

**As Reported by the Senate Finance Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 246**

**Senators Lehner, Manning**

**Cosponsors: Senators Beagle, Wilson, Brown, Williams, Sykes, Thomas, Tavares**

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**A BILL**

To amend sections 3302.03, 3313.534, 3313.66, 1  
3313.661, 3313.668, and 3319.46 and to enact 2  
section 3319.237 of the Revised Code to enact 3  
the "SAFE Act" to revise the procedures for 4  
emergency removal of a student, to prohibit 5  
certain suspensions and expulsions of students 6  
in grades pre-kindergarten through three, to 7  
require each public school to implement a 8  
positive behavior intervention and supports 9  
framework in accordance with state standards, 10  
and to make an appropriation. 11

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

**Section 1.** That sections 3302.03, 3313.534, 3313.66, 12  
3313.661, 3313.668, and 3319.46 be amended and section 3319.237 13  
of the Revised Code be enacted to read as follows: 14

**Sec. 3302.03.** Annually, not later than the fifteenth day 15  
of September or the preceding Friday when that day falls on a 16  
Saturday or Sunday, the department of education shall assign a 17  
letter grade for overall academic performance and for each 18

separate performance measure for each school district, and each 19  
school building in a district, in accordance with this section. 20  
The state board shall adopt rules pursuant to Chapter 119. of 21  
the Revised Code to establish performance criteria for each 22  
letter grade and prescribe a method by which the department 23  
assigns each letter grade. For a school building to which any of 24  
the performance measures do not apply, due to grade levels 25  
served by the building, the state board shall designate the 26  
performance measures that are applicable to the building and 27  
that must be calculated separately and used to calculate the 28  
building's overall grade. The department shall issue annual 29  
report cards reflecting the performance of each school district, 30  
each building within each district, and for the state as a whole 31  
using the performance measures and letter grade system described 32  
in this section. The department shall include on the report card 33  
for each district and each building within each district the 34  
most recent two-year trend data in student achievement for each 35  
subject and each grade. 36

(A) (1) For the 2012-2013 school year, the department shall 37  
issue grades as described in division (E) of this section for 38  
each of the following performance measures: 39

(a) Annual measurable objectives; 40

(b) Performance index score for a school district or 41  
building. Grades shall be awarded as a percentage of the total 42  
possible points on the performance index system as adopted by 43  
the state board. In adopting benchmarks for assigning letter 44  
grades under division (A) (1) (b) of this section, the state board 45  
of education shall designate ninety per cent or higher for an 46  
"A," at least seventy per cent but not more than eighty per cent 47  
for a "C," and less than fifty per cent for an "F." 48

(c) The extent to which the school district or building 49  
meets each of the applicable performance indicators established 50  
by the state board under section 3302.02 of the Revised Code and 51  
the percentage of applicable performance indicators that have 52  
been achieved. In adopting benchmarks for assigning letter 53  
grades under division (A)(1)(c) of this section, the state board 54  
shall designate ninety per cent or higher for an "A." 55

(d) The four- and five-year adjusted cohort graduation 56  
rates. 57

In adopting benchmarks for assigning letter grades under 58  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 59  
department shall designate a four-year adjusted cohort 60  
graduation rate of ninety-three per cent or higher for an "A" 61  
and a five-year cohort graduation rate of ninety-five per cent 62  
or higher for an "A." 63

(e) The overall score under the value-added progress 64  
dimension of a school district or building, for which the 65  
department shall use up to three years of value-added data as 66  
available. The letter grade assigned for this growth measure 67  
shall be as follows: 68

(i) A score that is at least two standard errors of 69  
measure above the mean score shall be designated as an "A." 70

(ii) A score that is at least one standard error of 71  
measure but less than two standard errors of measure above the 72  
mean score shall be designated as a "B." 73

(iii) A score that is less than one standard error of 74  
measure above the mean score but greater than or equal to one 75  
standard error of measure below the mean score shall be 76  
designated as a "C." 77

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 78  
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(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 82  
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Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section. 84  
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 89  
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(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 95  
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A) (1) of this section shall 104  
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be assessed and assigned a letter grade, the department shall 107  
conduct a public presentation before the standing committees of 108  
the house of representatives and the senate that consider 109  
education legislation describing such methods, including 110  
performance benchmarks. 111

(3) There shall not be an overall letter grade for a 112  
school district or building for the 2012-2013 school year. 113

(B) (1) For the 2013-2014 and 2014-2015 school years, the 114  
department shall issue grades as described in division (E) of 115  
this section for each of the following performance measures: 116

(a) Annual measurable objectives; 117

(b) Performance index score for a school district or 118  
building. Grades shall be awarded as a percentage of the total 119  
possible points on the performance index system as created by 120  
the department. In adopting benchmarks for assigning letter 121  
grades under division (B) (1) (b) of this section, the state board 122  
shall designate ninety per cent or higher for an "A," at least 123  
seventy per cent but not more than eighty per cent for a "C," 124  
and less than fifty per cent for an "F." 125

(c) The extent to which the school district or building 126  
meets each of the applicable performance indicators established 127  
by the state board under section 3302.03 of the Revised Code and 128  
the percentage of applicable performance indicators that have 129  
been achieved. In adopting benchmarks for assigning letter 130  
grades under division (B) (1) (c) of this section, the state board 131  
shall designate ninety per cent or higher for an "A." 132

(d) The four- and five-year adjusted cohort graduation 133  
rates; 134

(e) The overall score under the value-added progress 135

dimension of a school district or building, for which the 136  
department shall use up to three years of value-added data as 137  
available. 138

(f) The value-added progress dimension score for a school 139  
district or building disaggregated for each of the following 140  
subgroups: students identified as gifted in superior cognitive 141  
ability and specific academic ability fields under Chapter 3324. 142  
of the Revised Code, students with disabilities, and students 143  
whose performance places them in the lowest quintile for 144  
achievement on a statewide basis. Each subgroup shall be a 145  
separate graded measure. 146

(g) Whether a school district or building is making 147  
progress in improving literacy in grades kindergarten through 148  
three, as determined using a method prescribed by the state 149  
board. The state board shall adopt rules to prescribe benchmarks 150  
and standards for assigning grades to districts and buildings 151  
for purposes of division (B) (1) (g) of this section. In adopting 152  
benchmarks for assigning letter grades under divisions (B) (1) (g) 153  
and (C) (1) (g) of this section, the state board shall determine 154  
progress made based on the reduction in the total percentage of 155  
students scoring below grade level, or below proficient, 156  
compared from year to year on the reading and writing diagnostic 157  
assessments administered under section 3301.0715 of the Revised 158  
Code and the third grade English language arts assessment under 159  
section 3301.0710 of the Revised Code, as applicable. The state 160  
board shall designate for a "C" grade a value that is not lower 161  
than the statewide average value for this measure. No grade 162  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 163  
section for a district or building in which less than five per 164  
cent of students have scored below grade level on the diagnostic 165  
assessment administered to students in kindergarten under 166

division (B) (1) of section 3313.608 of the Revised Code. 167

(h) For a high mobility school district or building, an 168  
additional value-added progress dimension score. For this 169  
measure, the department shall use value-added data from the most 170  
recent school year available and shall use assessment scores for 171  
only those students to whom the district or building has 172  
administered the assessments prescribed by section 3301.0710 of 173  
the Revised Code for each of the two most recent consecutive 174  
school years. 175

As used in this division, "high mobility school district 176  
or building" means a school district or building where at least 177  
twenty-five per cent of its total enrollment is made up of 178  
students who have attended that school district or building for 179  
less than one year. 180

(2) In addition to the graded measures in division (B) (1) 181  
of this section, the department shall include on a school 182  
district's or building's report card all of the following 183  
without an assigned letter grade: 184

(a) The percentage of students enrolled in a district or 185  
building participating in advanced placement classes and the 186  
percentage of those students who received a score of three or 187  
better on advanced placement examinations; 188

(b) The number of a district's or building's students who 189  
have earned at least three college credits through dual 190  
enrollment or advanced standing programs, such as the post- 191  
secondary enrollment options program under Chapter 3365. of the 192  
Revised Code and state-approved career-technical courses offered 193  
through dual enrollment or statewide articulation, that appear 194  
on a student's transcript or other official document, either of 195

which is issued by the institution of higher education from 196  
which the student earned the college credit. The credits earned 197  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 198  
this section shall not include any that are remedial or 199  
developmental and shall include those that count toward the 200  
curriculum requirements established for completion of a degree. 201

