

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 253

Senator Kunze

A BILL

To amend sections 3313.66, 3313.661, 3314.03, 1
3326.11, and 5502.03 and to enact sections 2
3313.206 and 3313.754 of the Revised Code 3
regarding expulsion of a student from a public 4
school for communicating a threat of violence to 5
occur on school grounds. 6

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

Section 1. That sections 3313.66, 3313.661, 3314.03, 7
3326.11, and 5502.03 be amended and sections 3313.206 and 8
3313.754 of the Revised Code be enacted to read as follows: 9

Sec. 3313.206. The superintendent of each school district 10
and the chief administrative officer for each chartered 11
nonpublic school shall report to the Ohio school safety center 12
established under division (E) of section 5502.03 of the Revised 13
Code each time a student enrolled in the district or school 14
makes a threat described in division (B) (6) of section 3313.66 15
of the Revised Code, regardless of whether the district or 16
school has taken any disciplinary action against the student, to 17
the extent the report is permitted under section 3319.321 of the 18
Revised Code or 20 U.S.C. 1232g. 19

Sec. 3313.66. (A) (1) Except as provided under division (B) 20
(2) of this section, and subject to section 3313.668 of the 21
Revised Code, the superintendent of schools of a city, exempted 22
village, or local school district, or the principal of a public 23
school may suspend a pupil from school for not more than ten 24
school days. The board of education of a city, exempted village, 25
or local school district may adopt a policy granting assistant 26
principals and other administrators the authority to suspend a 27
pupil from school for a period of time as specified in the 28
policy of the board of education, not to exceed ten school days. 29
If at the time an out-of-school suspension is imposed there are 30
fewer than ten school days remaining in the school year in which 31
the incident that gives rise to the suspension takes place, the 32
superintendent shall not apply any remaining part of the period 33
of the suspension to the following school year. The 34
superintendent may instead require the pupil to participate in a 35
community service program or another alternative consequence for 36
a number of hours equal to the remaining part of the period of 37
the suspension. The pupil shall be required to begin the pupil's 38
community service or alternative consequence during the first 39
full week day of summer break. Each school district, in its 40
discretion, may develop an appropriate list of alternative 41
consequences. In the event that a pupil fails to complete 42
community service or the assigned alternative consequence, the 43
school district may determine the next course of action, which 44
shall not include requiring the pupil to serve the remaining 45
time of the out-of-school suspension at the beginning of the 46
following school year. 47

No pupil shall be issued an out-of-school suspension 48
unless prior to the suspension the superintendent or principal 49
does both of the following: 50

(a) Gives the pupil written notice of the intention to 51
suspend the pupil and the reasons for the intended suspension 52
and, if the proposed suspension is based on a violation listed 53
in division (A) of section 3313.662 of the Revised Code and if 54
the pupil is sixteen years of age or older, includes in the 55
notice a statement that the superintendent may seek to 56
permanently exclude the pupil if the pupil is convicted of or 57
adjudicated a delinquent child for that violation; 58

(b) Provides the pupil an opportunity to appear at an 59
informal hearing before the principal, assistant principal, 60
superintendent, or superintendent's designee and challenge the 61
reason for the intended suspension or otherwise to explain the 62
pupil's actions. 63

(2) If a pupil is issued an in-school suspension, the 64
superintendent or principal shall ensure the pupil is serving 65
the suspension in a supervised learning environment. 66

(3) Each school district board shall adopt a policy 67
establishing parameters for completing and grading assignments 68
missed because of a pupil's suspension. 69

(a) The policy shall provide the pupil an opportunity to 70
do both of the following: 71

(i) Complete any classroom assignments missed because of 72
the suspension; 73

(ii) Receive at least partial credit for a completed 74
assignment. 75

(b) The policy may permit grade reductions on account of 76
the pupil's suspension. 77

(c) The policy shall prohibit the receipt of a failing 78

grade on a completed assignment solely on account of the pupil's suspension. 79
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(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 81
(4), (5), or (6) of this section, and subject to section 82
3313.668 of the Revised Code, the superintendent of schools of a 83
city, exempted village, or local school district may expel a 84
pupil from school for a period not to exceed the greater of 85
eighty school days or the number of school days remaining in the 86
semester or term in which the incident that gives rise to the 87
expulsion takes place, unless the expulsion is extended pursuant 88
to division (F) of this section. If at the time an expulsion is 89
imposed there are fewer than eighty school days remaining in the 90
school year in which the incident that gives rise to the 91
expulsion takes place, the superintendent may apply any 92
remaining part or all of the period of the expulsion to the 93
following school year. 94

(2) (a) Unless a pupil is permanently excluded pursuant to 95
section 3313.662 of the Revised Code, the superintendent of 96
schools of a city, exempted village, or local school district 97
shall expel a pupil from school for a period of one year for 98
bringing a firearm to a school operated by the board of 99
education of the district or onto any other property owned or 100
controlled by the board, except that the superintendent may 101
reduce this requirement on a case-by-case basis in accordance 102
with the policy adopted by the board under section 3313.661 of 103
the Revised Code. 104

