

As Reported by the House Primary and Secondary Education Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 310

Representative Greenspan

A BILL

To amend sections 2903.31, 3301.22, 3313.661, 1
3313.666, 3314.03, and 3326.11 and to enact 2
sections 2903.311, 3301.165, 3313.669, 3319.318, 3
and 3345.19 of the Revised Code to enact the 4
"Ohio Anti-Bullying and Hazing Act" with regard 5
to school discipline and bullying and hazing 6
policies at schools and colleges. 7

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

Section 1. That sections 2903.31, 3301.22, 3313.661, 8
3313.666, 3314.03, and 3326.11 be amended and sections 2903.311, 9
3301.165, 3313.669, 3319.318, and 3345.19 of the Revised Code be 10
enacted to read as follows: 11

Sec. 2903.31. (A) As used in this section, "hazing" means 12
doing any act or coercing another, including the victim, to do 13
any act of initiation into any student or other organization or 14
any act to continue or reinstate membership in or affiliation 15
with any student or other organization that causes or creates a 16
substantial risk of causing mental or physical harm to any 17
person, including coercing another to consume alcohol or a drug 18
of abuse, as defined in section 3719.011 of the Revised Code. 19

(B) (1) No person shall recklessly participate in the hazing of another. 20
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(2) No administrator, employee, ~~or~~ faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or ~~of~~ any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization. 22
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(C) (1) No person shall recklessly participate in the hazing of another when the hazing causes serious physical harm to the other person. 28
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(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing causes serious physical harm to that person. 31
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(3) No parent or guardian whose child is a student at any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the school or institution when the hazing causes serious physical harm to that person. 37
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(D) Whoever violates this section is guilty of hazing. A violation of division (B) (1) or (2) of this section is a misdemeanor ~~felony~~ of the ~~fourth~~ fifth degree. A violation of division (C) (1), (2), or (3) of this section is a felony of the third degree. 43
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Sec. 2903.311. (A) As used in this section, "hazing" has 48

the same meaning as in section 2903.31 of the Revised Code. 49

(B) No administrator, employee, faculty member, teacher, 50
consultant, alumnus, or volunteer of any organization, including 51
any primary, secondary, or post-secondary school or any other 52
public or private educational institution, who is acting in an 53
official and professional capacity and knows, or has reasonable 54
cause to suspect based on facts that would cause a reasonable 55
person in a similar position to suspect, that a person 56
associated with the organization has suffered or faces a threat 57
of suffering any physical or mental wound, injury, disability, 58
or condition of a nature that reasonably indicates hazing shall 59
recklessly fail to immediately report that knowledge or 60
reasonable cause to a law enforcement agency in the county in 61
which the victim of hazing resides or in which the hazing is 62
occurring or has occurred. 63

(C) No parent or guardian whose child is a student at any 64
primary, secondary, or post-secondary school or any other public 65
or private educational institution who knows, or has reasonable 66
cause to suspect based on facts that would cause a reasonable 67
person in a similar position to suspect, that a person 68
associated with the school or institution has suffered or faces 69
a threat of suffering any physical or mental wound, injury, 70
disability, or condition of a nature that reasonably indicates 71
hazing shall recklessly fail to immediately report that 72
knowledge or reasonable cause to a law enforcement agency in the 73
county in which the victim of hazing resides or in which the 74
hazing is occurring or has occurred. 75

(D) A violation of this section is a misdemeanor of the 76
fourth degree, except that the violation is a misdemeanor of the 77
first degree if the hazing causes serious physical harm. 78

Sec. 3301.165. (A) As used in this section, "harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code. 79
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(B) The governing authority of each chartered nonpublic school shall adopt a policy that addresses harassment, intimidation, or bullying. The governing authority shall review the policy adopted under this section at least once every three years and update it as necessary based on the review. 82
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(C) The governing authority shall submit to the department of education the policy adopted under division (B) of this section in a form and manner determined by the department. 87
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(D) If the school has a web site and has publicly posted its code of conduct on that web site, the governing authority also shall post the policy adopted under division (B) of this section on that web site. 90
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Sec. 3301.22. (A) The state board of education shall develop a ~~an evidence-based~~ model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies under section 3313.666 of the Revised Code. ~~The board shall issue the model policy within six months after the effective date of this section~~ 94
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(B) The department of education shall provide each school district with evidence-based best practices regarding policies to prohibit harassment, intimidation, or bullying. 100
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(C) Beginning on the effective date of this amendment, both of the following shall apply: 103
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(1) The state board shall review the model policy developed under this section at least once every four years, and update them as necessary based on the review. 105
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(2) The department shall review the best practices 108
provided under this section at least once every four years, and 109
update them as necessary based on the review. 110

