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135th General Assembly

Regular Session

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Sub. H. B. No. 206

Representatives Click, Robb Blasdel

**Cosponsors: Representatives Claggett, Williams, Bird, Jones, Brennan,
Carruthers, Daniels, Dell'Aquila, Dobos, Ghanbari, Hall, Holmes, Kick, LaRe, Lear,
Mathews, Merrin, Plummer, Schmidt**

Senators Brenner, Cirino, Reineke, Reynolds

A BILL

To amend sections 3313.66, 3313.661, 3313.7117, and 1
3319.324 of the Revised Code and to amend 2
Section 265.270 of H.B. 33 of the 135th General 3
Assembly as subsequently amended with respect to 4
the expulsion of a student from a public school 5
for actions that endanger the health and safety 6
of other students or school employees, regarding 7
automatic closures of community schools and the 8
storage and use of drugs used to treat seizure, 9
and to increase the earmarked funding for school 10
choice program administration. 11

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

Section 1. That sections 3313.66, 3313.661, 3313.7117, and 12
3319.324 of the Revised Code be amended to read as follows: 13

Sec. 3313.66. As specified in section 3314.03 of the 14
Revised Code, each community school established under Chapter 15
3314. of the Revised Code shall comply with this section as if 16

it were a school district. 17

(A) (1) Except as provided under division (B) (2) of this 18
section, and subject to section 3313.668 of the Revised Code, 19
the superintendent of schools of a city, exempted village, or 20
local school district, or the principal of a public school may 21
suspend a pupil from school for not more than ten school days. 22
The board of education of a city, exempted village, or local 23
school district may adopt a policy granting assistant principals 24
and other administrators the authority to suspend a pupil from 25
school for a period of time as specified in the policy of the 26
board of education, not to exceed ten school days. If at the 27
time an out-of-school suspension is imposed there are fewer than 28
ten school days remaining in the school year in which the 29
incident that gives rise to the suspension takes place, the 30
superintendent shall not apply any remaining part of the period 31
of the suspension to the following school year. The 32
superintendent may instead require the pupil to participate in a 33
community service program or another alternative consequence for 34
a number of hours equal to the remaining part of the period of 35
the suspension. The pupil shall be required to begin the pupil's 36
community service or alternative consequence during the first 37
full week day of summer break. Each school district, in its 38
discretion, may develop an appropriate list of alternative 39
consequences. In the event that a pupil fails to complete 40
community service or the assigned alternative consequence, the 41
school district may determine the next course of action, which 42
shall not include requiring the pupil to serve the remaining 43
time of the out-of-school suspension at the beginning of the 44
following school year. 45

No pupil shall be issued an out-of-school suspension 46
unless prior to the suspension the superintendent or principal 47

does both of the following:	48
(a) Gives the pupil written notice of the intention to suspend the pupil and the reasons for the intended suspension and, if the proposed suspension is based on a violation listed in division (A) of section 3313.662 of the Revised Code and if the pupil is sixteen years of age or older, includes in the notice a statement that the superintendent may seek to permanently exclude the pupil if the pupil is convicted of or adjudicated a delinquent child for that violation;	49 50 51 52 53 54 55 56
(b) Provides the pupil an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent's designee and challenge the reason for the intended suspension or otherwise to explain the pupil's actions.	57 58 59 60 61
(2) If a pupil is issued an in-school suspension, the superintendent or principal shall ensure the pupil is serving the suspension in a supervised learning environment.	62 63 64
(3) Each school district board shall adopt a policy establishing parameters for completing and grading assignments missed because of a pupil's suspension.	65 66 67
(a) The policy shall provide the pupil an opportunity to do both of the following:	68 69
(i) Complete any classroom assignments missed because of the suspension;	70 71
(ii) Receive at least partial credit for a completed assignment.	72 73
(b) The policy may permit grade reductions on account of the pupil's suspension.	74 75

(c) The policy shall prohibit the receipt of a failing 76
grade on a completed assignment solely on account of the pupil's 77
suspension. 78

(B) (1) Except as provided under division (B) (2), (3), ~~or~~ 79
(4), (5), or (6) of this section, and subject to section 80
3313.668 of the Revised Code, the superintendent of schools of a 81
city, exempted village, or local school district may expel a 82
pupil from school for a period not to exceed the greater of 83
eighty school days or the number of school days remaining in the 84
semester or term in which the incident that gives rise to the 85
expulsion takes place, unless the expulsion is extended pursuant 86
to division (F) of this section. If at the time an expulsion is 87
imposed there are fewer than eighty school days remaining in the 88
school year in which the incident that gives rise to the 89
expulsion takes place, the superintendent may apply any 90
remaining part or all of the period of the expulsion to the 91
following school year. 92

(2) (a) Unless a pupil is permanently excluded pursuant to 93
section 3313.662 of the Revised Code, the superintendent of 94
schools of a city, exempted village, or local school district 95
shall expel a pupil from school for a period of one year for 96
bringing a firearm to a school operated by the board of 97
education of the district or onto any other property owned or 98
controlled by the board, except that the superintendent may 99
reduce this requirement on a case-by-case basis in accordance 100
with the policy adopted by the board under section 3313.661 of 101
the Revised Code. If a pupil expelled under this division is 102
enrolled in a district that has established a policy under 103
division (B) (6) of this section, then the pupil's reinstatement 104
may be subject to the district's policy. 105

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

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

(3) The board of education of a city, exempted village, or local school district may adopt a resolution authorizing the superintendent of schools to expel a pupil from school for a period not to exceed one year for bringing a knife capable of causing serious bodily injury to a school operated by the board, onto any other property owned or controlled by the board, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant, or for possessing a firearm or knife capable of serious bodily injury, at a school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity, which firearm or knife was initially brought onto school board property by another person. The resolution may authorize the superintendent to extend such an expulsion, as necessary, into the school year following the

school year in which the incident that gives rise to the 137
expulsion takes place. 138

(4) The board of education of a city, exempted village, or 139
local school district may adopt a resolution establishing a 140
policy under section 3313.661 of the Revised Code that 141
authorizes the superintendent of schools to expel a pupil from 142
school for a period not to exceed one year for committing an act 143
that is a criminal offense when committed by an adult and that 144
results in serious physical harm to persons as defined in 145
division (A) (5) of section 2901.01 of the Revised Code or 146
serious physical harm to property as defined in division (A) (6) 147
of section 2901.01 of the Revised Code while the pupil is at 148
school, on any other property owned or controlled by the board, 149
or at an interscholastic competition, an extracurricular event, 150
or any other school program or activity. Any expulsion under 151
this division shall extend, as necessary, into the school year 152
following the school year in which the incident that gives rise 153
to the expulsion takes place. 154