(b) The superintendent of schools of a city, exempted 105
village, or local school district may expel a pupil from school 106
for a period of one year for bringing a firearm to an 107
interscholastic competition, an extracurricular event, or any 108

other school program or activity that is not located in a school 109
or on property that is owned or controlled by the district. The 110
superintendent may reduce this disciplinary action on a case-by- 111
case basis in accordance with the policy adopted by the board 112
under section 3313.661 of the Revised Code. 113

(c) Any expulsion pursuant to division (B)(2) of this 114
section shall extend, as necessary, into the school year 115
following the school year in which the incident that gives rise 116
to the expulsion takes place. As used in this division, 117
"firearm" has the same meaning as provided pursuant to the "Gun- 118
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 119

(3) The board of education of a city, exempted village, or 120
local school district may adopt a resolution authorizing the 121
superintendent of schools to expel a pupil from school for a 122
period not to exceed one year for bringing a knife capable of 123
causing serious bodily injury to a school operated by the board, 124
onto any other property owned or controlled by the board, or to 125
an interscholastic competition, an extracurricular event, or any 126
other program or activity sponsored by the school district or in 127
which the district is a participant, or for possessing a firearm 128
or knife capable of serious bodily injury, at a school, on any 129
other property owned or controlled by the board, or at an 130
interscholastic competition, an extracurricular event, or any 131
other school program or activity, which firearm or knife was 132
initially brought onto school board property by another person. 133
The resolution may authorize the superintendent to extend such 134
an expulsion, as necessary, into the school year following the 135
school year in which the incident that gives rise to the 136
expulsion takes place. 137

(4) The board of education of a city, exempted village, or 138

local school district may adopt a resolution establishing a 139
policy under section 3313.661 of the Revised Code that 140
authorizes the superintendent of schools to expel a pupil from 141
school for a period not to exceed one year for committing an act 142
that is a criminal offense when committed by an adult and that 143
results in serious physical harm to persons as defined in 144
division (A) (5) of section 2901.01 of the Revised Code or 145
serious physical harm to property as defined in division (A) (6) 146
of section 2901.01 of the Revised Code while the pupil is at 147
school, on any other property owned or controlled by the board, 148
or at an interscholastic competition, an extracurricular event, 149
or any other school program or activity. Any expulsion under 150
this division shall extend, as necessary, into the school year 151
following the school year in which the incident that gives rise 152
to the expulsion takes place. 153

(5) The board of education of any city, exempted village, 154
or local school district may adopt a resolution establishing a 155
policy under section 3313.661 of the Revised Code that 156
authorizes the superintendent of schools to expel a pupil from 157
school for a period not to exceed one year for making a bomb 158
threat to a school building or to any premises at which a school 159
activity is occurring at the time of the threat. Any expulsion 160
under this division shall extend, as necessary, into the school 161
year following the school year in which the incident that gives 162
rise to the expulsion takes place. 163

(6) The board of education of any city, exempted village, 164
or local school district may adopt a resolution that authorizes 165
the superintendent of schools to expel a pupil from school for a 166
period of up to one year for communicating a threat to kill or 167
do physical harm to persons or property, as defined in division 168
(A) (3) or (4) of section 2901.01 of the Revised Code, if all of 169

the following conditions are met: 170

(a) The threat is communicated verbally or in writing in person or via telephone, cellular telephone, computer, pager, personal communication device, or other electronic communication device. 171
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(b) The threat is made against persons or property at a school operated by the district board, on a school bus, at any other property owned or controlled by the district board, or at 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. 175
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(c) The pupil who made the threat engaged in conduct that constitutes a substantial step in a course intended to culminate in the commission of the threatened act, as determined by the superintendent in consultation with the law enforcement agency of the appropriate municipal corporation, township, or county. 181
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Division (B) (6) of this section applies regardless of whether the person or property that is the object of the threat actually receives the communication of the threat. 186
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The board of education of any city, exempted village, or local school district may require the pupil, as a condition of reinstatement from an expulsion under division (B) (6) of this section to undergo an assessment to determine whether the pupil poses a danger to the pupil's self or to other pupils or school employees. 189
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In making any determination under division (B) (6) of this section, the superintendent shall comply with the procedures prescribed by divisions (B) (7) and (D) of this section. 195
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Nothing in division (B) (6) of this section shall be 198

construed to limit or prohibit bringing a juvenile or criminal 199
action against a student who is expelled under that division. 200

Any expulsion under division (B) (6) of this section shall 201
extend, as necessary, into the school year following the school 202
year in which the incident that gives rise to the expulsion 203
takes place. 204

(7) No pupil shall be expelled under division (B) (1), (2), 205
(3), (4), ~~or (5)~~, or (6) of this section unless, prior to the 206
pupil's expulsion, the superintendent does both of the 207
following: 208

(a) Gives the pupil and the pupil's parent, guardian, or 209
custodian written notice of the intention to expel the pupil; 210

(b) Provides the pupil and the pupil's parent, guardian, 211
custodian, or representative an opportunity to appear in person 212
before the superintendent or the superintendent's designee to 213
challenge the reasons for the intended expulsion or otherwise to 214
explain the pupil's actions. 215