(c) The percentage of students enrolled in a district or 202  
building who have taken a national standardized test used for 203  
college admission determinations and the percentage of those 204  
students who are determined to be remediation-free in accordance 205  
with standards adopted under division (F) of section 3345.061 of 206  
the Revised Code; 207

(d) The percentage of the district's or the building's 208  
students who receive industry-recognized credentials as approved 209  
under section 3313.6113 of the Revised Code. 210

(e) The percentage of students enrolled in a district or 211  
building who are participating in an international baccalaureate 212  
program and the percentage of those students who receive a score 213  
of four or better on the international baccalaureate 214  
examinations. 215

(f) The percentage of the district's or building's 216  
students who receive an honors diploma under division (B) of 217  
section 3313.61 of the Revised Code. 218

(3) Not later than December 31, 2013, the state board 219  
shall adopt rules in accordance with Chapter 119. of the Revised 220  
Code that prescribe the methods by which the performance 221  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 222  
will be assessed and assigned a letter grade, including 223  
performance benchmarks for each grade. 224



At least forty-five days prior to the state board's 225  
adoption of rules to prescribe the methods by which the 226  
performance measures under division (B) (1) of this section shall 227  
be assessed and assigned a letter grade, the department shall 228  
conduct a public presentation before the standing committees of 229  
the house of representatives and the senate that consider 230  
education legislation describing such methods, including 231  
performance benchmarks. 232

(4) There shall not be an overall letter grade for a 233  
school district or building for the 2013-2014, 2014-2015, 2015- 234  
2016, and 2016-2017 school years. 235

(C) (1) For the 2014-2015 school year and each school year 236  
thereafter, the department shall issue grades as described in 237  
division (E) of this section for each of the performance 238  
measures prescribed in division (C) (1) of this section. The 239  
graded measures are as follows: 240

(a) Annual measurable objectives; 241

(b) Performance index score for a school district or 242  
building. Grades shall be awarded as a percentage of the total 243  
possible points on the performance index system as created by 244  
the department. In adopting benchmarks for assigning letter 245  
grades under division (C) (1) (b) of this section, the state board 246  
shall designate ninety per cent or higher for an "A," at least 247  
seventy per cent but not more than eighty per cent for a "C," 248  
and less than fifty per cent for an "F." 249

(c) The extent to which the school district or building 250  
meets each of the applicable performance indicators established 251  
by the state board under section 3302.03 of the Revised Code and 252  
the percentage of applicable performance indicators that have 253

been achieved. In adopting benchmarks for assigning letter 254  
grades under division (C) (1) (c) of this section, the state board 255  
shall designate ninety per cent or higher for an "A." 256

(d) The four- and five-year adjusted cohort graduation 257  
rates; 258

(e) The overall score under the value-added progress 259  
dimension, or another measure of student academic progress if 260  
adopted by the state board, of a school district or building, 261  
for which the department shall use up to three years of value- 262  
added data as available. 263

In adopting benchmarks for assigning letter grades for 264  
overall score on value-added progress dimension under division 265  
(C) (1) (e) of this section, the state board shall prohibit the 266  
assigning of a grade of "A" for that measure unless the 267  
district's or building's grade assigned for value-added progress 268  
dimension for all subgroups under division (C) (1) (f) of this 269  
section is a "B" or higher. 270

For the metric prescribed by division (C) (1) (e) of this 271  
section, the state board may adopt a student academic progress 272  
measure to be used instead of the value-added progress 273  
dimension. If the state board adopts such a measure, it also 274  
shall prescribe a method for assigning letter grades for the new 275  
measure that is comparable to the method prescribed in division 276  
(A) (1) (e) of this section. 277

(f) The value-added progress dimension score of a school 278  
district or building disaggregated for each of the following 279  
subgroups: students identified as gifted in superior cognitive 280  
ability and specific academic ability fields under Chapter 3324. 281  
of the Revised Code, students with disabilities, and students 282

whose performance places them in the lowest quintile for 283  
achievement on a statewide basis, as determined by a method 284  
prescribed by the state board. Each subgroup shall be a separate 285  
graded measure. 286

The state board may adopt student academic progress 287  
measures to be used instead of the value-added progress 288  
dimension. If the state board adopts such measures, it also 289  
shall prescribe a method for assigning letter grades for the new 290  
measures that is comparable to the method prescribed in division 291  
(A) (1) (e) of this section. 292

(g) Whether a school district or building is making 293  
progress in improving literacy in grades kindergarten through 294  
three, as determined using a method prescribed by the state 295  
board. The state board shall adopt rules to prescribe benchmarks 296  
and standards for assigning grades to a district or building for 297  
purposes of division (C) (1) (g) of this section. The state board 298  
shall designate for a "C" grade a value that is not lower than 299  
the statewide average value for this measure. No grade shall be 300  
issued under division (C) (1) (g) of this section for a district 301  
or building in which less than five per cent of students have 302  
scored below grade level on the kindergarten diagnostic 303  
assessment under division (B) (1) of section 3313.608 of the 304  
Revised Code. 305

(h) For a high mobility school district or building, an 306  
additional value-added progress dimension score. For this 307  
measure, the department shall use value-added data from the most 308  
recent school year available and shall use assessment scores for 309  
only those students to whom the district or building has 310  
administered the assessments prescribed by section 3301.0710 of 311  
the Revised Code for each of the two most recent consecutive 312

school years.	313
As used in this division, "high mobility school district	314
or building" means a school district or building where at least	315
twenty-five per cent of its total enrollment is made up of	316
students who have attended that school district or building for	317
less than one year.	318
(2) In addition to the graded measures in division (C) (1)	319
of this section, the department shall include on a school	320
district's or building's report card all of the following	321
without an assigned letter grade:	322
(a) The percentage of students enrolled in a district or	323
building who have taken a national standardized test used for	324
college admission determinations and the percentage of those	325
students who are determined to be remediation-free in accordance	326
with the standards adopted under division (F) of section	327
3345.061 of the Revised Code;	328
(b) The percentage of students enrolled in a district or	329
building participating in advanced placement classes and the	330
percentage of those students who received a score of three or	331
better on advanced placement examinations;	332
(c) The percentage of a district's or building's students	333
who have earned at least three college credits through advanced	334
standing programs, such as the college credit plus program under	335
Chapter 3365. of the Revised Code and state-approved career-	336
technical courses offered through dual enrollment or statewide	337
articulation, that appear on a student's college transcript	338
issued by the institution of higher education from which the	339
student earned the college credit. The credits earned that are	340
reported under divisions (B) (2) (b) and (C) (2) (c) of this section	341

shall not include any that are remedial or developmental and 342  
shall include those that count toward the curriculum 343  
requirements established for completion of a degree. 344

(d) The percentage of the district's or building's 345  
students who receive an honor's diploma under division (B) of 346  
section 3313.61 of the Revised Code; 347

(e) The percentage of the district's or building's 348  
students who receive industry-recognized credentials as approved 349  
under section 3313.6113 of the Revised Code; 350

(f) The percentage of students enrolled in a district or 351  
building who are participating in an international baccalaureate 352  
program and the percentage of those students who receive a score 353  
of four or better on the international baccalaureate 354  
examinations; 355

(g) The results of the college and career-ready 356  
assessments administered under division (B) (1) of section 357  
3301.0712 of the Revised Code; 358

(h) Whether the school district or building has 359  
implemented a positive behavior intervention and supports 360  
framework in compliance with the requirements of section 3319.46 361  
of the Revised Code, notated as a "yes" or "no" answer. 362

(3) The state board shall adopt rules pursuant to Chapter 363  
119. of the Revised Code that establish a method to assign an 364  
overall grade for a school district or school building for the 365  
2017-2018 school year and each school year thereafter. The rules 366  
shall group the performance measures in divisions (C) (1) and (2) 367  
of this section into the following components: 368

(a) Gap closing, which shall include the performance 369  
measure in division (C) (1) (a) of this section; 370