Sec. 3313.661. (A) Subject to the limitations set forth in 111
section 3313.668 of the Revised Code, the board of education of 112
each city, exempted village, and local school district shall 113
adopt a policy regarding suspension, expulsion, removal, and 114
permanent exclusion that specifies the types of misconduct for 115
which a pupil may be suspended, expelled, or removed. The types 116
of misconduct may include misconduct by a pupil that occurs off 117
of property owned or controlled by the district but that is 118
connected to activities or incidents that have occurred on 119
property owned or controlled by that district and misconduct by 120
a pupil that, regardless of where it occurs, is directed at a 121
district official or employee, or the property of such official 122
or employee. The policy shall specify the reasons for which the 123
superintendent of the district may reduce the expulsion 124
requirement in division (B) (2) of section 3313.66 of the Revised 125
Code. If a board of education adopts a resolution pursuant to 126
division (B) (3) of section 3313.66 of the Revised Code, the 127
policy shall define the term "knife capable of causing serious 128
bodily injury" or "firearm," as applicable, for purposes of 129
expulsion under that resolution and shall specify any reasons 130
for which the superintendent of the district may reduce any 131
required expulsion period on a case-by-case basis. If a board of 132
education adopts a resolution pursuant to division (B) (4) or (5) 133
of section 3313.66 of the Revised Code, the policy shall specify 134
any reasons for which the superintendent of the district may 135
reduce any required expulsion period on a case-by-case basis. 136
The policy also shall set forth the acts listed in section 137
3313.662 of the Revised Code for which a pupil may be 138

permanently excluded. 139

The policy adopted under this division shall specify the 140
date and manner by which a pupil or a pupil's parent, guardian, 141
or custodian may notify the board of the pupil's, parent's, 142
guardian's, or custodian's intent to appeal an expulsion or 143
suspension to the board or its designee pursuant to division (E) 144
of section 3313.66 of the Revised Code. In the case of any 145
expulsion, the policy shall not specify a date that is less than 146
fourteen days after the date of the notice provided to the pupil 147
or the pupil's parent, guardian, or custodian under division (D) 148
of that section. 149

A copy of the policy shall be posted on the district's web 150
site, if the district has one, and in a central location in the 151
school and shall be made available to pupils upon request. No 152
pupil shall be suspended, expelled, or removed except in 153
accordance with the policy adopted by the board of education of 154
the school district in which the pupil attends school, and no 155
pupil shall be permanently excluded except in accordance with 156
sections 3301.121 and 3313.662 of the Revised Code. 157

(B) (1) A board of education may establish a program and 158
adopt guidelines under which a superintendent may require a 159
pupil to perform community service in conjunction with a 160
suspension or expulsion imposed under section 3313.66 of the 161
Revised Code or in place of a suspension or expulsion imposed 162
under section 3313.66 of the Revised Code except for an 163
expulsion imposed pursuant to division (B) (2) of that section. 164
If a board adopts guidelines under this division, they shall 165
permit, except with regard to an expulsion pursuant to division 166
(B) (2) of section 3313.66 of the Revised Code, a superintendent 167
to impose a community service requirement beyond the end of the 168

school year in lieu of applying an expulsion into the following 169
school year. Any guidelines adopted shall be included in the 170
policy adopted under this section. 171

(2) If a pupil is subject to detention or suspension for 172
an offense of harassment, intimidation, or bullying under 173
section 3313.669 of the Revised Code, the board of education may 174
develop an age-appropriate community service plan that a pupil 175
who is issued a detention or suspension under that section must 176
complete. The plan shall include specific goals and timelines 177
under which the pupil must perform community service during the 178
term of the pupil's detention or suspension. 179

(C) The written policy of each board of education that is 180
adopted pursuant to section 3313.20 of the Revised Code shall be 181
posted on the district's web site, if the district has one, and 182
in a central location in each school that is subject to the 183
policy and shall be made available to pupils upon request. 184

(D) Except as described in division (B) of section 185
3313.668 of the Revised Code, any policy, program, or guideline 186
adopted by a board of education under this section with regard 187
to suspensions or expulsions pursuant to division (A) or (B) of 188
section 3313.66 of the Revised Code shall apply to any student, 189
whether or not the student is enrolled in the district, 190
attending or otherwise participating in any curricular program 191
provided in a school operated by the board or provided on any 192
other property owned or controlled by the board. 193