The notice required in this division shall include the 216
reasons for the intended expulsion, notification of the 217
opportunity of the pupil and the pupil's parent, guardian, 218
custodian, or representative to appear before the superintendent 219
or the superintendent's designee to challenge the reasons for 220
the intended expulsion or otherwise to explain the pupil's 221
action, and notification of the time and place to appear. The 222
time to appear shall not be earlier than three nor later than 223
five school days after the notice is given, unless the 224
superintendent grants an extension of time at the request of the 225
pupil or the pupil's parent, guardian, custodian, or 226
representative. If an extension is granted after giving the 227

original notice, the superintendent shall notify the pupil and 228
the pupil's parent, guardian, custodian, or representative of 229
the new time and place to appear. If the proposed expulsion is 230
based on a violation listed in division (A) of section 3313.662 231
of the Revised Code and if the pupil is sixteen years of age or 232
older, the notice shall include a statement that the 233
superintendent may seek to permanently exclude the pupil if the 234
pupil is convicted of or adjudicated a delinquent child for that 235
violation. 236

~~(7)~~(8) A superintendent of schools of a city, exempted 237
village, or local school district shall initiate expulsion 238
proceedings pursuant to this section with respect to any pupil 239
who has committed an act warranting expulsion under the 240
district's policy regarding expulsion even if the pupil has 241
withdrawn from school for any reason after the incident that 242
gives rise to the hearing but prior to the hearing or decision 243
to impose the expulsion. If, following the hearing, the pupil 244
would have been expelled for a period of time had the pupil 245
still been enrolled in the school, the expulsion shall be 246
imposed for the same length of time as on a pupil who has not 247
withdrawn from the school. 248

(C) (1) Subject to division (C) (2) of this section, if a 249
pupil's presence poses a continuing danger to persons or 250
property or an ongoing threat of disrupting the academic process 251
taking place either within a classroom or elsewhere on the 252
school premises, the superintendent or a principal or assistant 253
principal may remove a pupil from curricular activities or from 254
the school premises, and a teacher may remove a pupil from 255
curricular activities under the teacher's supervision, without 256
the notice and hearing requirements of division (A) or (B) of 257
this section. As soon as practicable after making such a 258

removal, the teacher shall submit in writing to the principal 259
the reasons for such removal. 260

(2) A pupil in any of grades pre-kindergarten through 261
three may be removed pursuant to division (C)(1) of this section 262
only for the remainder of the school day and shall be permitted 263
to return to curricular and extracurricular activities on the 264
school day following the day in which the student was removed. 265

(a) A school district or school that returns a student in 266
any of grades pre-kindergarten through three to curricular and 267
extracurricular activities on the next school day shall not be 268
required to follow division (C)(3) of this section with regard 269
to that student. 270

(b) A school district shall not initiate a suspension or 271
expulsion proceeding against a student in any of grades pre- 272
kindergarten through three who was removed from a curricular or 273
extracurricular activity under division (C) of this section 274
unless the student has committed an act described in division 275
(B)(1)(a) or (b) of section 3313.668 of the Revised Code. 276

(3) If a pupil is removed under division (C)(1) or (2) of 277
this section from a curricular activity or from the school 278
premises, written notice of the hearing and of the reason for 279
the removal shall be given to the pupil as soon as practicable 280
prior to the hearing, which shall be held on the next school day 281
after the initial removal is ordered. The hearing shall be held 282
in accordance with division (A) of this section unless it is 283
probable that the pupil may be subject to expulsion, in which 284
case a hearing in accordance with division (B) of this section 285
shall be held, except that the hearing shall be held on the next 286
school day after the date of the initial removal. The individual 287
who ordered, caused, or requested the removal to be made shall 288

be present at the hearing. 289

(4) If the superintendent or the principal reinstates a 290
pupil in a curricular activity under the teacher's supervision 291
prior to the hearing following a removal under this division, 292
the teacher, upon request, shall be given in writing the reasons 293
for such reinstatement. 294

(D) The superintendent or principal, within one school day 295
after the time of a pupil's expulsion or suspension, shall 296
notify in writing the parent, guardian, or custodian of the 297
pupil of the expulsion or suspension. In the case of an 298
expulsion, the superintendent or principal, within one school 299
day after the time of a pupil's expulsion, also shall notify in 300
writing the treasurer of the board of education. Each notice 301
shall include the reasons for the expulsion or suspension, 302
notification of the right of the pupil or the pupil's parent, 303
guardian, or custodian to appeal the expulsion or suspension to 304
the board of education or to its designee, to be represented in 305
all appeal proceedings, to be granted a hearing before the board 306
or its designee in order to be heard against the suspension or 307
expulsion, and to request that the hearing be held in executive 308
session, notification that the expulsion may be subject to 309
extension pursuant to division (F) of this section if the pupil 310
is sixteen years of age or older, and notification that the 311
superintendent may seek the pupil's permanent exclusion if the 312
suspension or expulsion was based on a violation listed in 313
division (A) of section 3313.662 of the Revised Code that was 314
committed when the child was sixteen years of age or older and 315
if the pupil is convicted of or adjudicated a delinquent child 316
for that violation. 317

In accordance with the policy adopted by the board of 318

education under section 3313.661 of the Revised Code, the notice 319
provided under this division shall specify the manner and date 320
by which the pupil or the pupil's parent, guardian, or custodian 321
shall notify the board of the pupil's, parent's, guardian's, or 322
custodian's intent to appeal the expulsion or suspension to the 323
board or its designee. 324