(b) Achievement, which shall include the performance	371
measures in divisions (C) (1) (b) and (c) of this section;	372
(c) Progress, which shall include the performance measures	373
in divisions (C) (1) (e) and (f) of this section;	374
(d) Graduation, which shall include the performance	375
measure in division (C) (1) (d) of this section;	376
(e) Kindergarten through third-grade literacy, which shall	377
include the performance measure in division (C) (1) (g) of this	378
section;	379
(f) Prepared for success, which shall include the	380
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	381
and (f) of this section. The state board shall develop a method	382
to determine a grade for the component in division (C) (3) (f) of	383
this section using the performance measures in divisions (C) (2)	384
(a), (b), (c), (d), (e), and (f) of this section. When	385
available, the state board may incorporate the performance	386
measure under division (C) (2) (g) of this section into the	387
component under division (C) (3) (f) of this section. When	388
determining the overall grade for the prepared for success	389
component prescribed by division (C) (3) (f) of this section, no	390
individual student shall be counted in more than one performance	391
measure. However, if a student qualifies for more than one	392
performance measure in the component, the state board may, in	393
its method to determine a grade for the component, specify an	394
additional weight for such a student that is not greater than or	395
equal to 1.0. In determining the overall score under division	396
(C) (3) (f) of this section, the state board shall ensure that the	397
pool of students included in the performance measures aggregated	398
under that division are all of the students included in the	399
four- and five-year adjusted graduation cohort.	400

In the rules adopted under division (C) (3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C) (3) (a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C) (3) (b) and (c) of this section.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) On or after July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(E) The letter grades assigned to a school district or building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;	431 432
(3) "C" for a district or school making average progress;	433
(4) "D" for a district or school making below average progress;	434 435
(5) "F" for a district or school failing to meet minimum progress.	436 437
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	438 439 440
(1) Performance of students by grade-level;	441
(2) Performance of students by race and ethnic group;	442
(3) Performance of students by gender;	443
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	444 445
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	446 447 448
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	449 450
(7) Performance of students grouped by those who are economically disadvantaged;	451 452
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	453 454 455
(9) Performance of students grouped by those who are	456



classified as limited English proficient;	457
(10) Performance of students grouped by those who have disabilities;	458 459
(11) Performance of students grouped by those who are classified as migrants;	460 461
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	462 463 464 465 466 467 468 469 470
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	471 472 473
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F) (1) to (13) of this section that it deems relevant.	474 475 476 477 478 479 480
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report	481 482 483 484 485

student performance data for any group identified in division 486  
(F) of this section that contains less than ten students. If the 487  
department does not report student performance data for a group 488  
because it contains less than ten students, the department shall 489  
indicate on the report card that is why data was not reported. 490

(G) The department may include with the report cards any 491  
additional education and fiscal performance data it deems 492  
valuable. 493

(H) The department shall include on each report card a 494  
list of additional information collected by the department that 495  
is available regarding the district or building for which the 496  
report card is issued. When available, such additional 497  
information shall include student mobility data disaggregated by 498  
race and socioeconomic status, college enrollment data, and the 499  
reports prepared under section 3302.031 of the Revised Code. 500

The department shall maintain a site on the world wide 501  
web. The report card shall include the address of the site and 502  
shall specify that such additional information is available to 503  
the public at that site. The department shall also provide a 504  
copy of each item on the list to the superintendent of each 505  
school district. The district superintendent shall provide a 506  
copy of any item on the list to anyone who requests it. 507

(I) (1) (a) Except as provided in division (I) (1) (b) of this 508  
section, for any district that sponsors a conversion community 509  
school under Chapter 3314. of the Revised Code, the department 510  
shall combine data regarding the academic performance of 511  
students enrolled in the community school with comparable data 512  
from the schools of the district for the purpose of determining 513  
the performance of the district as a whole on the report card 514  
issued for the district under this section or section 3302.033 515

of the Revised Code. 516

(b) The department shall not combine data from any 517  
conversion community school that a district sponsors if a 518  
majority of the students enrolled in the conversion community 519  
school are enrolled in a dropout prevention and recovery program 520  
that is operated by the school, as described in division (A) (4) 521  
(a) of section 3314.35 of the Revised Code. The department shall 522  
include as an addendum to the district's report card the ratings 523  
and performance measures that are required under section 524  
3314.017 of the Revised Code for any community school to which 525  
division (I) (1) (b) of this section applies. This addendum shall 526  
include, at a minimum, the data specified in divisions (C) (1) 527  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 528

(2) Any district that leases a building to a community 529  
school located in the district or that enters into an agreement 530  
with a community school located in the district whereby the 531  
district and the school endorse each other's programs may elect 532  
to have data regarding the academic performance of students 533  
enrolled in the community school combined with comparable data 534  
from the schools of the district for the purpose of determining 535  
the performance of the district as a whole on the district 536  
report card. Any district that so elects shall annually file a 537  
copy of the lease or agreement with the department. 538

(3) Any municipal school district, as defined in section 539  
3311.71 of the Revised Code, that sponsors a community school 540  
located within the district's territory, or that enters into an 541  
agreement with a community school located within the district's 542  
territory whereby the district and the community school endorse 543  
each other's programs, may exercise either or both of the 544  
following elections: 545

(a) To have data regarding the academic performance of 546  
students enrolled in that community school combined with 547  
comparable data from the schools of the district for the purpose 548  
of determining the performance of the district as a whole on the 549  
district's report card; 550

(b) To have the number of students attending that 551  
community school noted separately on the district's report card. 552

The election authorized under division (I) (3) (a) of this 553  
section is subject to approval by the governing authority of the 554  
community school. 555

Any municipal school district that exercises an election 556  
to combine or include data under division (I) (3) of this 557  
section, by the first day of October of each year, shall file 558  
with the department documentation indicating eligibility for 559  
that election, as required by the department. 560

(J) The department shall include on each report card the 561  
percentage of teachers in the district or building who are 562  
highly qualified, as defined by the No Child Left Behind Act of 563  
2001, and a comparison of that percentage with the percentages 564  
of such teachers in similar districts and buildings. 565

(K) (1) In calculating English language arts, mathematics, 566  
or science assessment passage rates used to determine school 567  
district or building performance under this section, the 568  
department shall include all students taking an assessment with 569  
accommodation or to whom an alternate assessment is administered 570  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 571  
Revised Code. 572

(2) In calculating performance index scores, rates of 573  
achievement on the performance indicators established by the 574

state board under section 3302.02 of the Revised Code, and 575  
annual measurable objectives for determining adequate yearly 576  
progress for school districts and buildings under this section, 577  
the department shall do all of the following: 578

(a) Include for each district or building only those 579  
students who are included in the ADM certified for the first 580  
full school week of October and are continuously enrolled in the 581  
district or building through the time of the spring 582  
administration of any assessment prescribed by division (A) (1) 583  
or (B) (1) of section 3301.0710 or division (B) of section 584  
3301.0712 of the Revised Code that is administered to the 585  
student's grade level; 586

(b) Include cumulative totals from both the fall and 587  
spring administrations of the third grade English language arts 588  
achievement assessment; 589

(c) Except as required by the No Child Left Behind Act of 590  
2001, exclude for each district or building any limited English 591  
proficient student who has been enrolled in United States 592  
schools for less than one full school year. 593

(L) Beginning with the 2015-2016 school year and at least 594  
once every three years thereafter, the state board of education 595  
shall review and may adjust the benchmarks for assigning letter 596  
grades to the performance measures and components prescribed 597  
under divisions (C) (3) and (D) of this section. 598

**Sec. 3313.534.** (A) The board of education of each city, 599  
exempted village, and local school district shall adopt a policy 600  
of zero tolerance for violent, disruptive, or inappropriate 601  
behavior and establish strategies to address such behavior that 602  
range from prevention to intervention. A policy adopted pursuant 603

to this section shall comply with the requirements of sections 604  
3313.668 and 3319.46 of the Revised Code. 605

(B) Each of the big eight school districts, as defined in 606  
section 3314.02 of the Revised Code, shall establish under 607  
section 3313.533 of the Revised Code at least one alternative 608  
school to meet the educational needs of students with severe 609  
discipline problems, including, but not limited to, excessive 610  
disruption in the classroom and multiple suspensions or 611  
expulsions. Any other school district that attains after that 612  
date a significantly substandard graduation rate, as defined by 613  
the department of education, shall also establish such an 614  
alternative school under that section. 615