(E) As used in this section, ~~"permanently:~~ 194

(1) "Permanently exclude" and "permanent exclusion" have 195
the same meanings as in section 3313.662 of the Revised Code. 196

(2) "Harassment, intimidation, or bullying" has the same 197

meaning as in section 3313.666 of the Revised Code. 198

Sec. 3313.666. (A) As used in this section: 199

(1) "Electronic act" means an act committed through the 200
use of a cellular telephone, computer, pager, personal 201
communication device, or other electronic communication device. 202

(2) "Harassment, intimidation, or bullying" means ~~either~~ 203
any of the following: 204

(a) Any intentional written, verbal, electronic, or 205
physical act that a student has exhibited toward another 206
particular student or an administrator, employee, faculty 207
member, teacher, consultant, or volunteer of the district more 208
than once and the behavior both: 209

(i) Causes mental or physical harm to the other student or 210
the administrator, employee, faculty member, teacher, 211
consultant, or volunteer of the district; 212

(ii) Is sufficiently severe, persistent, or pervasive that 213
it creates an intimidating, threatening, or abusive educational 214
environment for the other student or the administrator, 215
employee, faculty member, teacher, consultant, or volunteer of 216
the district. 217

(b) Violence within a dating relationship; 218

(c) Hazing as defined in section 2903.31 of the Revised 219
Code. 220

(B) The board of education of each city, local, exempted 221
village, and joint vocational school district shall establish a 222
policy prohibiting the harassment, intimidation, or bullying of 223
students and administrators, employees, faculty members, 224
teachers, consultants, and volunteers of the district. The 225

policy shall be developed in consultation with parents, school 226
employees, school volunteers, students, and community members, 227
and shall apply to grades four through twelve. The policy shall 228
include the following: 229

(1) A statement prohibiting harassment, intimidation, or 230
bullying of any student on school property, on a school bus, or 231
at school-sponsored events and expressly providing for the 232
possibility of suspension of a student found responsible for 233
harassment, intimidation, or bullying by an electronic act; 234

(2) A definition of harassment, intimidation, or bullying 235
that includes the definition in division (A) of this section; 236

(3) A procedure for reporting prohibited incidents; 237

(4) A requirement that school personnel report prohibited 238
incidents of which they are aware to the school principal or 239
other administrator designated by the principal; 240

(5) A requirement that the custodial parent or guardian of 241
any student involved in a prohibited incident be notified and, 242
to the extent permitted by section 3319.321 of the Revised Code 243
and the "Family Educational Rights and Privacy Act of 1974," 88 244
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 245
written reports pertaining to the prohibited incident~~†~~. For each 246
prohibited incident, the district shall maintain a record 247
verifying that the custodial parent or guardian was notified of 248
the incident. 249

(6) A procedure for documenting any prohibited incident 250
that is reported; 251

(7) A procedure for responding to and investigating any 252
reported incident; 253

(8) A strategy for protecting a victim or other person	254
from new or additional harassment, intimidation, or bullying,	255
and from retaliation following a report, including a means by	256
which a person may report an incident anonymously;	257
(9) A disciplinary procedure for any student guilty of	258
harassment, intimidation, or bullying, which shall not infringe	259
on any student's rights under the first amendment to the	260
Constitution of the United States r . <u>The disciplinary procedure</u>	261
<u>shall comply with section 3313.669 of the Revised Code.</u>	262
(10) <u>A disciplinary procedure for any student guilty of</u>	263
<u>retaliation against a student, administrator, employee, faculty</u>	264
<u>member, teacher, consultant, or volunteer of the district who</u>	265
<u>reports an incident of harassment, intimidation, or bullying;</u>	266
<u>(11)</u> A statement prohibiting students from deliberately	267
making false reports of harassment, intimidation, or bullying	268
and a disciplinary procedure for any student responsible for	269
deliberately making a false report of that nature;	270
(11) <u>(12)</u> A requirement that the district administration	271
semiannually provide the president of the district board a	272
written summary of all reported incidents and post the summary	273
on its web site, if the district has a web site, to the extent	274
permitted by section 3319.321 of the Revised Code and the	275
"Family Educational Rights and Privacy Act of 1974," 88 Stat.	276
571, 20 U.S.C. 1232g, as amended.	277
(C) Each board's policy shall appear in any student	278
handbooks, and in any of the publications that set forth the	279
comprehensive rules, procedures, and standards of conduct for	280
schools and students in the district. The policy and an	281
explanation of the seriousness of bullying by electronic means	282

shall be made available to students in the district and to their 283
custodial parents or guardians. Information regarding the policy 284
shall be incorporated into employee training materials. 285