Any superintendent expelling a pupil under this section 325
for more than twenty school days or for any period of time if 326
the expulsion will extend into the following semester or school 327
year shall, in the notice required under this division, provide 328
the pupil and the pupil's parent, guardian, or custodian with 329
information about services or programs offered by public and 330
private agencies that work toward improving those aspects of the 331
pupil's attitudes and behavior that contributed to the incident 332
that gave rise to the pupil's expulsion. The information shall 333
include the names, addresses, and phone numbers of the 334
appropriate public and private agencies. 335

(E) A pupil or the pupil's parent, guardian, or custodian 336
may appeal the pupil's expulsion by a superintendent or 337
suspension by a superintendent, principal, assistant principal, 338
or other administrator to the board of education or to its 339
designee. If the pupil or the pupil's parent, guardian, or 340
custodian intends to appeal the expulsion or suspension to the 341
board or its designee, the pupil or the pupil's parent, 342
guardian, or custodian shall notify the board in the manner and 343
by the date specified in the notice provided under division (D) 344
of this section. The pupil or the pupil's parent, guardian, or 345
custodian may be represented in all appeal proceedings and shall 346
be granted a hearing before the board or its designee in order 347
to be heard against the suspension or expulsion. At the request 348
of the pupil or of the pupil's parent, guardian, custodian, or 349

attorney, the board or its designee may hold the hearing in 350
executive session but shall act upon the suspension or expulsion 351
only at a public meeting. The board, by a majority vote of its 352
full membership or by the action of its designee, may affirm the 353
order of suspension or expulsion, reinstate the pupil, or 354
otherwise reverse, vacate, or modify the order of suspension or 355
expulsion. 356

The board or its designee shall make a verbatim record of 357
hearings held under this division. The decisions of the board or 358
its designee may be appealed under Chapter 2506. of the Revised 359
Code. 360

This section shall not be construed to require notice and 361
hearing in accordance with division (A), (B), or (C) of this 362
section in the case of normal disciplinary procedures in which a 363
pupil is removed from a curricular activity for a period of less 364
than one school day and is not subject to suspension or 365
expulsion. 366

(F) (1) If a pupil is expelled pursuant to division (B) of 367
this section for committing any violation listed in division (A) 368
of section 3313.662 of the Revised Code and the pupil was 369
sixteen years of age or older at the time of committing the 370
violation, if a complaint, indictment, or information is filed 371
alleging that the pupil is a delinquent child based upon the 372
commission of the violation or the pupil is prosecuted as an 373
adult for the commission of the violation, and if the resultant 374
juvenile court or criminal proceeding is pending at the time 375
that the expulsion terminates, the superintendent of schools 376
that expelled the pupil may file a motion with the court in 377
which the proceeding is pending requesting an order extending 378
the expulsion for the lesser of an additional eighty days or the 379

number of school days remaining in the school year. Upon the 380
filing of the motion, the court immediately shall schedule a 381
hearing and give written notice of the time, date, and location 382
of the hearing to the superintendent and to the pupil and the 383
pupil's parent, guardian, or custodian. At the hearing, the 384
court shall determine whether there is reasonable cause to 385
believe that the pupil committed the alleged violation that is 386
the basis of the expulsion and, upon determining that reasonable 387
cause to believe the pupil committed the violation does exist, 388
shall grant the requested extension. 389

(2) If a pupil has been convicted of or adjudicated a 390
delinquent child for a violation listed in division (A) of 391
section 3313.662 of the Revised Code for an act that was 392
committed when the child was sixteen years of age or older, if 393
the pupil has been expelled pursuant to division (B) of this 394
section for that violation, and if the board of education of the 395
school district of the school from which the pupil was expelled 396
has adopted a resolution seeking the pupil's permanent 397
exclusion, the superintendent may file a motion with the court 398
that convicted the pupil or adjudicated the pupil a delinquent 399
child requesting an order to extend the expulsion until an 400
adjudication order or other determination regarding permanent 401
exclusion is issued by the superintendent of public instruction 402
pursuant to section 3301.121 and division (D) of section 403
3313.662 of the Revised Code. Upon the filing of the motion, the 404
court immediately shall schedule a hearing and give written 405
notice of the time, date, and location of the hearing to the 406
superintendent of the school district, the pupil, and the 407
pupil's parent, guardian, or custodian. At the hearing, the 408
court shall determine whether there is reasonable cause to 409
believe the pupil's continued attendance in the public school 410

system may endanger the health and safety of other pupils or 411
school employees and, upon making that determination, shall 412
grant the requested extension. 413

(G) The failure of the superintendent or the board of 414
education to provide the information regarding the possibility 415
of permanent exclusion in the notice required by divisions (A), 416
(B), and (D) of this section is not jurisdictional, and the 417
failure shall not affect the validity of any suspension or 418
expulsion procedure that is conducted in accordance with this 419
section or the validity of a permanent exclusion procedure that 420
is conducted in accordance with sections 3301.121 and 3313.662 421
of the Revised Code. 422

(H) With regard to suspensions and expulsions pursuant to 423
divisions (A) and (B) of this section by the board of education 424
of any city, exempted village, or local school district, this 425
section shall apply to any student, whether or not the student 426
is enrolled in the district, attending or otherwise 427
participating in any curricular program provided in a school 428
operated by the board or provided on any other property owned or 429
controlled by the board. 430