**Sec. 3313.66.** (A) (1) Except as provided under division (B) 616  
(2) of this section, and subject to section 3313.668 of the 617  
Revised Code, the superintendent of schools of a city, exempted 618  
village, or local school district, or the principal of a public 619  
school may suspend a pupil from school for not more than ten 620  
school days. The board of education of a city, exempted village, 621  
or local school district may adopt a policy granting assistant 622  
principals and other administrators the authority to suspend a 623  
pupil from school for a period of time as specified in the 624  
policy of the board of education, not to exceed ten school days. 625  
If at the time an out-of-school suspension is imposed there are 626  
fewer than ten school days remaining in the school year in which 627  
the incident that gives rise to the suspension takes place, the 628  
superintendent shall not apply any remaining part of the period 629  
of the suspension to the following school year. The 630  
superintendent may instead require the pupil to participate in a 631  
community service program or another alternative consequence for 632  
a number of hours equal to the remaining part of the period of 633  
the suspension. The pupil shall be required to begin the pupil's 634

community service or alternative consequence during the first 635  
full week day of summer break. Each school district, in its 636  
discretion, may develop an appropriate list of alternative 637  
consequences. In the event that a pupil fails to complete 638  
community service or the assigned alternative consequence, the 639  
school district may determine the next course of action, which 640  
shall not include requiring the pupil to serve the remaining 641  
time of the out-of-school suspension at the beginning of the 642  
following school year. 643

~~Except in the case of a pupil given an in-school~~ 644  
~~suspension, no~~ No pupil shall be suspended issued an out-of- 645  
school suspension unless prior to the suspension the 646  
superintendent or principal does both of the following: 647

~~(1)~~ (a) Gives the pupil written notice of the intention to 648  
suspend the pupil and the reasons for the intended suspension 649  
and, if the proposed suspension is based on a violation listed 650  
in division (A) of section 3313.662 of the Revised Code and if 651  
the pupil is sixteen years of age or older, includes in the 652  
notice a statement that the superintendent may seek to 653  
permanently exclude the pupil if the pupil is convicted of or 654  
adjudicated a delinquent child for that violation; 655

~~(2)~~ (b) Provides the pupil an opportunity to appear at an 656  
informal hearing before the principal, assistant principal, 657  
superintendent, or superintendent's designee and challenge the 658  
reason for the intended suspension or otherwise to explain the 659  
pupil's actions. 660

If a pupil is suspended pursuant to division (A) (1) of 661  
this section, the school district board ~~may, in its discretion,~~ 662  
shall permit the pupil to complete any classroom assignments 663  
missed because of the suspension. 664

(2) If a pupil is issued an in-school suspension, the 665  
school district board shall permit the pupil to complete any 666  
classroom assignments missed because of the suspension. 667  
Furthermore, the superintendent or principal shall ensure the 668  
pupil is serving the suspension in a supervised learning 669  
environment. 670

(B) (1) Except as provided under division (B) (2), (3), or 671  
(4) of this section, and subject to section 3313.668 of the 672  
Revised Code, the superintendent of schools of a city, exempted 673  
village, or local school district may expel a pupil from school 674  
for a period not to exceed the greater of eighty school days or 675  
the number of school days remaining in the semester or term in 676  
which the incident that gives rise to the expulsion takes place, 677  
unless the expulsion is extended pursuant to division (F) of 678  
this section. If at the time an expulsion is imposed there are 679  
fewer than eighty school days remaining in the school year in 680  
which the incident that gives rise to the expulsion takes place, 681  
the superintendent may apply any remaining part or all of the 682  
period of the expulsion to the following school year. 683

(2) (a) Unless a pupil is permanently excluded pursuant to 684  
section 3313.662 of the Revised Code, the superintendent of 685  
schools of a city, exempted village, or local school district 686  
shall expel a pupil from school for a period of one year for 687  
bringing a firearm to a school operated by the board of 688  
education of the district or onto any other property owned or 689  
controlled by the board, except that the superintendent may 690  
reduce this requirement on a case-by-case basis in accordance 691  
with the policy adopted by the board under section 3313.661 of 692  
the Revised Code. 693

(b) The superintendent of schools of a city, exempted 694



village, or local school district may expel a pupil from school 695  
for a period of one year for bringing a firearm to an 696  
interscholastic competition, an extracurricular event, or any 697  
other school program or activity that is not located in a school 698  
or on property that is owned or controlled by the district. The 699  
superintendent may reduce this disciplinary action on a case-by- 700  
case basis in accordance with the policy adopted by the board 701  
under section 3313.661 of the Revised Code. 702

(c) Any expulsion pursuant to division (B)(2) of this 703  
section shall extend, as necessary, into the school year 704  
following the school year in which the incident that gives rise 705  
to the expulsion takes place. As used in this division, 706  
"firearm" has the same meaning as provided pursuant to the "Gun- 707  
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 708

(3) The board of education of a city, exempted village, or 709  
local school district may adopt a resolution authorizing the 710  
superintendent of schools to expel a pupil from school for a 711  
period not to exceed one year for bringing a knife capable of 712  
causing serious bodily injury to a school operated by the board, 713  
onto any other property owned or controlled by the board, or to 714  
an interscholastic competition, an extracurricular event, or any 715  
other program or activity sponsored by the school district or in 716  
which the district is a participant, or for possessing a firearm 717  
or knife capable of causing serious bodily injury at a school, 718  
on any other property owned or controlled by the board, or at an 719  
interscholastic competition, an extracurricular event, or any 720  
other school program or activity, which firearm or knife was 721  
initially brought onto school board property by another person. 722  
The resolution may authorize the superintendent to extend such 723  
an expulsion, as necessary, into the school year following the 724  
school year in which the incident that gives rise to the 725

expulsion takes place. 726

(4) The board of education of a city, exempted village, or 727  
local school district may adopt a resolution establishing a 728  
policy under section 3313.661 of the Revised Code that 729  
authorizes the superintendent of schools to expel a pupil from 730  
school for a period not to exceed one year for committing an act 731  
that is a criminal offense when committed by an adult and that 732  
results in serious physical harm to persons as defined in 733  
division (A) (5) of section 2901.01 of the Revised Code or 734  
serious physical harm to property as defined in division (A) (6) 735  
of section 2901.01 of the Revised Code while the pupil is at 736  
school, on any other property owned or controlled by the board, 737  
or at an interscholastic competition, an extracurricular event, 738  
or any other school program or activity. Any expulsion under 739  
this division shall extend, as necessary, into the school year 740  
following the school year in which the incident that gives rise 741  
to the expulsion takes place. 742

(5) The board of education of any city, exempted village, 743  
or local school district may adopt a resolution establishing a 744  
policy under section 3313.661 of the Revised Code that 745  
authorizes the superintendent of schools to expel a pupil from 746  
school for a period not to exceed one year for making a bomb 747  
threat to a school building or to any premises at which a school 748  
activity is occurring at the time of the threat. Any expulsion 749  
under this division shall extend, as necessary, into the school 750  
year following the school year in which the incident that gives 751  
rise to the expulsion takes place. 752

(6) No pupil shall be expelled under division (B) (1), (2), 753  
(3), (4), or (5) of this section unless, prior to the pupil's 754  
expulsion, the superintendent does both of the following: 755

(a) Gives the pupil and the pupil's parent, guardian, or 756  
custodian written notice of the intention to expel the pupil; 757

(b) Provides the pupil and the pupil's parent, guardian, 758  
custodian, or representative an opportunity to appear in person 759  
before the superintendent or the superintendent's designee to 760  
challenge the reasons for the intended expulsion or otherwise to 761  
explain the pupil's actions. 762

The notice required in this division shall include the 763  
reasons for the intended expulsion, notification of the 764  
opportunity of the pupil and the pupil's parent, guardian, 765  
custodian, or representative to appear before the superintendent 766  
or the superintendent's designee to challenge the reasons for 767  
the intended expulsion or otherwise to explain the pupil's 768  
action, and notification of the time and place to appear. The 769  
time to appear shall not be earlier than three nor later than 770  
five school days after the notice is given, unless the 771  
superintendent grants an extension of time at the request of the 772  
pupil or the pupil's parent, guardian, custodian, or 773  
representative. If an extension is granted after giving the 774  
original notice, the superintendent shall notify the pupil and 775  
the pupil's parent, guardian, custodian, or representative of 776  
the new time and place to appear. If the proposed expulsion is 777  
based on a violation listed in division (A) of section 3313.662 778  
of the Revised Code and if the pupil is sixteen years of age or 779  
older, the notice shall include a statement that the 780  
superintendent may seek to permanently exclude the pupil if the 781  
pupil is convicted of or adjudicated a delinquent child for that 782  
violation. 783