(5) The board of education of any city, exempted village, 155
or local school district may adopt a resolution establishing a 156
policy under section 3313.661 of the Revised Code that 157
authorizes the superintendent of schools to expel a pupil from 158
school for a period not to exceed one year for making a bomb 159
threat to a school building or to any premises at which a school 160
activity is occurring at the time of the threat. Any expulsion 161
under this division shall extend, as necessary, into the school 162
year following the school year in which the incident that gives 163
rise to the expulsion takes place. 164

(6) The board of education of any city, exempted village, 165
or local school district may adopt a resolution establishing a 166

policy under section 3313.661 of the Revised Code that 167
authorizes the superintendent of schools to expel a pupil from 168
school for a period not to exceed one hundred eighty school days 169
for actions that the superintendent determines pose imminent and 170
severe endangerment to the health and safety of other pupils or 171
school employees, even though the pupil's actions may not 172
qualify for permanent exclusion under section 3313.662 of the 173
Revised Code. Upon the expulsion of a pupil pursuant to this 174
division, the superintendent shall develop conditions for that 175
pupil to satisfy prior to the pupil's reinstatement. The 176
superintendent shall provide a copy of these conditions in 177
writing to the district board, the pupil, and the pupil's 178
parent, guardian, or custodian at the beginning of the expulsion 179
period. 180

One of the conditions developed by the superintendent 181
shall be an assessment to determine whether the pupil poses a 182
danger to the pupil's self or to other pupils or school 183
employees. The assessment shall be completed by a psychiatrist 184
as defined in section 5122.01 of the Revised Code, licensed 185
psychologist, or licensed school psychologist employed or 186
contracted by the district. The psychiatrist, psychologist, or 187
school psychologist shall be agreed upon by both the district 188
superintendent and the pupil's parent, guardian, or custodian. 189
If the psychiatrist, psychologist, or school psychologist is not 190
employed or contracted by the district, the cost of the 191
assessment shall be referred for payment to the pupil's health 192
insurance. Any costs not covered by the pupil's health insurance 193
shall be paid by the district. The district shall pay in full 194
for an assessment completed by a psychiatrist, psychologist, or 195
school psychologist that is employed or contracted by the 196
district. The assessment shall include a determination from the 197

psychiatrist, psychologist, or school psychologist as to whether 198
the pupil poses a danger to the pupil's self or to other pupils 199
or school employees and may include recommendations for 200
contingent conditions on the pupil's reinstatement. 201

(a) At the end of the expulsion period, the superintendent 202
shall assess the pupil and determine whether the pupil has shown 203
sufficient rehabilitation to be reinstated. For an expulsion 204
period of one hundred eighty days or an extended expulsion 205
period of ninety days, the superintendent shall make this 206
determination in consultation with a multidisciplinary team 207
selected by the superintendent. The superintendent shall take 208
into consideration both the assessment by the psychiatrist, 209
psychologist, or school psychologist and whether or not the 210
pupil has met the conditions developed by the superintendent at 211
the beginning of the expulsion period. 212

In making any determination under division (B) (6) of this 213
section, including a determination by the superintendent to 214
extend the expulsion for an additional period of ninety days, 215
the superintendent shall comply with the procedures prescribed 216
by divisions (B) (7) and (D) of this section. 217

(i) Upon the assessment of a pupil as required by division 218
(B) (6) (a) of this section, if the superintendent determines that 219
the pupil has shown sufficient rehabilitation, the 220
superintendent may reinstate that pupil. 221

(ii) Upon the assessment of a pupil as required by 222
division (B) (6) (a) of this section, if the superintendent 223
determines that the pupil has not shown sufficient 224
rehabilitation, the superintendent may extend the expulsion for 225
an additional period not to exceed ninety school days. 226

(b) If the superintendent extends the expulsion period 227
under division (B) (6) (a) (ii) of this section, the superintendent 228
shall develop conditions for that pupil to satisfy prior to that 229
pupil's reinstatement, which may be the same as those developed 230
for the original expulsion period. The superintendent shall 231
provide a copy of these conditions in writing to the district 232
board, the pupil, and the pupil's parent, guardian, or custodian 233
at the beginning of the extended expulsion period. At the end of 234
the extended expulsion period, the superintendent shall reassess 235
the pupil in the manner prescribed by division (B) (6) (a) of this 236
section and may reinstate the pupil or may extend the expulsion 237
for another term, not to exceed ninety school days, in the same 238
manner as provided in divisions (B) (6) (a) (i) and (ii) of this 239
section. There is no limit on the number of times the 240
superintendent may extend an expulsion under division (B) (6) (a) 241
(ii) of this section. 242

(c) Prior to the end of the original expulsion period or 243
of an extended expulsion period, if the pupil has met all of the 244
conditions developed by the superintendent at the beginning of 245
the expulsion period, the superintendent may reduce the 246
expulsion on a case-by-case basis. In making the determination, 247
the superintendent shall comply with the district's policy 248
regarding the reduction of an expulsion period, adopted pursuant 249
to section 3313.661 of the Revised Code. 250

(d) Prior to the end of the original expulsion period or 251
of an extended expulsion period, the pupil or the pupil's 252
parent, guardian, or custodian may request the superintendent to 253
complete an early assessment of the pupil. If requested, the 254
superintendent shall assess the pupil and make a determination 255
in the manner prescribed by division (B) (6) (a) of this section. 256
In making the determination, the superintendent shall comply 257

with the district's policy regarding the reduction of an 258
expulsion period, adopted pursuant to section 3313.661 of the 259
Revised Code. A pupil or pupil's parent, guardian, or custodian 260
may request one early assessment for the original expulsion 261
period and for each extended expulsion period under this 262
division. 263

(e) A superintendent may develop contingent conditions for 264
a pupil's reinstatement under divisions (B) (6) (a) (i), (B) (6) (c), 265
and (B) (6) (d) of this section. The conditions may include the 266
conditions developed for the original expulsion period and 267
recommendations made by a psychiatrist, psychologist, or school 268
psychologist in an assessment conducted under division (B) (6) of 269
this section. The superintendent shall establish a duration 270
under which a pupil must meet the contingent conditions that may 271
extend to a pupil's graduation date. The superintendent shall 272
provide a copy of these conditions in writing to the district 273
board, the pupil, and the pupil's parent, guardian, or custodian 274
when the superintendent makes a reinstatement determination. If 275
a pupil fails to meet the contingent conditions set under this 276
division, the superintendent may revoke the pupil's 277
reinstatement and establish an extended expulsion period under 278
the same process as in division (B) (6) (b) of this section. 279