(I) Whenever a student is expelled under this section, the 431
expulsion shall result in removal of the student from the 432
student's regular school setting. However, during the period of 433
the expulsion, the board of education of the school district 434
that expelled the student or any board of education admitting 435
the student during that expulsion period may provide educational 436
services to the student in an alternative setting. 437

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 438
3313.64, and 3313.65 of the Revised Code, any school district, 439
after offering an opportunity for a hearing, may temporarily 440

deny admittance to any pupil if one of the following applies: 441

(a) The pupil has been suspended from the schools of 442
another district under division (A) of this section and the 443
period of suspension, as established under that division, has 444
not expired; 445

(b) The pupil has been expelled from the schools of 446
another district under division (B) of this section and the 447
period of the expulsion, as established under that division or 448
as extended under division (F) of this section, has not expired. 449

If a pupil is temporarily denied admission under this 450
division, the pupil shall be admitted to school in accordance 451
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 452
Revised Code no later than upon expiration of the suspension or 453
expulsion period, as applicable. 454

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 455
and 3313.65 of the Revised Code, any school district, after 456
offering an opportunity for a hearing, may temporarily deny 457
admittance to any pupil if the pupil has been expelled or 458
otherwise removed for disciplinary purposes from a public school 459
in another state and the period of expulsion or removal has not 460
expired. If a pupil is temporarily denied admission under this 461
division, the pupil shall be admitted to school in accordance 462
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 463
Revised Code no later than the earlier of the following: 464

(a) Upon expiration of the expulsion or removal period 465
imposed by the out-of-state school; 466

(b) Upon expiration of a period established by the 467
district, beginning with the date of expulsion or removal from 468
the out-of-state school, that is no greater than the period of 469

expulsion that the pupil would have received under the policy 470
adopted by the district under section 3313.661 of the Revised 471
Code had the offense that gave rise to the expulsion or removal 472
by the out-of-state school been committed while the pupil was 473
enrolled in the district. 474

(K) As used in this section: 475

(1) "Permanently exclude" and "permanent exclusion" have 476
the same meanings as in section 3313.662 of the Revised Code. 477

(2) "In-school suspension" means the pupil will serve all 478
of the suspension in a supervised learning environment within a 479
school setting. 480

Sec. 3313.661. (A) Subject to the limitations set forth in 481
section 3313.668 of the Revised Code, the board of education of 482
each city, exempted village, and local school district shall 483
adopt a policy regarding suspension, expulsion, removal, and 484
permanent exclusion that specifies the types of misconduct for 485
which a pupil may be suspended, expelled, or removed. The types 486
of misconduct may include misconduct by a pupil that occurs off 487
of property owned or controlled by the district but that is 488
connected to activities or incidents that have occurred on 489
property owned or controlled by that district and misconduct by 490
a pupil that, regardless of where it occurs, is directed at a 491
district official or employee, or the property of such official 492
or employee. The policy shall specify the reasons for which the 493
superintendent of the district may reduce the expulsion 494
requirement in division (B) (2) of section 3313.66 of the Revised 495
Code. If a board of education adopts a resolution pursuant to 496
division (B) (3) of section 3313.66 of the Revised Code, the 497
policy shall define the term "knife capable of causing serious 498
bodily injury" or "firearm," as applicable, for purposes of 499

expulsion under that resolution and shall specify any reasons 500
for which the superintendent of the district may reduce any 501
required expulsion period on a case-by-case basis. If a board of 502
education adopts a resolution pursuant to division (B) (4) ~~or~~, 503
(5), or (6) of section 3313.66 of the Revised Code, the policy 504
shall specify any reasons for which the superintendent of the 505
district may reduce any ~~required~~ expulsion period on a case-by- 506
case basis. The policy also shall set forth the acts listed in 507
section 3313.662 of the Revised Code for which a pupil may be 508
permanently excluded. 509

The policy adopted under this division shall specify the 510
date and manner by which a pupil or a pupil's parent, guardian, 511
or custodian may notify the board of the pupil's, parent's, 512
guardian's, or custodian's intent to appeal an expulsion or 513
suspension to the board or its designee pursuant to division (E) 514
of section 3313.66 of the Revised Code. In the case of any 515
expulsion, the policy shall not specify a date that is less than 516
fourteen calendar days after the date of the notice provided to 517
the pupil or the pupil's parent, guardian, or custodian under 518
division (D) of that section. 519

A copy of the policy shall be posted in a central location 520
in the school and made available to pupils upon request. No 521
pupil shall be suspended, expelled, or removed except in 522
accordance with the policy adopted by the board of education of 523
the school district in which the pupil attends school, and no 524
pupil shall be permanently excluded except in accordance with 525
sections 3301.121 and 3313.662 of the Revised Code. 526

(B) A board of education may establish a program and adopt 527
guidelines under which a superintendent may require a pupil to 528
perform community service in conjunction with a suspension or 529

expulsion imposed under section 3313.66 of the Revised Code or 530
in place of a suspension or expulsion imposed under section 531
3313.66 of the Revised Code except for an expulsion imposed 532
pursuant to division (B) (2) of that section. If a board adopts 533
guidelines under this division, they shall permit, except with 534
regard to an expulsion pursuant to division (B) (2) of section 535
3313.66 of the Revised Code, a superintendent to impose a 536
community service requirement beyond the end of the school year 537
in lieu of applying an expulsion into the following school year. 538
Any guidelines adopted shall be included in the policy adopted 539
under this section. 540