(7) A superintendent of schools of a city, exempted 784  
village, or local school district shall initiate expulsion 785

proceedings pursuant to this section with respect to any pupil 786  
who has committed an act warranting expulsion under the 787  
district's policy regarding expulsion even if the pupil has 788  
withdrawn from school for any reason after the incident that 789  
gives rise to the hearing but prior to the hearing or decision 790  
to impose the expulsion. If, following the hearing, the pupil 791  
would have been expelled for a period of time had the pupil 792  
still been enrolled in the school, the expulsion shall be 793  
imposed for the same length of time as on a pupil who has not 794  
withdrawn from the school. 795

(C) ~~If~~ (1) Subject to division (C) (2) of this section, if 796  
a pupil's presence poses a continuing danger to persons or 797  
property or an ongoing threat of disrupting the academic process 798  
taking place either within a classroom or elsewhere on the 799  
school premises, the superintendent or a principal or assistant 800  
principal may remove a pupil from curricular activities or from 801  
the school premises, and a teacher may remove a pupil from 802  
curricular activities under the teacher's supervision, without 803  
the notice and hearing requirements of division (A) or (B) of 804  
this section. As soon as practicable after making such a 805  
removal, the teacher shall submit in writing to the principal 806  
the reasons for such removal. 807

(2) A pupil in any of grades pre-kindergarten through 808  
three may be removed pursuant to division (C) (1) of this section 809  
only for the remainder of the school day and shall be permitted 810  
to return to curricular and extracurricular activities on the 811  
school day following the day in which the student was removed. 812

(a) A school district or school that returns a student in 813  
any of grades pre-kindergarten through three to curricular and 814  
extracurricular activities on the next school day shall not be 815

required to follow division (C) (3) of this section with regard 816  
to that student. 817

(b) A school district shall not initiate a suspension or 818  
expulsion proceeding against a student in any of grades pre- 819  
kindergarten through three who was removed from a curricular or 820  
extracurricular activity under division (C) of this section 821  
unless the student has committed an act described in division 822  
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 823

(3) If a pupil is removed under ~~this division~~ (C) (1) or 824  
(2) of this section from a curricular activity or from the 825  
school premises, written notice of the hearing and of the reason 826  
for the removal shall be given to the pupil as soon as 827  
practicable prior to the hearing, which shall be held ~~within~~ 828  
~~three school days from the time on the next school day after the~~ 829  
initial removal is ordered. The hearing shall be held in 830  
accordance with division (A) of this section unless it is 831  
probable that the pupil may be subject to expulsion, in which 832  
case a hearing in accordance with division (B) of this section 833  
shall be held, except that the hearing shall be held ~~within~~ 834  
~~three school days on the next school day after the date of the~~ 835  
initial removal. The individual who ordered, caused, or 836  
requested the removal to be made shall be present at the 837  
hearing. 838

(4) If the superintendent or the principal reinstates a 839  
pupil in a curricular activity under the teacher's supervision 840  
prior to the hearing following a removal under this division, 841  
the teacher, upon request, shall be given in writing the reasons 842  
for such reinstatement. 843

(D) The superintendent or principal, within one school day 844  
after the time of a pupil's expulsion or suspension, shall 845

notify in writing the parent, guardian, or custodian of the 846  
pupil ~~and the treasurer of the board of education~~ of the 847  
expulsion or suspension. ~~The~~ In the case of an expulsion, the 848  
superintendent or principal, within one school day after the 849  
time of a pupil's expulsion, also shall notify in writing the 850  
treasurer of the board of education. Each notice shall include 851  
the reasons for the expulsion or suspension, notification of the 852  
right of the pupil or the pupil's parent, guardian, or custodian 853  
to appeal the expulsion or suspension to the board of education 854  
or to its designee, to be represented in all appeal proceedings, 855  
to be granted a hearing before the board or its designee in 856  
order to be heard against the suspension or expulsion, and to 857  
request that the hearing be held in executive session, 858  
notification that the expulsion may be subject to extension 859  
pursuant to division (F) of this section if the pupil is sixteen 860  
years of age or older, and notification that the superintendent 861  
may seek the pupil's permanent exclusion if the suspension or 862  
expulsion was based on a violation listed in division (A) of 863  
section 3313.662 of the Revised Code that was committed when the 864  
child was sixteen years of age or older and if the pupil is 865  
convicted of or adjudicated a delinquent child for that 866  
violation. 867

In accordance with the policy adopted by the board of 868  
education under section 3313.661 of the Revised Code, the notice 869  
provided under this division shall specify the manner and date 870  
by which the pupil or the pupil's parent, guardian, or custodian 871  
shall notify the board of the pupil's, parent's, guardian's, or 872  
custodian's intent to appeal the expulsion or suspension to the 873  
board or its designee. 874

Any superintendent expelling a pupil under this section 875  
for more than twenty school days or for any period of time if 876

the expulsion will extend into the following semester or school 877  
year shall, in the notice required under this division, provide 878  
the pupil and the pupil's parent, guardian, or custodian with 879  
information about services or programs offered by public and 880  
private agencies that work toward improving those aspects of the 881  
pupil's attitudes and behavior that contributed to the incident 882  
that gave rise to the pupil's expulsion. The information shall 883  
include the names, addresses, and phone numbers of the 884  
appropriate public and private agencies. 885

(E) A pupil or the pupil's parent, guardian, or custodian 886  
may appeal the pupil's expulsion by a superintendent or 887  
suspension by a superintendent, principal, assistant principal, 888  
or other administrator to the board of education or to its 889  
designee. If the pupil or the pupil's parent, guardian, or 890  
custodian intends to appeal the expulsion or suspension to the 891  
board or its designee, the pupil or the pupil's parent, 892  
guardian, or custodian shall notify the board in the manner and 893  
by the date specified in the notice provided under division (D) 894  
of this section. The pupil or the pupil's parent, guardian, or 895  
custodian may be represented in all appeal proceedings and shall 896  
be granted a hearing before the board or its designee in order 897  
to be heard against the suspension or expulsion. At the request 898  
of the pupil or of the pupil's parent, guardian, custodian, or 899  
attorney, the board or its designee may hold the hearing in 900  
executive session but shall act upon the suspension or expulsion 901  
only at a public meeting. The board, by a majority vote of its 902  
full membership or by the action of its designee, may affirm the 903  
order of suspension or expulsion, reinstate the pupil, or 904  
otherwise reverse, vacate, or modify the order of suspension or 905  
expulsion. 906

The board or its designee shall make a verbatim record of 907

hearings held under this division. The decisions of the board or 908  
its designee may be appealed under Chapter 2506. of the Revised 909  
Code. 910

This section shall not be construed to require notice and 911  
hearing in accordance with division (A), (B), or (C) of this 912  
section in the case of normal disciplinary procedures in which a 913  
pupil is removed from a curricular activity for a period of less 914  
than one school day and is not subject to suspension or 915  
expulsion. 916

(F) (1) If a pupil is expelled pursuant to division (B) of 917  
this section for committing any violation listed in division (A) 918  
of section 3313.662 of the Revised Code and the pupil was 919  
sixteen years of age or older at the time of committing the 920  
violation, if a complaint, indictment, or information is filed 921  
alleging that the pupil is a delinquent child based upon the 922  
commission of the violation or the pupil is prosecuted as an 923  
adult for the commission of the violation, and if the resultant 924  
juvenile court or criminal proceeding is pending at the time 925  
that the expulsion terminates, the superintendent of schools 926  
that expelled the pupil may file a motion with the court in 927  
which the proceeding is pending requesting an order extending 928  
the expulsion for the lesser of an additional eighty days or the 929  
number of school days remaining in the school year. Upon the 930  
filing of the motion, the court immediately shall schedule a 931  
hearing and give written notice of the time, date, and location 932  
of the hearing to the superintendent and to the pupil and the 933  
pupil's parent, guardian, or custodian. At the hearing, the 934  
court shall determine whether there is reasonable cause to 935  
believe that the pupil committed the alleged violation that is 936  
the basis of the expulsion and, upon determining that reasonable 937  
cause to believe the pupil committed the violation does exist, 938



shall grant the requested extension. 939

(2) If a pupil has been convicted of or adjudicated a 940  
delinquent child for a violation listed in division (A) of 941  
section 3313.662 of the Revised Code for an act that was 942  
committed when the child was sixteen years of age or older, if 943  
the pupil has been expelled pursuant to division (B) of this 944  
section for that violation, and if the board of education of the 945  
school district of the school from which the pupil was expelled 946  
has adopted a resolution seeking the pupil's permanent 947  
exclusion, the superintendent may file a motion with the court 948  
that convicted the pupil or adjudicated the pupil a delinquent 949  
child requesting an order to extend the expulsion until an 950  
adjudication order or other determination regarding permanent 951  
exclusion is issued by the superintendent of public instruction 952  
pursuant to section 3301.121 and division (D) of section 953  
3313.662 of the Revised Code. Upon the filing of the motion, the 954  
court immediately shall schedule a hearing and give written 955  
notice of the time, date, and location of the hearing to the 956  
superintendent of the school district, the pupil, and the 957  
pupil's parent, guardian, or custodian. At the hearing, the 958  
court shall determine whether there is reasonable cause to 959  
believe the pupil's continued attendance in the public school 960  
system may endanger the health and safety of other pupils or 961  
school employees and, upon making that determination, shall 962  
grant the requested extension. 963