(f) Not later than fifteen school days after the beginning 280
of the original expulsion period or of any extended expulsion 281
period under division (B) (6) of this section for a pupil who 282
does not have an individualized education program developed 283
under Chapter 3323. of the Revised Code, or not later than ten 284
school days after the beginning of the original expulsion period 285
or of any extended expulsion period under division (B) (6) of 286
this section for a pupil who has an individualized education 287
program, the superintendent, in consultation with the pupil, the 288

pupil's parent, guardian, or custodian, and the pupil's IEP 289
team, as defined in section 3323.01 of the Revised Code, if the 290
pupil has one, shall develop a plan for the continued education 291
of the pupil, which may include education by the district in an 292
alternative setting under division (I) of this section, 293
including instruction at home, enrollment in another district or 294
other type of public or nonpublic school, or any other form of 295
instruction that complies with Chapter 3321. of the Revised 296
Code. 297

(g) The pupil or the pupil's parent, guardian, or 298
custodian may appeal any determination made by the 299
superintendent pursuant to division (B)(6) of this section in 300
the manner prescribed by division (E) of this section. 301

(h) A board shall provide the department of education and 302
workforce records of each expulsion made under division (B)(6) 303
of this section and any changes to a pupil's expulsion status. 304
Such records shall not include a pupil's name and shall be 305
provided to the department in accordance with sections 3301.0714 306
and 3319.321 of the Revised Code. Such records shall include all 307
of the following: 308

(i) The name of the pupil's school; 309

(ii) The reason or reasons for the pupil's expulsion; 310

(iii) The duration of the pupil's expulsion and any 311
extension of the expulsion; 312

(iv) The total number of pupils expelled by the district 313
in the school year as of the date of the report; 314

(v) The pupil's age, gender, race, and other demographic 315
information. 316

(i) A district or school to which a pupil with an 317
expulsion record under division (B) (6) of this section transfers 318
may request such records from the district in which the pupil 319
was enrolled prior to the transfer or from the department. The 320
district or department shall provide the requested records to 321
the requesting district or school as authorized under section 322
3319.321 of the Revised Code. 323

(7) No pupil shall be expelled under division (B) (1), (2), 324
(3), (4), ~~or~~ (5), or (6) of this section unless, prior to the 325
pupil's expulsion, the superintendent does both of the 326
following: 327

(a) Gives the pupil and the pupil's parent, guardian, or 328
custodian written notice of the intention to expel the pupil; 329

(b) Provides the pupil and the pupil's parent, guardian, 330
custodian, or representative an opportunity to appear in person 331
before the superintendent or the superintendent's designee to 332
challenge the reasons for the intended expulsion or otherwise to 333
explain the pupil's actions. 334

The notice required in this division shall include the 335
reasons for the intended expulsion, notification of the 336
opportunity of the pupil and the pupil's parent, guardian, 337
custodian, or representative to appear before the superintendent 338
or the superintendent's designee to challenge the reasons for 339
the intended expulsion or otherwise to explain the pupil's 340
action, and notification of the time and place to appear. The 341
time to appear shall not be earlier than three nor later than 342
five school days after the notice is given, unless the 343
superintendent grants an extension of time at the request of the 344
pupil or the pupil's parent, guardian, custodian, or 345
representative. If an extension is granted after giving the 346

original notice, the superintendent shall notify the pupil and 347
the pupil's parent, guardian, custodian, or representative of 348
the new time and place to appear. If the proposed expulsion is 349
based on a violation listed in division (A) of section 3313.662 350
of the Revised Code and if the pupil is sixteen years of age or 351
older, the notice shall include a statement that the 352
superintendent may seek to permanently exclude the pupil if the 353
pupil is convicted of or adjudicated a delinquent child for that 354
violation. 355

~~(7)~~(8) A superintendent of schools of a city, exempted 356
village, or local school district shall initiate expulsion 357
proceedings pursuant to this section with respect to any pupil 358
who has committed an act warranting expulsion under the 359
district's policy regarding expulsion even if the pupil has 360
withdrawn from school for any reason after the incident that 361
gives rise to the hearing but prior to the hearing or decision 362
to impose the expulsion. If, following the hearing, the pupil 363
would have been expelled for a period of time had the pupil 364
still been enrolled in the school, the expulsion shall be 365
imposed for the same length of time as on a pupil who has not 366
withdrawn from the school. 367

(C) (1) Subject to division (C) (2) of this section, if a 368
pupil's presence poses a continuing danger to persons or 369
property or an ongoing threat of disrupting the academic process 370
taking place either within a classroom or elsewhere on the 371
school premises, the superintendent or a principal or assistant 372
principal may remove a pupil from curricular activities or from 373
the school premises, and a teacher may remove a pupil from 374
curricular activities under the teacher's supervision, without 375
the notice and hearing requirements of division (A) or (B) of 376
this section. As soon as practicable after making such a 377

removal, the teacher shall submit in writing to the principal 378
the reasons for such removal. 379

(2) A pupil in any of grades pre-kindergarten through 380
three may be removed pursuant to division (C)(1) of this section 381
only for the remainder of the school day and shall be permitted 382
to return to curricular and extracurricular activities on the 383
school day following the day in which the student was removed. 384

(a) A school district or school that returns a student in 385
any of grades pre-kindergarten through three to curricular and 386
extracurricular activities on the next school day shall not be 387
required to follow division (C)(3) of this section with regard 388
to that student. 389

(b) A school district shall not initiate a suspension or 390
expulsion proceeding against a student in any of grades pre- 391
kindergarten through three who was removed from a curricular or 392
extracurricular activity under division (C) of this section 393
unless the student has committed an act described in division 394
(B)(1)(a) or (b) of section 3313.668 of the Revised Code. 395