(D) (1) To the extent that state or federal funds are 286
appropriated for this purpose, each board shall require that all 287
students enrolled in the district annually be provided with age- 288
appropriate instruction, as determined by the board, on the 289
board's policy, including a written or verbal discussion of the 290
consequences for violations of the policy. 291

(2) Each board shall require that once each school year a 292
written statement describing the policy and the consequences for 293
violations of the policy be sent to each student's custodial 294
parent or guardian. The statement may be sent with regular 295
student report cards or may be delivered electronically. 296

(E) A school district employee, student, or volunteer 297
shall be individually immune from liability in a civil action 298
for damages arising from reporting an incident in accordance 299
with a policy adopted pursuant to this section if that person 300
reports an incident of harassment, intimidation, or bullying 301
promptly in good faith and in compliance with the procedures as 302
specified in the policy. 303

(F) Except as provided in division (E) of this section, 304
nothing in this section prohibits a victim from seeking redress 305
under any other provision of the Revised Code or common law that 306
may apply. 307

(G) This section does not create a new cause of action or 308
a substantive legal right for any person. 309

(H) Each board shall update the policy adopted under this 310
section to include violence within a dating relationship ~~and,~~ 311

harassment, intimidation, or bullying by electronic means, and 312
hazing. The board also shall review the policy adopted under 313
this section at least once every three years and update it as 314
necessary based on the review. 315

Sec. 3313.669. (A) The board of education of each city, 316
exempted village, or local school district shall adopt a 317
resolution establishing an evidence-based or evidence-informed 318
policy under section 3313.661 of the Revised Code that requires 319
the district to take a disciplinary action against any pupil who 320
commits an offense of harassment, intimidation, or bullying. The 321
policy shall authorize the imposition of any of the following 322
actions for each offense by a pupil as determined appropriate 323
under the circumstances: 324

(1) A detention requiring the pupil to be present in 325
school before or after the instructional day, or on days the 326
school is not normally open for instruction, for up to the total 327
number of hours equivalent to ten school days to complete 328
supervised learning activities or a community service plan 329
prescribed under division (B) (1) of this section; 330

(2) An in-school suspension of up to ten school days; 331

(3) An out-of-school suspension of up to ten school days; 332

(4) An alternative form of discipline aligned with 333
guidelines adopted under division (F) of this section. 334

Subject to division (D) of this section, any suspension 335
issued under this section shall be issued in accordance with 336
sections 3313.66, 3313.661, and 3313.668 of the Revised Code. 337

(B) (1) The board may develop an age-appropriate community 338
service plan for any pupil subject to detention or suspension 339
under this section and require that the pupil complete the plan. 340

The plan shall include specific goals and timelines under which 341
the pupil shall perform community service during the term of the 342
pupil's detention or suspension under this section. The board 343
shall determine the duration of the community service performed 344
under the plan. The community service plan may continue beyond 345
the date upon which a pupil returns to school. 346

(2) The district shall prohibit a pupil from participating 347
in any extracurricular activity during the period of a pupil's 348
detention or suspension under this section. 349

(3) As determined appropriate by the board, the district 350
may impose additional measures, other than those prescribed 351
under this division, on a pupil subject to detention or 352
suspension under this section. 353

(C) (1) During the period of a pupil's detention or 354
suspension under this section, the district shall permit the 355
pupil to do both of the following: 356

(a) Complete all missed schoolwork. For this purpose, the 357
district may offer tutoring and academic support to the pupil. 358

(b) Take any required state assessment. For this purpose, 359
the pupil shall be permitted to take the assessment in the 360
pupil's regular school setting. 361

(2) The district may provide counseling or intervention 362
services for a pupil subject to detention, suspension, or an 363
alternative form of discipline under this section, so long as 364
the pupil's parent, guardian, or custodian gives permission for 365
the pupil to undergo such counseling or intervention services. 366
If the district does not offer counseling or intervention 367
services, the district may coordinate with community 368
organizations that provide counseling or intervention services 369

and help identify counseling or intervention resources. 370

(D) As a condition of returning to school, a pupil who is 371
suspended under this section shall complete all missed 372
schoolwork, as determined by the district. If the pupil does not 373
complete this requirement, the pupil may be permitted to return 374
to school provided the district determines that the pupil has 375
made sufficient progress towards completing the requirement. 376