(G) The failure of the superintendent or the board of 964  
education to provide the information regarding the possibility 965  
of permanent exclusion in the notice required by divisions (A), 966  
(B), and (D) of this section is not jurisdictional, and the 967  
failure shall not affect the validity of any suspension or 968  
expulsion procedure that is conducted in accordance with this 969

section or the validity of a permanent exclusion procedure that 970  
is conducted in accordance with sections 3301.121 and 3313.662 971  
of the Revised Code. 972

(H) With regard to suspensions and expulsions pursuant to 973  
divisions (A) and (B) of this section by the board of education 974  
of any city, exempted village, or local school district, this 975  
section shall apply to any student, whether or not the student 976  
is enrolled in the district, attending or otherwise 977  
participating in any curricular program provided in a school 978  
operated by the board or provided on any other property owned or 979  
controlled by the board. 980

(I) Whenever a student is expelled under this section, the 981  
expulsion shall result in removal of the student from the 982  
student's regular school setting. However, during the period of 983  
the expulsion, the board of education of the school district 984  
that expelled the student or any board of education admitting 985  
the student during that expulsion period may provide educational 986  
services to the student in an alternative setting. 987

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 988  
3313.64, and 3313.65 of the Revised Code, any school district, 989  
after offering an opportunity for a hearing, may temporarily 990  
deny admittance to any pupil if one of the following applies: 991

(a) The pupil has been suspended from the schools of 992  
another district under division (A) of this section and the 993  
period of suspension, as established under that division, has 994  
not expired; 995

(b) The pupil has been expelled from the schools of 996  
another district under division (B) of this section and the 997  
period of the expulsion, as established under that division or 998

as extended under division (F) of this section, has not expired. 999

If a pupil is temporarily denied admission under this 1000  
division, the pupil shall be admitted to school in accordance 1001  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 1002  
Revised Code no later than upon expiration of the suspension or 1003  
expulsion period, as applicable. 1004

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 1005  
and 3313.65 of the Revised Code, any school district, after 1006  
offering an opportunity for a hearing, may temporarily deny 1007  
admittance to any pupil if the pupil has been expelled or 1008  
otherwise removed for disciplinary purposes from a public school 1009  
in another state and the period of expulsion or removal has not 1010  
expired. If a pupil is temporarily denied admission under this 1011  
division, the pupil shall be admitted to school in accordance 1012  
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 1013  
Revised Code no later than the earlier of the following: 1014

(a) Upon expiration of the expulsion or removal period 1015  
imposed by the out-of-state school; 1016

(b) Upon expiration of a period established by the 1017  
district, beginning with the date of expulsion or removal from 1018  
the out-of-state school, that is no greater than the period of 1019  
expulsion that the pupil would have received under the policy 1020  
adopted by the district under section 3313.661 of the Revised 1021  
Code had the offense that gave rise to the expulsion or removal 1022  
by the out-of-state school been committed while the pupil was 1023  
enrolled in the district. 1024

(K) As used in this section: 1025

(1) "Permanently exclude" and "permanent exclusion" have 1026  
the same meanings as in section 3313.662 of the Revised Code. 1027

(2) "In-school suspension" means the pupil will serve all 1028  
of the suspension in a supervised learning environment within a 1029  
school setting. 1030

**Sec. 3313.661.** (A) ~~The~~ Subject to the limitations set 1031  
forth in section 3313.668 of the Revised Code, the board of 1032  
education of each city, exempted village, and local school 1033  
district shall adopt a policy regarding suspension, expulsion, 1034  
removal, and permanent exclusion that specifies the types of 1035  
misconduct for which a pupil may be suspended, expelled, or 1036  
removed. The types of misconduct may include misconduct by a 1037  
pupil that occurs off of property owned or controlled by the 1038  
district but that is connected to activities or incidents that 1039  
have occurred on property owned or controlled by that district 1040  
and misconduct by a pupil that, regardless of where it occurs, 1041  
is directed at a district official or employee, or the property 1042  
of such official or employee. The policy shall specify the 1043  
reasons for which the superintendent of the district may reduce 1044  
the expulsion requirement in division (B) (2) of section 3313.66 1045  
of the Revised Code. If a board of education adopts a resolution 1046  
pursuant to division (B) (3) of section 3313.66 of the Revised 1047  
Code, the policy shall define the term "knife capable of causing 1048  
serious bodily injury" or "firearm," as applicable, for purposes 1049  
of expulsion under that resolution and shall specify any reasons 1050  
for which the superintendent of the district may reduce any 1051  
required expulsion period on a case-by-case basis. If a board of 1052  
education adopts a resolution pursuant to division (B) (4) or (5) 1053  
of section 3313.66 of the Revised Code, the policy shall specify 1054  
any reasons for which the superintendent of the district may 1055  
reduce any required expulsion period on a case-by-case basis. 1056  
The policy also shall set forth the acts listed in section 1057  
3313.662 of the Revised Code for which a pupil may be 1058

permanently excluded. 1059

The policy adopted under this division shall specify the 1060  
date and manner by which a pupil or a pupil's parent, guardian, 1061  
or custodian may notify the board of the pupil's, parent's, 1062  
guardian's, or custodian's intent to appeal an expulsion or 1063  
suspension to the board or its designee pursuant to division (E) 1064  
of section 3313.66 of the Revised Code. In the case of any 1065  
expulsion, the policy shall not specify a date that is less than 1066  
fourteen days after the date of the notice provided to the pupil 1067  
or the pupil's parent, guardian, or custodian under division (D) 1068  
of that section. 1069

A copy of the policy shall be posted in a central location 1070  
in the school and made available to pupils upon request. No 1071  
pupil shall be suspended, expelled, or removed except in 1072  
accordance with the policy adopted by the board of education of 1073  
the school district in which the pupil attends school, and no 1074  
pupil shall be permanently excluded except in accordance with 1075  
sections 3301.121 and 3313.662 of the Revised Code. 1076

(B) A board of education may establish a program and adopt 1077  
guidelines under which a superintendent may require a pupil to 1078  
perform community service in conjunction with a suspension or 1079  
expulsion imposed under section 3313.66 of the Revised Code or 1080  
in place of a suspension or expulsion imposed under section 1081  
3313.66 of the Revised Code except for an expulsion imposed 1082  
pursuant to division (B) (2) of that section. If a board adopts 1083  
guidelines under this division, they shall permit, except with 1084  
regard to an expulsion pursuant to division (B) (2) of section 1085  
3313.66 of the Revised Code, a superintendent to impose a 1086  
community service requirement beyond the end of the school year 1087  
in lieu of applying an expulsion into the following school year. 1088

Any guidelines adopted shall be included in the policy adopted 1089  
under this section. 1090

(C) The written policy of each board of education that is 1091  
adopted pursuant to section 3313.20 of the Revised Code shall be 1092  
posted in a central location in each school that is subject to 1093  
the policy and shall be made available to pupils upon request. 1094