(3) If a pupil is removed under division (C)(1) or (2) of 396
this section from a curricular activity or from the school 397
premises, written notice of the hearing and of the reason for 398
the removal shall be given to the pupil as soon as practicable 399
prior to the hearing, which shall be held on the next school day 400
after the initial removal is ordered. The hearing shall be held 401
in accordance with division (A) of this section unless it is 402
probable that the pupil may be subject to expulsion, in which 403
case a hearing in accordance with division (B) of this section 404
shall be held, except that the hearing shall be held on the next 405
school day after the date of the initial removal. The individual 406
who ordered, caused, or requested the removal to be made shall 407

be present at the hearing. 408

(4) If the superintendent or the principal reinstates a 409
pupil in a curricular activity under the teacher's supervision 410
prior to the hearing following a removal under this division, 411
the teacher, upon request, shall be given in writing the reasons 412
for such reinstatement. 413

(D) The superintendent or principal, within one school day 414
after the time of a pupil's expulsion or suspension, shall 415
notify in writing the parent, guardian, or custodian of the 416
pupil of the expulsion or suspension. In the case of an 417
expulsion, the superintendent or principal, within one school 418
day after the time of a pupil's expulsion, also shall notify in 419
writing the treasurer of the board of education. Each notice 420
shall include the reasons for the expulsion or suspension, 421
notification of the right of the pupil or the pupil's parent, 422
guardian, or custodian to appeal the expulsion or suspension to 423
the board of education or to its designee, to be represented in 424
all appeal proceedings, to be granted a hearing before the board 425
or its designee in order to be heard against the suspension or 426
expulsion, and to request that the hearing be held in executive 427
session, notification that the expulsion may be subject to 428
extension pursuant to division (F) of this section if the pupil 429
is sixteen years of age or older, and notification that the 430
superintendent may seek the pupil's permanent exclusion if the 431
suspension or expulsion was based on a violation listed in 432
division (A) of section 3313.662 of the Revised Code that was 433
committed when the child was sixteen years of age or older and 434
if the pupil is convicted of or adjudicated a delinquent child 435
for that violation. 436

In accordance with the policy adopted by the board of 437

education under section 3313.661 of the Revised Code, the notice 438
provided under this division shall specify the manner and date 439
by which the pupil or the pupil's parent, guardian, or custodian 440
shall notify the board of the pupil's, parent's, guardian's, or 441
custodian's intent to appeal the expulsion or suspension to the 442
board or its designee. 443

Any superintendent expelling a pupil under this section 444
for more than twenty school days or for any period of time if 445
the expulsion will extend into the following semester or school 446
year shall, in the notice required under this division, provide 447
the pupil and the pupil's parent, guardian, or custodian with 448
information about services or programs offered by public and 449
private agencies that work toward improving those aspects of the 450
pupil's attitudes and behavior that contributed to the incident 451
that gave rise to the pupil's expulsion. The information shall 452
include the names, addresses, and phone numbers of the 453
appropriate public and private agencies. 454

(E) A pupil or the pupil's parent, guardian, or custodian 455
may appeal the pupil's expulsion by a superintendent or 456
suspension by a superintendent, principal, assistant principal, 457
or other administrator to the board of education or to its 458
designee. If the pupil or the pupil's parent, guardian, or 459
custodian intends to appeal the expulsion or suspension to the 460
board or its designee, the pupil or the pupil's parent, 461
guardian, or custodian shall notify the board in the manner and 462
by the date specified in the notice provided under division (D) 463
of this section. The pupil or the pupil's parent, guardian, or 464
custodian may be represented in all appeal proceedings and shall 465
be granted a hearing before the board or its designee in order 466
to be heard against the suspension or expulsion. At the request 467
of the pupil or of the pupil's parent, guardian, custodian, or 468

attorney, the board or its designee may hold the hearing in 469
executive session but shall act upon the suspension or expulsion 470
only at a public meeting. The board, by a majority vote of its 471
full membership or by the action of its designee, may affirm the 472
order of suspension or expulsion, reinstate the pupil, or 473
otherwise reverse, vacate, or modify the order of suspension or 474
expulsion. 475

The board or its designee shall make a verbatim record of 476
hearings held under this division. The decisions of the board or 477
its designee may be appealed under Chapter 2506. of the Revised 478
Code. 479

This section shall not be construed to require notice and 480
hearing in accordance with division (A), (B), or (C) of this 481
section in the case of normal disciplinary procedures in which a 482
pupil is removed from a curricular activity for a period of less 483
than one school day and is not subject to suspension or 484
expulsion. 485

(F) (1) If a pupil is expelled pursuant to division (B) of 486
this section for committing any violation listed in division (A) 487
of section 3313.662 of the Revised Code and the pupil was 488
sixteen years of age or older at the time of committing the 489
violation, if a complaint, indictment, or information is filed 490
alleging that the pupil is a delinquent child based upon the 491
commission of the violation or the pupil is prosecuted as an 492
adult for the commission of the violation, and if the resultant 493
juvenile court or criminal proceeding is pending at the time 494
that the expulsion terminates, the superintendent of schools 495
that expelled the pupil may file a motion with the court in 496
which the proceeding is pending requesting an order extending 497
the expulsion for the lesser of an additional eighty days or the 498

number of school days remaining in the school year. Upon the 499
filing of the motion, the court immediately shall schedule a 500
hearing and give written notice of the time, date, and location 501
of the hearing to the superintendent and to the pupil and the 502
pupil's parent, guardian, or custodian. At the hearing, the 503
court shall determine whether there is reasonable cause to 504
believe that the pupil committed the alleged violation that is 505
the basis of the expulsion and, upon determining that reasonable 506
cause to believe the pupil committed the violation does exist, 507
shall grant the requested extension. 508

(2) If a pupil has been convicted of or adjudicated a 509
delinquent child for a violation listed in division (A) of 510
section 3313.662 of the Revised Code for an act that was 511
committed when the child was sixteen years of age or older, if 512
the pupil has been expelled pursuant to division (B) of this 513
section for that violation, and if the board of education of the 514
school district of the school from which the pupil was expelled 515
has adopted a resolution seeking the pupil's permanent 516
exclusion, the superintendent may file a motion with the court 517
that convicted the pupil or adjudicated the pupil a delinquent 518
child requesting an order to extend the expulsion until an 519
adjudication order or other determination regarding permanent 520
exclusion is issued by the director of education and workforce 521
pursuant to section 3301.121 and division (D) of section 522
3313.662 of the Revised Code. Upon the filing of the motion, the 523
court immediately shall schedule a hearing and give written 524
notice of the time, date, and location of the hearing to the 525
superintendent of the school district, the pupil, and the 526
pupil's parent, guardian, or custodian. At the hearing, the 527
court shall determine whether there is reasonable cause to 528
believe the pupil's continued attendance in the public school 529

system may endanger the health and safety of other pupils or 530
school employees and, upon making that determination, shall 531
grant the requested extension. 532