(C) The written policy of each board of education that is 541
adopted pursuant to section 3313.20 of the Revised Code shall be 542
posted in a central location in each school that is subject to 543
the policy and shall be made available to pupils upon request. 544

(D) Except as described in division (B) of section 545
3313.668 of the Revised Code, any policy, program, or guideline 546
adopted by a board of education under this section with regard 547
to suspensions or expulsions pursuant to division (A) or (B) of 548
section 3313.66 of the Revised Code shall apply to any student, 549
whether or not the student is enrolled in the district, 550
attending or otherwise participating in any curricular program 551
provided in a school operated by the board or provided on any 552
other property owned or controlled by the board. 553

(E) As used in this section, "permanently exclude" and 554
"permanent exclusion" have the same meanings as in section 555
3313.662 of the Revised Code. 556

Sec. 3313.754. The board of education of each city, local, 557
and exempted village school district and the chief 558
administrative officer of each chartered nonpublic school shall 559

require the telephone number for the SaferOH tip line to be 560
conspicuously posted throughout each of the district's or 561
school's buildings and on the district's or school's web site. 562

Sec. 3314.03. A copy of every contract entered into under 563
this section shall be filed with the superintendent of public 564
instruction. The department of education shall make available on 565
its web site a copy of every approved, executed contract filed 566
with the superintendent under this section. 567

(A) Each contract entered into between a sponsor and the 568
governing authority of a community school shall specify the 569
following: 570

(1) That the school shall be established as either of the 571
following: 572

(a) A nonprofit corporation established under Chapter 573
1702. of the Revised Code, if established prior to April 8, 574
2003; 575

(b) A public benefit corporation established under Chapter 576
1702. of the Revised Code, if established after April 8, 2003. 577

(2) The education program of the school, including the 578
school's mission, the characteristics of the students the school 579
is expected to attract, the ages and grades of students, and the 580
focus of the curriculum; 581

(3) The academic goals to be achieved and the method of 582
measurement that will be used to determine progress toward those 583
goals, which shall include the statewide achievement 584
assessments; 585

(4) Performance standards, including but not limited to 586
all applicable report card measures set forth in section 3302.03 587

or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	588 589
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	590 591 592
(6) (a) Dismissal procedures;	593
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	594 595 596 597 598 599
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	600 601
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	602 603 604 605 606 607
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	608 609
(a) A detailed description of each facility used for instructional purposes;	610 611
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	612 613
(c) The annual mortgage principal and interest payments that are paid by the school;	614 615

(d) The name of the lender or landlord, identified as 616
such, and the lender's or landlord's relationship to the 617
operator, if any. 618

(10) Qualifications of teachers, including a requirement 619
that the school's classroom teachers be licensed in accordance 620
with sections 3319.22 to 3319.31 of the Revised Code, except 621
that a community school may engage noncertificated persons to 622
teach up to twelve hours per week pursuant to section 3319.301 623
of the Revised Code. 624

(11) That the school will comply with the following 625
requirements: 626

(a) The school will provide learning opportunities to a 627
minimum of twenty-five students for a minimum of nine hundred 628
twenty hours per school year. 629

(b) The governing authority will purchase liability 630
insurance, or otherwise provide for the potential liability of 631
the school. 632

(c) The school will be nonsectarian in its programs, 633
admission policies, employment practices, and all other 634
operations, and will not be operated by a sectarian school or 635
religious institution. 636

(d) The school will comply with sections 9.90, 9.91, 637
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 638
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.206, 639
3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 640
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 641
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 642
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 643
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 644

3313.719, 3313.7112, 3313.721, 3313.754, 3313.80, 3313.814, 645
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 646
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 647
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 648
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 649
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 650
and 4167. of the Revised Code as if it were a school district 651
and will comply with section 3301.0714 of the Revised Code in 652
the manner specified in section 3314.17 of the Revised Code. 653

(e) The school shall comply with Chapter 102. and section 654
2921.42 of the Revised Code. 655

(f) The school will comply with sections 3313.61, 656
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 657
Revised Code, except that for students who enter ninth grade for 658
the first time before July 1, 2010, the requirement in sections 659
3313.61 and 3313.611 of the Revised Code that a person must 660
successfully complete the curriculum in any high school prior to 661
receiving a high school diploma may be met by completing the 662
curriculum adopted by the governing authority of the community 663
school rather than the curriculum specified in Title XXXIII of 664
the Revised Code or any rules of the state board of education. 665
Beginning with students who enter ninth grade for the first time 666
on or after July 1, 2010, the requirement in sections 3313.61 667
and 3313.611 of the Revised Code that a person must successfully 668
complete the curriculum of a high school prior to receiving a 669
high school diploma shall be met by completing the requirements 670
prescribed in division (C) of section 3313.603 of the Revised 671
Code, unless the person qualifies under division (D) or (F) of 672
that section. Each school shall comply with the plan for 673
awarding high school credit based on demonstration of subject 674
area competency, and beginning with the 2017-2018 school year, 675

with the updated plan that permits students enrolled in seventh 676
and eighth grade to meet curriculum requirements based on 677
subject area competency adopted by the state board of education 678
under divisions (J) (1) and (2) of section 3313.603 of the 679
Revised Code. Beginning with the 2018-2019 school year, the 680
school shall comply with the framework for granting units of 681
high school credit to students who demonstrate subject area 682
competency through work-based learning experiences, internships, 683
or cooperative education developed by the department under 684
division (J) (3) of section 3313.603 of the Revised Code. 685