(D) ~~Any~~ Except as described in division (B) of section 1095  
3313.668 of the Revised Code, any policy, program, or guideline 1096  
adopted by a board of education under this section with regard 1097  
to suspensions or expulsions pursuant to division (A) or (B) of 1098  
section 3313.66 of the Revised Code shall apply to any student, 1099  
whether or not the student is enrolled in the district, 1100  
attending or otherwise participating in any curricular program 1101  
provided in a school operated by the board or provided on any 1102  
other property owned or controlled by the board. 1103

(E) As used in this section, "permanently exclude" and 1104  
"permanent exclusion" have the same meanings as in section 1105  
3313.662 of the Revised Code. 1106

**Sec. 3313.668.** (A) On and after July 1, 2017, no school 1107  
district or school shall suspend, expel, or remove a student 1108  
from school under section 3313.66 of the Revised Code solely on 1109  
the basis of the student's absences from school without 1110  
legitimate excuse. 1111

(B) (1) Except as described in division (B) of this 1112  
section, no school district or school shall issue an out-of- 1113  
school suspension or expulsion to a student in grades pre- 1114  
kindergarten through three. 1115

(a) A school district or school may issue an out-of-school 1116  
suspension or expulsion, in accordance with section 3313.66 of 1117

the Revised Code, to a student in any of grades pre-kindergarten 1118  
through three who has engaged in any of the behaviors described 1119  
in divisions (B) (2) to (5) of section 3313.66 of the Revised 1120  
Code. 1121

(b) A school district or school may issue an out-of-school 1122  
suspension not to exceed ten days or an expulsion to a student 1123  
in any of grades pre-kindergarten through three who has not 1124  
engaged in any of the behaviors described in divisions (B) (2) to 1125  
(5) of section 3313.66 of the Revised Code only as necessary to 1126  
protect the immediate health and safety of the student, the 1127  
student's fellow classmates, the classroom staff and teachers, 1128  
or other school employees. 1129

(2) Whenever possible, the principal shall consult with a 1130  
mental health professional under contract with the district or 1131  
school prior to suspending or expelling a student in any of 1132  
grades pre-kindergarten through three. If the events leading up 1133  
to suspension or expulsion indicate a need for additional mental 1134  
health services, the student's principal or the district's 1135  
mental health professional shall, in any manner that does not 1136  
result in a financial burden to the school district or school, 1137  
assist the student's parent or guardian with locating providers 1138  
or obtaining those services, including referral to an 1139  
independent mental health professional. Nothing in this division 1140  
shall be construed to limit the responsibilities of a school 1141  
district or school with respect to the provision of special 1142  
education and related services under Chapter 3323. of the 1143  
Revised Code. 1144

(3) A student in any of grades pre-kindergarten through 1145  
three who is suspended or expelled shall be afforded the same 1146  
notice and hearing, procedural, and educational opportunities as 1147

prescribed for a suspension or expulsion pursuant to section 1148  
3313.66 of the Revised Code. 1149

(4) Nothing in division (B) of this section shall be 1150  
construed to limit the authority of a school district or school 1151  
to issue an in-school suspension to a student in any of grades 1152  
pre-kindergarten through three, provided that the in-school 1153  
suspension is served in a supervised learning environment in 1154  
accordance with divisions (A) (2) and (K) (2) of section 3313.66 1155  
of the Revised Code. 1156

**Sec. 3319.237.** (A) The standards for the preparation of 1157  
teachers adopted under section 3333.048 of the Revised Code 1158  
shall require each institution that provides a teacher 1159  
preparation program to include a semester course, or the 1160  
equivalent, for all students pursuing a license to teach in any 1161  
of grades pre-kindergarten through five that includes 1162  
instruction on all of the following: 1163

(1) Positive behavior intervention and supports and 1164  
social-emotional development; 1165

(2) Classroom systems for establishing the foundation for 1166  
positive behavior, such as supervision, acknowledgment, prompts, 1167  
and precorrection; 1168

(3) Classroom systems for responding to unwanted behavior, 1169  
including error correction and other strategies; 1170

(4) Classroom data collection systems; 1171

(5) Effective instructional strategies and how to 1172  
implement them with fidelity; 1173

(6) Matching curriculum to student needs and data; 1174

(7) The impact of trauma, toxic stress, and other 1175



environmental variables on learning behavior. 1176

(B) Within three years after the effective date of this 1177  
section, each school district shall provide professional 1178  
development or continuing education in positive behavior 1179  
intervention and supports, as part of the school-wide 1180  
implementation of the positive behavior intervention and 1181  
supports framework required under section 3319.46 of the Revised 1182  
Code, to all of the following: 1183

(1) Any of the district's teachers who teach in buildings 1184  
that serve students in any of grades pre-kindergarten through 1185  
three and who completed a teacher preparation program prior to 1186  
the effective date of this section; 1187

(2) All of the district's administrators who serve 1188  
students in any of grades pre-kindergarten through three, 1189  
including the school district superintendent, building 1190  
principals, and assistant principals, who have not already 1191  
completed a course of instruction, professional development, or 1192  
continuing education in positive behavior intervention and 1193  
supports. 1194

Each district's local professional development committee, 1195  
established under section 3319.22 of the Revised Code, shall 1196  
monitor compliance with division (B) of this section and shall 1197  
establish model professional development courses to assist in 1198  
that compliance. 1199

**Sec. 3319.46.** (A) (1) The state board of education shall 1200  
adopt rules under Chapter 119. of the Revised Code that 1201  
establish ~~a~~ both of the following: 1202

(a) A policy and standards for the implementation of a 1203  
positive behavior intervention and supports ~~and~~ framework; 1204

(b) A policy and standards for the use of physical 1205  
restraint or seclusion on students. 1206

(2) Within ninety days after the effective date of this 1207  
amendment, the state board shall amend or update rule 3301-35-15 1208  
of the Ohio Administrative Code to reflect the requirements of 1209  
this section. 1210

(B) (1) Each school district board of education shall 1211  
comply do all of the following: 1212

(a) Implement a positive behavior intervention and 1213  
supports framework on a system-wide basis that complies with 1214  
this section; 1215

(b) Comply with the any policy and standards adopted, 1216  
amended, or updated by the state board under this section; 1217

(c) Submit any reports required by the department of 1218  
education or the general assembly with respect to the 1219  
implementation of a positive behavior intervention and supports 1220  
framework or suspension and expulsion of students in any of 1221  
grades pre-kindergarten through three. 1222

(2) Each school district's positive behavior intervention 1223  
and supports framework may focus on the following: 1224

(a) Comprehensive, school-wide data systems that enable 1225  
monitoring of academic progress, behavioral incidents, 1226  
attendance, and other critical indicators across classrooms; 1227

(b) School-wide investment in evidence-based curriculum 1228  
and effective instructional strategies, matched to students' 1229  
needs, and data to support teachers' academic instruction; 1230

(c) An expectation by school administrators that classroom 1231  
practices be linked to and aligned with the school-wide system; 1232

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition. 1233  
1234  
1235

(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. 1236  
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(D) The department of education shall oversee each school district's and school's compliance with this section. 1242  
1243

**Section 2.** That existing sections 3302.03, 3313.534, 3313.66, 3313.661, 3313.668, and 3319.46 of the Revised Code are hereby repealed. 1244  
1245  
1246

**Section 3.** All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2018 and those in the second column are for fiscal year 2019. The appropriations made in this act are in addition to any other appropriations made for the FY 2018-FY 2019 biennium. 1247  
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EDU DEPARTMENT OF EDUCATION 1255

State Lottery Fund Group 1256

7017 200602 School Climate Grants \$ 0 \$ 2,000,000 1257

TOTAL SLF State Lottery Fund Group \$ 0 \$ 2,000,000 1258

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 2,000,000 1259

SCHOOL CLIMATE GRANTS	1260
(A) The foregoing appropriation item 200602, School Climate Grants, shall be used to provide competitive grants to eligible applicants to implement positive behavior intervention and supports frameworks, evidence- or research-based social and emotional learning initiatives, or both, in eligible school buildings.	1261 1262 1263 1264 1265 1266
(B) The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards, provided that the Superintendent shall award the grants in the following order of priority:	1267 1268 1269 1270 1271 1272
(1) First, to eligible applicants whose grant proposal serves one or more eligible school buildings whose percentage of students who are identified as economically disadvantaged is greater than the statewide average percentage of students who are identified as economically disadvantaged, as determined by the Superintendent;	1273 1274 1275 1276 1277 1278
(2) Second, to eligible applicants whose grant proposal serves one or more eligibleschool buildings with high suspension rates, as determined by the Superintendent;	1279 1280 1281
(3) Third, to eligible applicants who were not awarded a grant under either division (B) (1) or (2) of this section in the order in which the applications were received.	1282 1283 1284
The Superintendent may enter into a written grant agreement with each eligible applicant awarded a grant under this section that includes the terms and conditions governing the use of the funds. The Superintendent may monitor a	1285 1286 1287 1288

recipient's use of the funds to ensure that the funds are used 1289  
in accordance with the grant agreement. 1290