(G) The failure of the superintendent or the board of 533
education to provide the information regarding the possibility 534
of permanent exclusion in the notice required by divisions (A), 535
(B), and (D) of this section is not jurisdictional, and the 536
failure shall not affect the validity of any suspension or 537
expulsion procedure that is conducted in accordance with this 538
section or the validity of a permanent exclusion procedure that 539
is conducted in accordance with sections 3301.121 and 3313.662 540
of the Revised Code. 541

(H) With regard to suspensions and expulsions pursuant to 542
divisions (A) and (B) of this section by the board of education 543
of any city, exempted village, or local school district, this 544
section shall apply to any student, whether or not the student 545
is enrolled in the district, attending or otherwise 546
participating in any curricular program provided in a school 547
operated by the board or provided on any other property owned or 548
controlled by the board. 549

(I) Whenever a student is expelled under this section, the 550
expulsion shall result in removal of the student from the 551
student's regular school setting. However, during the period of 552
the expulsion, the board of education of the school district 553
that expelled the student or any board of education admitting 554
the student during that expulsion period may provide educational 555
services to the student in an alternative setting. 556

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 557
3313.64, and 3313.65 of the Revised Code, any school district, 558
after offering an opportunity for a hearing, may temporarily 559

deny admittance to any pupil if one of the following applies: 560

(a) The pupil has been suspended from the schools of 561
another district under division (A) of this section and the 562
period of suspension, as established under that division, has 563
not expired; 564

(b) The pupil has been expelled from the schools of 565
another district under division (B) of this section and the 566
period of the expulsion, as established under that division or 567
as extended under division (F) of this section, has not expired. 568

If a pupil is temporarily denied admission under this 569
division, the pupil shall be admitted to school in accordance 570
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 571
Revised Code no later than upon expiration of the suspension or 572
expulsion period, as applicable. 573

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 574
and 3313.65 of the Revised Code, any school district, after 575
offering an opportunity for a hearing, may temporarily deny 576
admittance to any pupil if the pupil has been expelled or 577
otherwise removed for disciplinary purposes from a public school 578
in another state and the period of expulsion or removal has not 579
expired. If a pupil is temporarily denied admission under this 580
division, the pupil shall be admitted to school in accordance 581
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 582
Revised Code no later than the earlier of the following: 583

(a) Upon expiration of the expulsion or removal period 584
imposed by the out-of-state school; 585

(b) Upon expiration of a period established by the 586
district, beginning with the date of expulsion or removal from 587
the out-of-state school, that is no greater than the period of 588

expulsion that the pupil would have received under the policy 589
adopted by the district under section 3313.661 of the Revised 590
Code had the offense that gave rise to the expulsion or removal 591
by the out-of-state school been committed while the pupil was 592
enrolled in the district. 593

(K) As used in this section: 594

(1) "Permanently exclude" and "permanent exclusion" have 595
the same meanings as in section 3313.662 of the Revised Code. 596

(2) "In-school suspension" means the pupil will serve all 597
of the suspension in a supervised learning environment within a 598
school setting. 599

(3) "School day" has the same meaning as in section 600
3313.481 of the Revised Code. 601

(4) "Imminent and severe endangerment" means any of the 602
following actions taken by a pupil: 603

(a) Bringing a firearm to a school operated by the board 604
or any other property owned or controlled by the board, as 605
described in division (B) (2) (a) of this section; 606

(b) Bringing a firearm to an interscholastic competition, 607
extracurricular event, or any other program or activity 608
sponsored by the school district or in which the district is a 609
participant; 610

(c) Bringing a knife capable of causing serious bodily 611
injury to a school operated by the board, any other property 612
owned or controlled by the board, or to an interscholastic 613
competition, extracurricular event, or any other program or 614
activity sponsored by the school district or in which the 615
district is a participant; 616

(d) Committing an act that is a criminal offense when 617
committed by an adult and that results in serious physical harm 618
to persons as defined in division (A) (5) of section 2901.01 of 619
the Revised Code or serious physical harm to property as defined 620
in division (A) (6) of section 2901.01 of the Revised Code while 621
the pupil is at a school operated by the board, any other 622
property owned or controlled by the board, or an interscholastic 623
competition, extracurricular event, or any other program or 624
activity sponsored by the school district or in which the 625
district is a participant; 626

(e) Making a bomb threat to a school building or to any 627
premises at which a school activity is occurring at the time of 628
the threat; 629

(f) Making an articulated or verbalized threat, including 630
a hit list, threatening manifesto, or social media post, that 631
would lead a reasonable person to conclude that the pupil poses 632
a serious threat. 633

(5) "Sufficient rehabilitation" means that a pupil has met 634
all conditions for reinstatement set by the pupil's 635
superintendent under division (B) (6) of this section and has 636
been determined by the superintendent to no longer pose a danger 637
to the pupil's self or to other pupils or school employees. 638

Sec. 3313.661. (A) Subject to the limitations set forth in 639
section 3313.668 of the Revised Code, the board of education of 640
each city, exempted village, and local school district shall 641
adopt a policy regarding suspension, expulsion, removal, and 642
permanent exclusion that specifies the types of misconduct for 643
which a pupil may be suspended, expelled, or removed. The types 644
of misconduct may include misconduct by a pupil that occurs off 645
of property owned or controlled by the district but that is 646

connected to activities or incidents that have occurred on 647
property owned or controlled by that district and misconduct by 648
a pupil that, regardless of where it occurs, is directed at a 649
district official or employee, or the property of such official 650
or employee. The policy shall specify the reasons for which the 651
superintendent of the district may reduce the expulsion 652
requirement in division (B) (2) of section 3313.66 of the Revised 653
Code. If a board of education adopts a resolution pursuant to 654
division (B) (3) of section 3313.66 of the Revised Code, the 655
policy shall define the term "knife capable of causing serious 656
bodily injury" or "firearm," as applicable, for purposes of 657
expulsion under that resolution and shall specify any reasons 658
for which the superintendent of the district may reduce any 659
required expulsion period on a case-by-case basis. If a board of 660
education adopts a resolution pursuant to division (B) (4) ~~or~~ (661
5) , or (6) of section 3313.66 of the Revised Code, the policy 662
shall specify any reasons for which the superintendent of the 663
district may reduce any ~~required~~ expulsion period on a case-by- 664
case basis. The policy also shall set forth the acts listed in 665
section 3313.662 of the Revised Code for which a pupil may be 666
permanently excluded. 667