(E) Upon receiving a report or being notified of a 377
potential incident of harassment, intimidation, or bullying at 378
school or on school grounds, the principal or another 379
administrator shall conduct an investigation to determine if 380
harassment, intimidation, or bullying has occurred. The 381
principal or another administrator shall notify the parent, 382
guardian, or custodian of any pupil involved in a potential 383
incident of harassment, intimidation, or bullying of an 384
investigation conducted under this division. 385

(F) A board may adopt guidelines regarding the issuance of 386
an alternative form of discipline to a pupil who commits an 387
offense of harassment, intimidation, or bullying in lieu of a 388
detention or suspension under this section. The guidelines shall 389
include both of the following: 390

(1) One or more alternative forms of discipline approved 391
by the board. A board shall only approve an alternative form of 392
discipline that has a high chance of successfully reintegrating 393
a pupil into the school. 394

(2) Criteria for determining whether a pupil qualifies for 395
an alternative form of discipline. The criteria shall at least 396
include all of the following: 397

(a) Extenuating circumstances that qualify a pupil for an 398

<u>alternative form of discipline, rather than a detention or</u>	399
<u>suspension;</u>	400
<u>(b) A requirement that a pupil has a high chance of</u>	401
<u>successful reintegration into the school using the alternative</u>	402
<u>form of discipline;</u>	403
<u>(c) A requirement that the pupil does not pose a risk to</u>	404
<u>the safety of the school and the victim.</u>	405
<u>(G) Any suspension issued under this section shall be</u>	406
<u>subject to the due process procedures for a suspension</u>	407
<u>prescribed under section 3313.66 of the Revised Code.</u>	408
<u>Additionally, any detention issued under this section shall be</u>	409
<u>subject to due process procedures in a similar manner to the</u>	410
<u>procedures for a suspension under section 3313.66 of the Revised</u>	411
<u>Code.</u>	412
<u>(H) (1) The board may offer counseling services to the</u>	413
<u>victim of an offense of harassment, intimidation, or bullying.</u>	414
<u>However, the victim is not required to participate in the</u>	415
<u>counseling.</u>	416
<u>(2) The board shall permit a victim of harassment,</u>	417
<u>intimidation, or bullying to complete all missed schoolwork due</u>	418
<u>to harassment, intimidation, or bullying. For this purpose, the</u>	419
<u>district may offer tutoring and academic support to the victim.</u>	420
<u>(I) Nothing in this section shall create a new requirement</u>	421
<u>on the part of a board to provide the same services it would</u>	422
<u>provide to a pupil attending school in the district to a pupil</u>	423
<u>permanently excluded pursuant to section 3313.662 of the Revised</u>	424
<u>Code.</u>	425
<u>(J) Nothing in this section shall affect a district's</u>	426
<u>obligation to provide a free and appropriate education to</u>	427

children with disabilities under 20 U.S.C. 1400, et seq. and 428
Chapter 3323. of the Revised Code. 429

(K) This section shall not apply to any pupil in grades 430
pre-kindergarten through three. 431

(L) As used in this section: 432

(1) "Extracurricular activity" has the same meaning as in 433
section 3313.537 of the Revised Code. 434

(2) "Harassment, intimidation, or bullying" has the same 435
meaning as in section 3313.666 of the Revised Code. 436

Sec. 3314.03. A copy of every contract entered into under 437
this section shall be filed with the superintendent of public 438
instruction. The department of education shall make available on 439
its web site a copy of every approved, executed contract filed 440
with the superintendent under this section. 441

(A) Each contract entered into between a sponsor and the 442
governing authority of a community school shall specify the 443
following: 444

(1) That the school shall be established as either of the 445
following: 446

(a) A nonprofit corporation established under Chapter 447
1702. of the Revised Code, if established prior to April 8, 448
2003; 449

(b) A public benefit corporation established under Chapter 450
1702. of the Revised Code, if established after April 8, 2003. 451

(2) The education program of the school, including the 452
school's mission, the characteristics of the students the school 453
is expected to attract, the ages and grades of students, and the 454

focus of the curriculum;	455
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	456 457 458 459
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	460 461 462 463
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	464 465 466
(6) (a) Dismissal procedures;	467
(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.	468 469 470 471 472 473
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	474 475
(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.	476 477 478 479 480 481
(9) An addendum to the contract outlining the facilities	482

to be used that contains at least the following information:	483
(a) A detailed description of each facility used for instructional purposes;	484 485
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	486 487
(c) The annual mortgage principal and interest payments that are paid by the school;	488 489
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	490 491 492
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	493 494 495 496 497 498
(11) That the school will comply with the following requirements:	499 500
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	501 502 503
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	504 505 506
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	507 508 509 510