(C) A grant awarded to an eligible applicant under this 1291  
section shall not exceed \$5,000 per eligible school building 1292  
served in the eligible applicant's grant proposal, up to a 1293  
maximum of \$50,000. 1294

(D) Notwithstanding any provision of law to the contrary, 1295  
grants awarded under this section may be used by grant 1296  
recipients for grant-related expenses for a period not to exceed 1297  
two years from the date of the award, according to guidelines 1298  
established by the Superintendent. 1299

(E) As used in this section: 1300

(1) "Eligible applicant" means a city, local, or exempted 1301  
village school district; a community school established under 1302  
Chapter 3314. of the Revised Code; or a STEM or STEAM school 1303  
established under Chapter 3326. of the Revised Code. 1304

(2) "Eligible school building" means a building of an 1305  
eligible applicant that serves any of grades kindergarten 1306  
through three. 1307

**Section 4.** Within the limits set forth in this act, the 1308  
Director of Budget and Management shall establish accounts 1309  
indicating the source and amount of funds for each appropriation 1310  
made in this act, and shall determine the form and manner in 1311  
which appropriation accounts shall be maintained. Expenditures 1312  
from appropriations contained in this act shall be accounted for 1313  
as though made in Am. Sub. H.B. 49 of the 132nd General 1314  
Assembly. 1315

The appropriations made in this act are subject to all 1316  
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 1317

that are generally applicable to such appropriations. 1318

**Section 5.** The General Assembly recognizes that out-of- 1319  
school suspensions are a widely used classroom management tool 1320  
and that it may take time to completely phase out unnecessary 1321  
out-of-school suspensions. During this period of transition, 1322  
while school districts and schools are gaining the knowledge and 1323  
experience related to how positive behavior intervention and 1324  
supports improve social, emotional, and academic development for 1325  
students in grades pre-kindergarten through three, it is 1326  
imperative that those students remain in the classroom whenever 1327  
possible. In an effort to give school districts and schools time 1328  
to fully replace unnecessary suspensions and expulsions with an 1329  
effective positive behavior intervention and supports framework 1330  
and to facilitate professional development opportunities for 1331  
teaching staff, the General Assembly has determined that gradual 1332  
implementation is necessary. Accordingly, until the 2020-2021 1333  
school year, a school district or school shall be considered to 1334  
be in compliance with division (B) of section 3313.668 of the 1335  
Revised Code, as amended by this act, according to the 1336  
implementation schedule and requirements described in this 1337  
section. 1338

(A) (1) For each of school years 2017-2018, 2018-2019, 1339  
2019-2020, and 2020-2021, each school district or school shall 1340  
report to the Department of Education, in the form and manner 1341  
prescribed by the Department, the number of out-of-school 1342  
suspensions and expulsions that were issued to a student in any 1343  
of grades pre-kindergarten through three, categorized by offense 1344  
as follows: 1345

(a) Any offense described in divisions (B) (2) to (5) of 1346  
section 3313.66 of the Revised Code; 1347

(b) Offenses not described in divisions (B) (2) to (5) of 1348  
section 3313.66 of the Revised Code but for which the school 1349  
district determined suspension or expulsion was necessary to 1350  
protect the immediate health and safety of the student, the 1351  
student's fellow classmates, or the classroom staff and 1352  
teachers; 1353

(c) Any other offense not described in division (A) (1) (a) 1354  
or (b) of this section. 1355

(2) After the 2020-2021 school year, each school district 1356  
or school shall annually report, in the form and manner 1357  
prescribed by the Department of Education, the number of out-of- 1358  
school suspensions and expulsions that were issued to a student 1359  
in any of grades pre-kindergarten through three only if the 1360  
Department determines that continued reporting of this 1361  
information is necessary to carry out any of the requirements 1362  
set forth in this act. 1363

(B) For the 2017-2018 school year, a school district or 1364  
school shall be exempt from compliance with division (B) of 1365  
section 3313.668 of the Revised Code and shall issue all 1366  
suspensions and expulsions in accordance with section 3313.66 of 1367  
the Revised Code, as amended by this act. 1368

(C) (1) For the 2018-2019 school year, a school district or 1369  
school shall comply with the requirements of divisions (B) (2) 1370  
and (3) of section 3313.668 of the Revised Code. 1371

(2) A school district or school shall be considered to be 1372  
in compliance with division (B) (1) of section 3313.668 of the 1373  
Revised Code, if for the 2018-2019 school year, the school 1374  
district reduces the number of out-of-school suspensions and 1375  
expulsions issued for offenses categorized in division (A) (1) (c) 1376

of this section by twenty-five per cent, using the numbers 1377  
reported for that category for the 2017-2018 school year as a 1378  
baseline. 1379

(D) (1) For the 2019-2020 school year, a school district or 1380  
school shall comply with the requirements of divisions (B) (2) 1381  
and (3) of section 3313.668 of the Revised Code. 1382

(2) A school district or school shall be considered to be 1383  
in compliance with division (B) (1) of section 3313.668 of the 1384  
Revised Code, if for the 2019-2020 school year, the school 1385  
district reduces the number of out-of-school suspensions and 1386  
expulsions issued for offenses categorized in division (A) (1) (c) 1387  
of this section by fifty per cent, using the numbers reported 1388  
for that category for the 2017-2018 school year as a baseline. 1389

(E) For the 2020-2021 school year, and each year 1390  
thereafter, all out-of-school suspensions and expulsions issued 1391  
to a student in any of grades pre-kindergarten through three 1392  
shall be in compliance with division (B) of section 3313.668 of 1393  
the Revised Code, such that the number of out-of-school 1394  
suspensions and expulsions issued for offenses categorized in 1395  
division (A) (1) (c) of this section is zero and all suspensions 1396  
and expulsions for students in grades pre-kindergarten through 1397  
three are either for offenses described in divisions (B) (2) to 1398  
(5) of section 3313.66 of the Revised Code, as required by 1399  
division (B) (1) (a) of section 3313.668 of the Revised Code or 1400  
are necessary for the immediate health and safety of the 1401  
student, the student's fellow classmates, or the classroom staff 1402  
and teachers as required by division (B) (1) (b) of section 1403  
3313.668 of the Revised Code. 1404

(F) Not later than the first day of October of each of 1405  
school years 2017-2018, 2018-2019, 2019-2020, and 2020-2021, the 1406



Department of Education shall submit to the General Assembly, in 1407  
accordance with section 101.68 of the Revised Code, and to the 1408  
State Superintendent of Public Instruction a report containing 1409  
the following: 1410

(1) A summary of the best practices of implementing a 1411  
positive behavior intervention and supports framework by school 1412  
districts throughout Ohio; 1413

(2) The total number of out-of-school suspensions and 1414  
expulsions issued by a school district or building to students 1415  
in any of grades pre-kindergarten through three, disaggregated 1416  
by category of offense as described in divisions (A)(1)(a), (b), 1417  
and (c) of this section and disaggregated within each category 1418  
of offense according to sex, race, whether the student has been 1419  
identified as economically disadvantaged, and whether the 1420  
student has a disability. 1421

(G) The implementation schedule and requirements of this 1422  
section shall apply to school districts, community schools 1423  
established under Chapter 3314. of the Revised Code, STEM or 1424  
STEAM schools established under Chapter 3326. of the Revised 1425  
Code, and college-preparatory boarding schools established under 1426  
Chapter 3328. of the Revised Code. 1427

**Section 6.** Nothing in this act shall be construed to limit 1428  
the responsibilities of a school district or school under the 1429  
"Individuals with Disabilities Education Improvement Act of 1430  
2004," 20 U.S.C. 1400 et seq., or under Chapter 3323. of the 1431  
Revised Code. 1432

**Section 7.** This act shall be known as the "Supporting 1433  
Alternatives for Education Act," or the "SAFE Act." 1434