The policy adopted under this division shall specify the 668
date and manner by which a pupil or a pupil's parent, guardian, 669
or custodian may notify the board of the pupil's, parent's, 670
guardian's, or custodian's intent to appeal an expulsion or 671
suspension to the board or its designee pursuant to division (E) 672
of section 3313.66 of the Revised Code. In the case of any 673
expulsion, the policy shall not specify a date that is less than 674
fourteen days after the date of the notice provided to the pupil 675
or the pupil's parent, guardian, or custodian under division (D) 676
of that section. 677

A copy of the policy shall be posted in a central location 678
in the school and made available to pupils upon request. No 679
pupil shall be suspended, expelled, or removed except in 680
accordance with the policy adopted by the board of education of 681
the school district in which the pupil attends school, and no 682
pupil shall be permanently excluded except in accordance with 683
sections 3301.121 and 3313.662 of the Revised Code. 684

(B) A board of education may establish a program and adopt 685
guidelines under which a superintendent may require a pupil to 686
perform community service in conjunction with a suspension or 687
expulsion imposed under section 3313.66 of the Revised Code or 688
in place of a suspension or expulsion imposed under section 689
3313.66 of the Revised Code except for an expulsion imposed 690
pursuant to division (B) (2) of that section. If a board adopts 691
guidelines under this division, they shall permit, except with 692
regard to an expulsion pursuant to division (B) (2) of section 693
3313.66 of the Revised Code, a superintendent to impose a 694
community service requirement beyond the end of the school year 695
in lieu of applying an expulsion into the following school year. 696
Any guidelines adopted shall be included in the policy adopted 697
under this section. 698

(C) The written policy of each board of education that is 699
adopted pursuant to section 3313.20 of the Revised Code shall be 700
posted in a central location in each school that is subject to 701
the policy and shall be made available to pupils upon request. 702

(D) Except as described in division (B) of section 703
3313.668 of the Revised Code, any policy, program, or guideline 704
adopted by a board of education under this section with regard 705
to suspensions or expulsions pursuant to division (A) or (B) of 706
section 3313.66 of the Revised Code shall apply to any student, 707

whether or not the student is enrolled in the district, 708
attending or otherwise participating in any curricular program 709
provided in a school operated by the board or provided on any 710
other property owned or controlled by the board. 711

(E) If a board of education adopts a resolution pursuant 712
to division (B) (6) of section 3313.66 of the Revised Code, the 713
board shall establish guidelines for appropriate conditions that 714
the superintendent may develop pursuant to division (B) (6) of 715
section 3313.66 of the Revised Code. 716

(F) The district superintendent shall develop a list of 717
alternative educational options for pupils who are expelled 718
under division (B) (6) of section 3313.66 of the Revised Code. 719

(G) As used in this section, "permanently exclude" and 720
"permanent exclusion" have the same meanings as in section 721
3313.662 of the Revised Code. 722

Sec. 3313.7117. (A) As used in this section: 723

(1) "Licensed health care professional" means any of the 724
following: 725

(a) A physician authorized under Chapter 4731. of the 726
Revised Code to practice medicine and surgery or osteopathic 727
medicine and surgery; 728

(b) A registered nurse, advanced practice registered 729
nurse, or licensed practical nurse licensed under Chapter 4723. 730
of the Revised Code; 731

(c) A physician assistant licensed under Chapter 4730. of 732
the Revised Code. 733

(2) "Seizure disorder" means epilepsy or involuntary 734
disturbance of brain function that may manifest as an 735

impairment, loss of consciousness, behavioral abnormalities, 736
sensory disturbance or convulsions. 737

(3) "Treating practitioner" means any of the following who 738
has primary responsibility for treating a student's seizure 739
disorder and has been identified as such by the student's 740
parent, guardian, or other person having care or charge of the 741
student or, if the student is at least eighteen years of age, by 742
the student: 743

(a) A physician authorized under Chapter 4731. of the 744
Revised Code to practice medicine and surgery or osteopathic 745
medicine and surgery; 746

(b) An advanced practice registered nurse who holds a 747
current, valid license to practice nursing as an advanced 748
practice registered nurse issued under Chapter 4723. of the 749
Revised Code and is designated as a clinical nurse specialist or 750
certified nurse practitioner in accordance with section 4723.42 751
of the Revised Code; 752

(c) A physician assistant who holds a license issued under 753
Chapter 4730. of the Revised Code, holds a valid prescriber 754
number issued by the state medical board, and has been granted 755
physician-delegated prescriptive authority. 756

(B) A school nurse, or another district or school employee 757
if a district or school does not have a school nurse, of each 758
city, local, exempted village, and joint vocational school 759
district and the governing authority of a chartered nonpublic 760
school, acting in collaboration with a student's parents or 761
guardian, shall create an individualized seizure action plan for 762
each student enrolled in the school district or chartered 763
nonpublic school who has an active seizure disorder diagnosis. A 764

plan shall include all of the following components: 765

(1) A written request signed by the parent, guardian, or 766
other person having care or charge of the student, required by 767
division (C) (1) of section 3313.713 of the Revised Code, to have 768
one or more drugs prescribed for a seizure disorder administered 769
to the student; 770

(2) A written statement from the student's treating 771
practitioner providing the drug information required by division 772
(C) (2) of section 3313.713 of the Revised Code for each drug 773
prescribed to the student for a seizure disorder. 774

(3) Any other component required by the department of 775
education and workforce. 776

(C) (1) The school nurse or a school administrator if the 777
district does not employ a school nurse, shall notify a school 778
employee, contractor, and volunteer in writing regarding the 779
existence and content of each seizure action plan in force if 780
the employee, contractor, or volunteer does any of the 781
following: 782

(a) Regularly interacts with the student; 783

(b) Has legitimate educational interest in the student or 784
is responsible for the direct supervision of the student; 785

(c) Is responsible for transportation of the student to 786
and from school. 787

(2) The school nurse or a school administrator if the 788
district does not employ a school nurse, shall identify each 789
individual who has received training under division (G) of this 790
section in the administration of drugs prescribed for seizure 791
disorders. The school nurse, or another district employee if a 792

district does not employ a school nurse, shall coordinate 793
seizure disorder care at that school and ensure that all staff 794
described in division (C) (1) of this section are trained in the 795
care of students with seizure disorders. 796

