervisory 92
authority of any of the following: 93

(a) A city, exempted village, local, or joint vocational 94
school district; 95

(b) A community school established under Chapter 3314. of 96
the Revised Code, as required through reference in division (A) 97
(11)(d) of section 3314.03 of the Revised Code; 98

(c) A STEM school established under Chapter 3326. of the 99
Revised Code, as required through reference in section 3326.11 100
of the Revised Code; 101

(d) A college-preparatory boarding school established 102
under Chapter 3328. of the Revised Code; 103

(e) A district or school operating a career-technical education program approved by the department of education and workforce under section 3317.161 of the Revised Code;	104 105 106
(f) A chartered nonpublic school;	107
(g) An educational service center;	108
(h) A preschool program or school-age child care program licensed by the department of education and workforce;	109 110
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education and workforce.	111 112 113
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	114 115 116
(3) "Building" means any school, school building, facility, program, or center.	117 118
(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.	119 120 121 122
(B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator	123 124 125 126 127 128 129 130 131

shall involve community law enforcement and safety officials, 132
parents of students who are assigned to the building, and 133
teachers and nonteaching employees who are assigned to the 134
building. The administrator may involve the regional mobile 135
training officer in the development of the plan. The 136
administrator shall incorporate remediation strategies into the 137
plan for any building where documented safety problems have 138
occurred. 139

(2) Each administrator shall also incorporate into the 140
emergency management plan adopted under division (B)(1) of this 141
section all of the following: 142

(a) A protocol for addressing serious threats to the 143
safety of property, students, employees, or administrators; 144

(b) A protocol for responding to any emergency events that 145
occur and compromise the safety of property, students, 146
employees, or administrators. This protocol shall include, but 147
not be limited to, all of the following: 148

(i) A floor plan that is unique to each floor of the 149
building; 150

(ii) A site plan that includes all building property and 151
surrounding property; 152

(iii) An emergency contact information sheet. 153

(c) A threat assessment plan developed as prescribed in 154
section 5502.263 of the Revised Code. A building may use the 155
model plan developed by the department of public safety under 156
that section; 157

(d) A protocol for school threat assessment teams 158
established under section 3313.669 of the Revised Code; 159

<u>(e) A protocol that addresses student use of cellular</u>	160
<u>telephones during an active threat or emergency.</u>	161
(3) Each protocol described in division (B) of this	162
section shall include procedures determined to be appropriate by	163
the administrator for responding to threats and emergency	164
events, respectively, including such things as notification of	165
appropriate law enforcement personnel, calling upon specified	166
emergency response personnel for assistance, and informing	167
parents of affected students.	168
Prior to the opening day of each school year, the	169
administrator shall inform each student or child enrolled in the	170
school and the student's or child's parent of the parental	171
notification procedures included in the protocol.	172
(4) Each administrator shall keep a copy of the emergency	173
management plan adopted pursuant to this section in a secure	174
place.	175
(C) (1) The administrator shall submit to the director of	176
public safety, in accordance with rules adopted pursuant to	177
division (F) of this section, an electronic copy of the	178
emergency management plan prescribed by division (B) of this	179
section not less than once every three years, whenever a major	180
modification to the building requires changes in the procedures	181
outlined in the plan, and whenever information on the emergency	182
contact information sheet changes.	183
(2) The administrator also shall file a copy of the plan	184
with each law enforcement agency that has jurisdiction over the	185
school building and, upon request, to any of the following:	186
(a) The fire department that serves the political	187
subdivision in which the building is located;	188

(b) The emergency medical service organization that serves	189
the political subdivision in which the building is located;	190
(c) The county emergency management agency for the county	191
in which the building is located;	192
(d) The regional mobile training officer.	193
(3) Upon receipt of an emergency management plan, the	194
director shall post the information on the contact and	195
information management system and submit the information in	196
accordance with rules adopted pursuant to division (F) of this	197
section, to the attorney general, who shall post that	198
information on the Ohio law enforcement gateway or its	199
successor.	200
(4) Any department or entity to which copies of an	201
emergency management plan are filed under this section shall	202
keep the copies in a secure place.	203
(D) (1) Not later than the first day of September of each	204
year, each administrator shall review the emergency management	205
plan and certify to the director that the plan is current and	206
accurate.	207
(2) Anytime that an administrator updates the emergency	208
management plan pursuant to division (C) (1) of this section, the	209
administrator shall file copies, not later than the tenth day	210
after the revision is adopted and in accordance with rules	211
adopted pursuant to division (F) of this section, to the	212
director and to any entity with which the administrator filed a	213
copy under division (C) (2) of this section.	214
(E) Each administrator shall do both of the following:	215
(1) Prepare and conduct at least one annual emergency	216

management test, as defined in division (A) (2) of this section, 217
in accordance with rules adopted pursuant to division (F) of 218
this section; 219

(2) Grant access to each building under the control of the 220
administrator to law enforcement personnel and to entities 221
described in division (C) (2) of this section, to enable the 222
personnel and entities to hold training sessions for responding 223
to threats and emergency events affecting the building, provided 224
that the access occurs outside of student instructional hours 225
and the administrator, or the administrator's designee, is 226
present in the building during the training sessions. 227

(F) The director of public safety, in consultation with 228
representatives from the education community and in accordance 229
with Chapter 119. of the Revised Code, shall adopt rules 230
regarding emergency management plans under this section, 231
including the content of the plans and procedures for filing the 232
plans. The rules shall specify that plans and information 233
required under division (B) of this section be submitted on 234
standardized forms developed by the director for such purpose. 235
The rules shall also specify the requirements and procedures for 236
emergency management tests conducted pursuant to division (E) (1) 237
of this section. Failure to comply with the rules may result in 238
discipline pursuant to section 3319.31 of the Revised Code or 239
any other action against the administrator as prescribed by 240
rule. 241

(G) Division (B) of section 3319.31 of the Revised Code 242
applies to any administrator who is subject to the requirements 243
of this section and is not exempt under division (H) of this 244
section and who is an applicant for a license or holds a license 245
from the state board of education pursuant to section 3319.22 of 246

the Revised Code.	247
(H) (1) The director may exempt any administrator from the requirements of this section, if the director determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.	248 249 250 251
(2) The director shall exempt from the requirements of this section the administrator of an online learning school, established under section 3302.42 of the Revised Code, unless students of that school participate in in-person instruction or assessments at a location that is not covered by an existing emergency management plan, developed under this section as of December 14, 2021.	252 253 254 255 256 257 258
(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C) (3) (b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.	259 260 261 262 263 264 265 266 267
Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.	268 269 270 271
Section 2. That existing sections 3313.753 and 5502.262 of the Revised Code are hereby repealed.	272 273