(d) The school will comply with sections 9.90, 9.91, 511
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 512
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 513
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 514
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 515
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 516
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 517
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 518
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 519
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 520
3319.073, 3319.318, 3319.321, 3319.39, 3319.391, 3319.41, 521
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 522
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 523
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 524
4123., 4141., and 4167. of the Revised Code as if it were a 525
school district and will comply with section 3301.0714 of the 526
Revised Code in the manner specified in section 3314.17 of the 527
Revised Code. 528

(e) The school shall comply with Chapter 102. and section 529
2921.42 of the Revised Code. 530

(f) The school will comply with sections 3313.61, 531
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 532
Revised Code, except that for students who enter ninth grade for 533
the first time before July 1, 2010, the requirement in sections 534
3313.61 and 3313.611 of the Revised Code that a person must 535
successfully complete the curriculum in any high school prior to 536
receiving a high school diploma may be met by completing the 537
curriculum adopted by the governing authority of the community 538
school rather than the curriculum specified in Title XXXIII of 539
the Revised Code or any rules of the state board of education. 540
Beginning with students who enter ninth grade for the first time 541

on or after July 1, 2010, the requirement in sections 3313.61 542
and 3313.611 of the Revised Code that a person must successfully 543
complete the curriculum of a high school prior to receiving a 544
high school diploma shall be met by completing the requirements 545
prescribed in division (C) of section 3313.603 of the Revised 546
Code, unless the person qualifies under division (D) or (F) of 547
that section. Each school shall comply with the plan for 548
awarding high school credit based on demonstration of subject 549
area competency, and beginning with the 2017-2018 school year, 550
with the updated plan that permits students enrolled in seventh 551
and eighth grade to meet curriculum requirements based on 552
subject area competency adopted by the state board of education 553
under divisions (J) (1) and (2) of section 3313.603 of the 554
Revised Code. Beginning with the 2018-2019 school year, the 555
school shall comply with the framework for granting units of 556
high school credit to students who demonstrate subject area 557
competency through work-based learning experiences, internships, 558
or cooperative education developed by the department under 559
division (J) (3) of section 3313.603 of the Revised Code. 560

(g) The school governing authority will submit within four 561
months after the end of each school year a report of its 562
activities and progress in meeting the goals and standards of 563
divisions (A) (3) and (4) of this section and its financial 564
status to the sponsor and the parents of all students enrolled 565
in the school. 566

(h) The school, unless it is an internet- or computer- 567
based community school, will comply with section 3313.801 of the 568
Revised Code as if it were a school district. 569

(i) If the school is the recipient of moneys from a grant 570
awarded under the federal race to the top program, Division (A), 571

Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

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

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

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

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the

total estimated per pupil expenditure amount for each such year.	600
(16) Requirements and procedures regarding the disposition	601
of employees of the school in the event the contract is	602
terminated or not renewed pursuant to section 3314.07 of the	603
Revised Code;	604
(17) Whether the school is to be created by converting all	605
or part of an existing public school or educational service	606
center building or is to be a new start-up school, and if it is	607
a converted public school or service center building,	608
specification of any duties or responsibilities of an employer	609
that the board of education or service center governing board	610
that operated the school or building before conversion is	611
delegating to the governing authority of the community school	612
with respect to all or any specified group of employees provided	613
the delegation is not prohibited by a collective bargaining	614
agreement applicable to such employees;	615
(18) Provisions establishing procedures for resolving	616
disputes or differences of opinion between the sponsor and the	617
governing authority of the community school;	618
(19) A provision requiring the governing authority to	619
adopt a policy regarding the admission of students who reside	620
outside the district in which the school is located. That policy	621
shall comply with the admissions procedures specified in	622
sections 3314.06 and 3314.061 of the Revised Code and, at the	623
sole discretion of the authority, shall do one of the following:	624
(a) Prohibit the enrollment of students who reside outside	625
the district in which the school is located;	626
(b) Permit the enrollment of students who reside in	627
districts adjacent to the district in which the school is	628

located; 629

(c) Permit the enrollment of students who reside in any 630
other district in the state. 631

(20) A provision recognizing the authority of the 632
department of education to take over the sponsorship of the 633
school in accordance with the provisions of division (C) of 634
section 3314.015 of the Revised Code; 635