~~(D)~~ (D) (1) A drug prescribed to a student with a seizure 797
disorder shall be provided to the school nurse or another person 798
at the school who is authorized to administer it to the student 799
if the district does not employ a full-time school nurse. The 800
drug shall be provided in the container in which it was 801
dispensed by the prescriber or a licensed pharmacist. 802
Notwithstanding division (D) of section 3313.713 of the Revised 803
Code, drugs prescribed for a seizure disorder that are to be 804
administered to students under this section may be kept in an 805
easily accessible location. 806

(2) Notwithstanding division (D) (1) of this section, 807
section 3313.713 of the Revised Code, or any policy adopted 808
under that section, a student enrolled in a school district or 809
chartered nonpublic school may possess a drug prescribed to the 810
student designed to prevent the onset of a seizure or to 811
alleviate the symptoms of a seizure if both of the following 812
conditions are satisfied: 813

(a) The student has the written approval of the student's 814
physician and, if the student is a minor, the written approval 815
of the parent, guardian, or other person having care or charge 816
of the student. The physician's written approval shall include 817
at least all of the following information: 818

(i) The student's name and address; 819

(ii) The name of the drug and the dosage, if any, to be 820
administered; 821

<u>(iii) The circumstances under which the drug is to be administered to the student;</u>	822
	823
<u>(iv) How the drug is to be administered to the student;</u>	824
<u>(v) Written instructions that outline procedures school personnel should follow in the event that the drug does not prevent the onset of a seizure or alleviate the symptoms of a seizure;</u>	825
	826
	827
	828
<u>(vi) Any severe adverse reactions that may occur to the student for whom the drug is prescribed and that should be reported to the physician;</u>	829
	830
	831
<u>(vii) Any severe adverse reactions that may occur to another student for whom the drug is not prescribed, should such a student receive a dose of the drug;</u>	832
	833
	834
<u>(viii) At least one emergency telephone number for contacting the physician in an emergency;</u>	835
	836
<u>(ix) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;</u>	837
	838
	839
<u>(x) Any other special instructions from the physician.</u>	840
<u>(b) The school principal and, if a school nurse is assigned to the student's school building, the school nurse have received copies of the written approvals required by division (D) (2) (a) of this section.</u>	841
	842
	843
	844
<u>If these conditions are satisfied, the student may possess a drug described in division (D) (2) of this section at school or at any activity, event, or program sponsored by or in which the student's school is a participant.</u>	845
	846
	847
	848

(3) Notwithstanding division (B) (2) of section 3313.713 of 849
the Revised Code or any policy adopted under that section, any 850
individual identified in division (C) (1) of this section may 851
administer to a student a prescribed drug that is designed to 852
prevent the onset of a seizure or to alleviate the symptoms of a 853
seizure if both of the following conditions are satisfied: 854

(a) The individual has received a copy of the written 855
approval issued by the student's physician which contains the 856
information required by division (D) (2) (a) of this section. 857

(b) The individual has received training regarding the 858
circumstances under which the drug is to be administered to the 859
student and how the drug is to be administered to the student. 860

(E) A seizure action plan is effective only for the school 861
year in which the written request described in division (B) (1) 862
of this section was submitted and must be renewed at the 863
beginning of each school year. 864

(F) A seizure action plan created under division (B) of 865
this section shall be maintained in the office of the school 866
nurse or school administrator if the district does not employ a 867
full-time school nurse. 868

(G) A school district or governing authority of a 869
chartered nonpublic school shall designate at least one employee 870
at each school building it operates, aside from a school nurse, 871
to be trained on the implementation of seizure action plans 872
every two years. The district or governing authority shall 873
provide or arrange for the training of the employee. The 874
training must include and be consistent with guidelines and best 875
practices established by a nonprofit organization that supports 876
the welfare of individuals with epilepsy and seizure disorders, 877

such as the Epilepsy Alliance Ohio or Epilepsy Foundation of 878
Ohio or other similar organizations as determined by the 879
department, and address all of the following: 880

(1) Recognizing the signs and symptoms of a seizure; 881

(2) The appropriate treatment for a student who exhibits 882
the symptoms of a seizure; 883

(3) Administering drugs prescribed for seizure disorders, 884
subject to this section and section 3313.713 of the Revised 885
Code. 886

A seizure training program under division (G) of this 887
section shall not exceed one hour and shall qualify as a 888
professional development activity for the renewal of educator 889
licenses, including activities approved by local professional 890
development committees under division (F) of section 3319.22 of 891
the Revised Code. If the training is provided to a school 892
district on portable media by a nonprofit entity, the training 893
shall be provided free of charge. 894

(H) A board of education or governing authority shall 895
require each person it employs as an administrator, guidance 896
counselor, teacher, or bus driver to complete a minimum of one 897
hour of self-study training or in-person training on seizure 898
disorders not later than twenty-four months after ~~the effective~~ 899
~~date of this section~~ October 3, 2023. Any such person employed 900
after that date shall complete the training within ninety days 901
of employment. The training shall qualify as a professional 902
development activity for the renewal of educator licenses, 903
including activities approved by local professional development 904
committees under division (F) of section 3319.22 of the Revised 905
Code. 906

(I) (1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

Sec. 3319.324. (A) As used in this section, "school records" includes any academic records, student assessment data, or other information for which there is a legitimate educational interest.