(g) The school governing authority will submit within four 686
months after the end of each school year a report of its 687
activities and progress in meeting the goals and standards of 688
divisions (A) (3) and (4) of this section and its financial 689
status to the sponsor and the parents of all students enrolled 690
in the school. 691

(h) The school, unless it is an internet- or computer- 692
based community school, will comply with section 3313.801 of the 693
Revised Code as if it were a school district. 694

(i) If the school is the recipient of moneys from a grant 695
awarded under the federal race to the top program, Division (A), 696
Title XIV, Sections 14005 and 14006 of the "American Recovery 697
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 698
the school will pay teachers based upon performance in 699
accordance with section 3317.141 and will comply with section 700
3319.111 of the Revised Code as if it were a school district. 701

(j) If the school operates a preschool program that is 702
licensed by the department of education under sections 3301.52 703
to 3301.59 of the Revised Code, the school shall comply with 704
sections 3301.50 to 3301.59 of the Revised Code and the minimum 705

standards for preschool programs prescribed in rules adopted by 706
the state board under section 3301.53 of the Revised Code. 707

(k) The school will comply with sections 3313.6021 and 708
3313.6023 of the Revised Code as if it were a school district 709
unless it is either of the following: 710

(i) An internet- or computer-based community school; 711

(ii) A community school in which a majority of the 712
enrolled students are children with disabilities as described in 713
division (A) (4) (b) of section 3314.35 of the Revised Code. 714

(12) Arrangements for providing health and other benefits 715
to employees; 716

(13) The length of the contract, which shall begin at the 717
beginning of an academic year. No contract shall exceed five 718
years unless such contract has been renewed pursuant to division 719
(E) of this section. 720

(14) The governing authority of the school, which shall be 721
responsible for carrying out the provisions of the contract; 722

(15) A financial plan detailing an estimated school budget 723
for each year of the period of the contract and specifying the 724
total estimated per pupil expenditure amount for each such year. 725

(16) Requirements and procedures regarding the disposition 726
of employees of the school in the event the contract is 727
terminated or not renewed pursuant to section 3314.07 of the 728
Revised Code; 729

(17) Whether the school is to be created by converting all 730
or part of an existing public school or educational service 731
center building or is to be a new start-up school, and if it is 732
a converted public school or service center building, 733

specification of any duties or responsibilities of an employer 734
that the board of education or service center governing board 735
that operated the school or building before conversion is 736
delegating to the governing authority of the community school 737
with respect to all or any specified group of employees provided 738
the delegation is not prohibited by a collective bargaining 739
agreement applicable to such employees; 740

(18) Provisions establishing procedures for resolving 741
disputes or differences of opinion between the sponsor and the 742
governing authority of the community school; 743

(19) A provision requiring the governing authority to 744
adopt a policy regarding the admission of students who reside 745
outside the district in which the school is located. That policy 746
shall comply with the admissions procedures specified in 747
sections 3314.06 and 3314.061 of the Revised Code and, at the 748
sole discretion of the authority, shall do one of the following: 749

(a) Prohibit the enrollment of students who reside outside 750
the district in which the school is located; 751

(b) Permit the enrollment of students who reside in 752
districts adjacent to the district in which the school is 753
located; 754

(c) Permit the enrollment of students who reside in any 755
other district in the state. 756

(20) A provision recognizing the authority of the 757
department of education to take over the sponsorship of the 758
school in accordance with the provisions of division (C) of 759
section 3314.015 of the Revised Code; 760

(21) A provision recognizing the sponsor's authority to 761
assume the operation of a school under the conditions specified 762

in division (B) of section 3314.073 of the Revised Code; 763

(22) A provision recognizing both of the following: 764

(a) The authority of public health and safety officials to 765
inspect the facilities of the school and to order the facilities 766
closed if those officials find that the facilities are not in 767
compliance with health and safety laws and regulations; 768

(b) The authority of the department of education as the 769
community school oversight body to suspend the operation of the 770
school under section 3314.072 of the Revised Code if the 771
department has evidence of conditions or violations of law at 772
the school that pose an imminent danger to the health and safety 773
of the school's students and employees and the sponsor refuses 774
to take such action. 775

(23) A description of the learning opportunities that will 776
be offered to students including both classroom-based and non- 777
classroom-based learning opportunities that is in compliance 778
with criteria for student participation established by the 779
department under division (H) (2) of section 3314.08 of the 780
Revised Code; 781

(24) The school will comply with sections 3302.04 and 782
3302.041 of the Revised Code, except that any action required to 783
be taken by a school district pursuant to those sections shall 784
be taken by the sponsor of the school. However, the sponsor 785
shall not be required to take any action described in division 786
(F) of section 3302.04 of the Revised Code. 787