(21) A provision recognizing the sponsor's authority to 636
assume the operation of a school under the conditions specified 637
in division (B) of section 3314.073 of the Revised Code; 638

(22) A provision recognizing both of the following: 639

(a) The authority of public health and safety officials to 640
inspect the facilities of the school and to order the facilities 641
closed if those officials find that the facilities are not in 642
compliance with health and safety laws and regulations; 643

(b) The authority of the department of education as the 644
community school oversight body to suspend the operation of the 645
school under section 3314.072 of the Revised Code if the 646
department has evidence of conditions or violations of law at 647
the school that pose an imminent danger to the health and safety 648
of the school's students and employees and the sponsor refuses 649
to take such action. 650

(23) A description of the learning opportunities that will 651
be offered to students including both classroom-based and non- 652
classroom-based learning opportunities that is in compliance 653
with criteria for student participation established by the 654
department under division (H) (2) of section 3314.08 of the 655
Revised Code; 656

(24) The school will comply with sections 3302.04 and 657
3302.041 of the Revised Code, except that any action required to 658
be taken by a school district pursuant to those sections shall 659
be taken by the sponsor of the school. However, the sponsor 660
shall not be required to take any action described in division 661
(F) of section 3302.04 of the Revised Code. 662

(25) Beginning in the 2006-2007 school year, the school 663
will open for operation not later than the thirtieth day of 664
September each school year, unless the mission of the school as 665
specified under division (A)(2) of this section is solely to 666
serve dropouts. In its initial year of operation, if the school 667
fails to open by the thirtieth day of September, or within one 668
year after the adoption of the contract pursuant to division (D) 669
of section 3314.02 of the Revised Code if the mission of the 670
school is solely to serve dropouts, the contract shall be void. 671

(26) Whether the school's governing authority is planning 672
to seek designation for the school as a STEM school equivalent 673
under section 3326.032 of the Revised Code; 674

(27) That the school's attendance and participation 675
policies will be available for public inspection; 676

(28) That the school's attendance and participation 677
records shall be made available to the department of education, 678
auditor of state, and school's sponsor to the extent permitted 679
under and in accordance with the "Family Educational Rights and 680
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 681
and any regulations promulgated under that act, and section 682
3319.321 of the Revised Code; 683

(29) If a school operates using the blended learning 684
model, as defined in section 3301.079 of the Revised Code, all 685

of the following information:	686
(a) An indication of what blended learning model or models will be used;	687 688
(b) A description of how student instructional needs will be determined and documented;	689 690
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	691 692
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	693 694 695
(e) A statement describing how student progress will be monitored;	696 697
(f) A statement describing how private student data will be protected;	698 699
(g) A description of the professional development activities that will be offered to teachers.	700 701
(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;	702 703 704 705
(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.	706 707 708 709 710
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a	711 712

student's parent to notify the community school in which the 713
student is enrolled when there is a change in the location of 714
the parent's or student's primary residence. 715

(33) A provision requiring the governing authority to 716
adopt a student residence and address verification policy for 717
students enrolling in or attending the school. 718

(B) The community school shall also submit to the sponsor 719
a comprehensive plan for the school. The plan shall specify the 720
following: 721

(1) The process by which the governing authority of the 722
school will be selected in the future; 723

(2) The management and administration of the school; 724

(3) If the community school is a currently existing public 725
school or educational service center building, alternative 726
arrangements for current public school students who choose not 727
to attend the converted school and for teachers who choose not 728
to teach in the school or building after conversion; 729

(4) The instructional program and educational philosophy 730
of the school; 731

(5) Internal financial controls. 732

When submitting the plan under this division, the school 733
shall also submit copies of all policies and procedures 734
regarding internal financial controls adopted by the governing 735
authority of the school. 736

(C) A contract entered into under section 3314.02 of the 737
Revised Code between a sponsor and the governing authority of a 738
community school may provide for the community school governing 739
authority to make payments to the sponsor, which is hereby 740

authorized to receive such payments as set forth in the contract 741
between the governing authority and the sponsor. The total 742
amount of such payments for monitoring, oversight, and technical 743
assistance of the school shall not exceed three per cent of the 744
total amount of payments for operating expenses that the school 745
receives from the state. 746

(D) The contract shall specify the duties of the sponsor 747
which shall be in accordance with the written agreement entered 748
into with the department of education under division (B) of 749
section 3314.015 of the Revised Code and shall include the 750
following: 751

(1) Monitor the community school's compliance with all 752
laws applicable to the school and with the terms of the 753
contract; 754

(2) Monitor and evaluate the academic and fiscal 755
performance and the organization and operation of the community 756
school on at least an annual basis; 757

(3) Report on an annual basis the results of the 758
evaluation conducted under division (D) (2) of this section to 759
the department of education and to the parents of students 760
enrolled in the community school; 761

(4) Provide technical assistance to the community school 762
in complying with laws applicable to the school and terms of the 763
contract; 764

(5) Take steps to intervene in the school's operation to 765
correct problems in the school's overall performance, declare 766
the school to be on probationary status pursuant to section 767
3314.073 of the Revised Code, suspend the operation of the 768
school pursuant to section 3314.072 of the Revised Code, or 769

terminate the contract of the school pursuant to section 3314.07 770
of the Revised Code as determined necessary by the sponsor; 771

(6) Have in place a plan of action to be undertaken in the 772
event the community school experiences financial difficulties or 773
closes prior to the end of a school year. 774

(E) Upon the expiration of a contract entered into under 775
this section, the sponsor of a community school may, with the 776
approval of the governing authority of the school, renew that 777
contract for a period of time determined by the sponsor, but not 778
ending earlier than the end of any school year, if the sponsor 779
finds that the school's compliance with applicable laws and 780
terms of the contract and the school's progress in meeting the 781
academic goals prescribed in the contract have been 782
satisfactory. Any contract that is renewed under this division 783
remains subject to the provisions of sections 3314.07, 3314.072, 784
and 3314.073 of the Revised Code. 785

(F) If a community school fails to open for operation 786
within one year after the contract entered into under this 787
section is adopted pursuant to division (D) of section 3314.02 788
of the Revised Code or permanently closes prior to the 789
expiration of the contract, the contract shall be void and the 790
school shall not enter into a contract with any other sponsor. A 791
school shall not be considered permanently closed because the 792
operations of the school have been suspended pursuant to section 793
3314.072 of the Revised Code. 794

Sec. 3319.318. (A) The superintendent of a school 795
district, or the superintendent's designee, shall investigate 796
any report of harassment, intimidation, or bullying by an 797
administrator, employee, faculty member, teacher, consultant, or 798
volunteer of a school district against a student and shall 799

determine the proper course of action pursuant to Chapter 3319. 800
of the Revised Code. 801

(B) As used in this section, "harassment, intimidation, or 802
bullying" means any intentional written, verbal, electronic, or 803
physical act that an administrator, employee, faculty member, 804
teacher, consultant, or volunteer of a school district has 805
exhibited toward a student more than once and the behavior both: 806

(1) Causes mental or physical harm to the student; 807

(2) Is sufficiently severe, persistent, or pervasive that 808
it creates an intimidating, threatening, or abusive educational 809
environment for the student. 810

Sec. 3326.11. Each science, technology, engineering, and 811
mathematics school established under this chapter and its 812
governing body shall comply with sections 9.90, 9.91, 109.65, 813
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 814
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 815
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 816
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 817
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 818
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 819
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 820
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 821
3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 822
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 823
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 824
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.318, 3319.32, 825
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 826
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 827
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 828
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 829

3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 830
as if it were a school district. 831

Sec. 3345.19. (A) Each state institution of higher 832
education shall adopt a policy, including rules, regarding 833
harassment, intimidation, or bullying and hazing. The policy 834
shall include penalties for harassment, intimidation, or 835
bullying and hazing, including sanctions, fines, the withholding 836
of a diploma or transcript, probation, suspension, and 837
expulsion. 838

(B) As used in this section: 839

(1) "Harassment, intimidation, or bullying" means any 840
intentional written, verbal, electronic, or physical act that a 841
student has exhibited toward another particular student or an 842
administrator, employee, faculty member, teacher, consultant, or 843
volunteer of the institution more than once and the behavior 844
both: 845

(a) Causes mental or physical harm to the other student or 846
the administrator, employee, faculty member, teacher, 847
consultant, or volunteer; 848

(b) Is sufficiently severe, persistent, or pervasive that 849
it creates an intimidating, threatening, or abusive educational 850
environment for the other student or the administrator, 851
employee, faculty member, teacher, consultant, or volunteer. 852

(2) "Hazing" has the same meaning as in section 2903.31 of 853
the Revised Code. 854

(3) "State institution of higher education" has the same 855
meaning as in section 3345.011 of the Revised Code. 856

Section 2. That existing sections 2903.31, 3301.22, 857

3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 858
hereby repealed. 859

Section 3. This act shall be known as the "Ohio Anti- 860
Bullying and Hazing Act." 861