(25) Beginning in the 2006-2007 school year, the school 788
will open for operation not later than the thirtieth day of 789
September each school year, unless the mission of the school as 790
specified under division (A) (2) of this section is solely to 791

serve dropouts. In its initial year of operation, if the school 792
fails to open by the thirtieth day of September, or within one 793
year after the adoption of the contract pursuant to division (D) 794
of section 3314.02 of the Revised Code if the mission of the 795
school is solely to serve dropouts, the contract shall be void. 796

(26) Whether the school's governing authority is planning 797
to seek designation for the school as a STEM school equivalent 798
under section 3326.032 of the Revised Code; 799

(27) That the school's attendance and participation 800
policies will be available for public inspection; 801

(28) That the school's attendance and participation 802
records shall be made available to the department of education, 803
auditor of state, and school's sponsor to the extent permitted 804
under and in accordance with the "Family Educational Rights and 805
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 806
and any regulations promulgated under that act, and section 807
3319.321 of the Revised Code; 808

(29) If a school operates using the blended learning 809
model, as defined in section 3301.079 of the Revised Code, all 810
of the following information: 811

(a) An indication of what blended learning model or models 812
will be used; 813

(b) A description of how student instructional needs will 814
be determined and documented; 815

(c) The method to be used for determining competency, 816
granting credit, and promoting students to a higher grade level; 817

(d) The school's attendance requirements, including how 818
the school will document participation in learning 819

opportunities;	820
(e) A statement describing how student progress will be monitored;	821 822
(f) A statement describing how private student data will be protected;	823 824
(g) A description of the professional development activities that will be offered to teachers.	825 826
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	827 828 829 830
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	831 832 833 834 835
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	836 837 838 839 840
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	841 842 843
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	844 845 846
(1) The process by which the governing authority of the	847

school will be selected in the future;	848
(2) The management and administration of the school;	849
(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;	850 851 852 853 854
(4) The instructional program and educational philosophy of the school;	855 856
(5) Internal financial controls.	857
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.	858 859 860 861
(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.	862 863 864 865 866 867 868 869 870 871
(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:	872 873 874 875 876

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	877 878 879
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	880 881 882
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students enrolled in the community school;	883 884 885 886
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	887 888 889
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	890 891 892 893 894 895 896
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	897 898 899
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and	900 901 902 903 904 905

terms of the contract and the school's progress in meeting the 906
academic goals prescribed in the contract have been 907
satisfactory. Any contract that is renewed under this division 908
remains subject to the provisions of sections 3314.07, 3314.072, 909
and 3314.073 of the Revised Code. 910

(F) If a community school fails to open for operation 911
within one year after the contract entered into under this 912
section is adopted pursuant to division (D) of section 3314.02 913
of the Revised Code or permanently closes prior to the 914
expiration of the contract, the contract shall be void and the 915
school shall not enter into a contract with any other sponsor. A 916
school shall not be considered permanently closed because the 917
operations of the school have been suspended pursuant to section 918
3314.072 of the Revised Code. 919

Sec. 3326.11. Each science, technology, engineering, and 920
mathematics school established under this chapter and its 921
governing body shall comply with sections 9.90, 9.91, 109.65, 922
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 923
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 924
3313.16, 3313.18, 3313.201, 3313.206, 3313.26, 3313.472, 925
3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 926
3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 927
3313.6020, 3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 928
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 929
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 930
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 931
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 932
3313.754, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 933
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 934
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 935
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 936

3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 937
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 938
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 939
as if it were a school district. 940

Sec. 5502.03. (A) There is hereby created in the 941
department of public safety a division of homeland security. 942

(B) The division shall do all of the following: 943

(1) Coordinate all homeland security activities of all 944
state agencies and be the liaison between state agencies and 945
local entities for the purposes of communicating homeland 946
security funding and policy initiatives; 947

(2) Collect, analyze, maintain, and disseminate 948
information to support local, state, and federal law enforcement 949
agencies, other government agencies, and private organizations 950
in detecting, deterring, preventing, preparing for, responding 951
to, and recovering from threatened or actual terrorist events. 952
This information is not a public record pursuant to section 953
149.43 of the Revised Code. 954

(3) Coordinate efforts of state and local governments and 955
private organizations to enhance the security and protection of 956
critical infrastructure, including casino facilities, and key 957
assets in this state; 958

(4) Develop and coordinate policies, protocols, and 959
strategies that may be used to prevent, detect, prepare for, 960
respond to, and recover from terrorist acts or threats; 961

(5) Develop, update, and coordinate the implementation of 962
an Ohio homeland security strategic plan that will guide state 963
and local governments in the achievement of homeland security in 964
this state. 965

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel.

(E) (1) As used in division (E) of this section:

(a) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code.

(b) "Public school" has the same meaning as in section 3781.106 of the Revised Code.

(2) The director of public safety shall establish the Ohio school safety center within the division of homeland security. In addition to its other duties and functions required or authorized by law or executive order, the Ohio school safety center shall develop a mechanism by which public and chartered nonpublic schools may make reports to the center required by section 3313.206 of the Revised Code.

Section 2. That existing sections 3313.66, 3313.661, 3314.03, 3326.11, and 5502.03 of the Revised Code are hereby

repealed.

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