(B) Except as provided for in division (C) of this section, when any school district or chartered nonpublic school receives a request from another district or school to which a student has transferred for that student's school records, the district or school receiving the request shall respond, within five school days after receiving the request, by transmitting to the requesting district or school either the student's school records as authorized under section 3319.321 of the Revised Code or, if the district or school has no record of the student's

attendance, a statement of that fact. 937

(C) A-Except as provided for in division (E) of this 938
section, a district or school may withhold a student's school 939
records if there is two thousand five hundred dollars or more of 940
outstanding debt attributed to the student. The district or 941
school shall transmit the student's school records in the manner 942
specified under division (A) of this section once the debt is 943
paid. 944

(D) The provisions of this section are in addition to, and 945
do not affect the obligations of a school district or school to 946
comply with, the requirements of division (D) of section 947
3313.642 and section 3313.672 of the Revised Code. 948

(E) A district or school shall not withhold records 949
related to a student's expulsion under division (B) (6) of 950
section 3313.66 of the Revised Code due to outstanding debt 951
attributed to the student. 952

Section 2. That existing sections 3313.66, 3313.661, 953
3313.7117, and 3319.324 of the Revised Code are hereby repealed. 954

Section 3. That Section 265.270 of H.B. 33 of the 135th 955
General Assembly (as amended by S.B. 168 of the 135th General 956
Assembly) be amended to read as follows: 957

Sec. 265.270. FOUNDATION FUNDING - ALL STUDENTS 958

Of the portion of the formula aid distributed to city, 959
local, and exempted village school districts, joint vocational 960
school districts, community schools, and STEM schools under this 961
section, an amount in each fiscal year, as calculated by the 962
Department of Education and Workforce, shall be used for the 963
purposes of division (B) of section 3317.0215 of the Revised 964
Code. 965

Of the foregoing appropriation item 200550, Foundation 966
Funding - All Students, up to \$5,357,606 in each fiscal year 967
shall be used to fund gifted education at educational service 968
centers. The Department shall distribute the funding through the 969
unit-based funding methodology in place under division (L) of 970
section 3317.024, division (E) of section 3317.05, and divisions 971
(A), (B), and (C) of section 3317.053 of the Revised Code as 972
they existed prior to fiscal year 2010. 973

Of the foregoing appropriation item 200550, Foundation 974
Funding - All Students, up to \$45,650,000 in fiscal year 2024 975
and up to \$47,600,000 in fiscal year 2025 shall be reserved to 976
fund the state reimbursement of educational service centers 977
under section 3317.11 of the Revised Code. 978

Of the foregoing appropriation item 200550, Foundation 979
Funding - All Students, up to \$3,500,000 in each fiscal year 980
shall be distributed to educational service centers for school 981
improvement initiatives and for the provision of technical 982
assistance to schools and districts consistent with requirements 983
of section 3312.01 of the Revised Code. The Department may 984
distribute these funds through a competitive grant process. 985

Of the foregoing appropriation item 200550, Foundation 986
Funding - All Students, up to \$7,000,000 in each fiscal year 987
shall be reserved for payments under the section of H.B. 33 of 988
the 135th General Assembly entitled "POWER PLANT VALUATION 989
ADJUSTMENT." If this amount is not sufficient, the Director of 990
Education and Workforce may reallocate excess funds for other 991
purposes supported by this appropriation item in order to fully 992
pay the amounts required by that section, provided that the 993
aggregate amount appropriated in appropriation item 200550, 994
Foundation Funding - All Students, is not exceeded. 995

Of the foregoing appropriation item 200550, Foundation 996
Funding - All Students, up to \$4,000,000 in ~~each~~ fiscal year 997
2024 and up to \$8,140,000 in fiscal year 2025 shall be used to 998
support the administration of state scholarship programs. 999

Of the foregoing appropriation item 200550, Foundation 1000
Funding - All Students, up to \$1,000,000 in each fiscal year 1001
shall be distributed to the Cleveland Municipal School District 1002
to provide tutorial assistance as provided in division (B) of 1003
section 3313.979 of the Revised Code. The Cleveland Municipal 1004
School District shall report the use of these funds in the 1005
district's three-year continuous improvement plan as described 1006
in section 3302.04 of the Revised Code in a manner approved by 1007
the Department. 1008

Of the foregoing appropriation item 200550, Foundation 1009
Funding - All Students, up to \$3,000,000 in each fiscal year may 1010
be used for payment of the College Credit Plus Program for 1011
students instructed at home pursuant to section 3321.04 of the 1012
Revised Code. 1013

Of the foregoing appropriation item 200550, Foundation 1014
Funding - All Students, an amount shall be available in each 1015
fiscal year to be paid to joint vocational school districts in 1016
accordance with sections 3317.16 and 3317.162 of the Revised 1017
Code and the section of H.B. 33 of the 135th General Assembly 1018
entitled "FORMULA TRANSITION SUPPLEMENT." 1019

Of the foregoing appropriation item 200550, Foundation 1020
Funding - All Students, up to \$700,000 in each fiscal year shall 1021
be used by the Department for a program to pay for educational 1022
services for youth who have been assigned by a juvenile court or 1023
other authorized agency to any of the facilities described in 1024
division (A) of the section of H.B. 33 of the 135th General 1025

Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT."	1026
Of the foregoing appropriation item 200550, Foundation	1027
Funding - All Students, a portion may be used to pay college-	1028
preparatory boarding schools the per pupil boarding amount	1029
pursuant to section 3328.34 of the Revised Code.	1030
Of the foregoing appropriation item 200550, Foundation	1031
Funding - All Students, up to \$1,760,000 in each fiscal year may	1032
be used by the Department for duties and activities related to	1033
the establishment of academic distress commissions under section	1034
3302.10 of the Revised Code, to provide support and assistance	1035
to academic distress commissions to further their duties under	1036
Chapter 3302. of the Revised Code, and to provide technical	1037
assistance and tools to support districts subject to academic	1038
distress commissions.	1039
Of the foregoing appropriation item 200550, Foundation	1040
Funding - All Students, up to \$1,500,000 in each fiscal year	1041
shall be distributed to the Ohio STEM Learning Network to	1042
support the expansion of free STEM programming aligned to Ohio's	1043
STEM priorities, to create regional STEM supports targeting	1044
underserved student populations, and to support the Ohio STEM	1045
Committee's STEM school designation process.	1046
Of the foregoing appropriation item 200550, Foundation	1047
Funding - All Students, up to \$4,500,000 in each fiscal year	1048
shall be used to make supplemental payments under section	1049
3317.22 of the Revised Code. If the amount appropriated is	1050
insufficient, the Director of Education and Workforce may	1051
reallocate excess funds for other purposes supported by this	1052
appropriation item in order to fully pay the amounts required by	1053
that section, provided that the aggregate amount appropriated in	1054
appropriation item 200550, Foundation Funding - All Students, is	1055

not exceeded. 1056

The remainder of the foregoing appropriation item 200550, 1057
Foundation Funding - All Students, shall be used to distribute 1058
the amounts calculated for formula aid under division (A)(1) of 1059
section 3317.019, section 3317.022 of the Revised Code, and the 1060
sections of H.B. 33 of the 135th General Assembly entitled 1061
"COMMUNITY SCHOOL EQUITY SUPPLEMENT" and "FORMULA TRANSITION 1062
SUPPLEMENT." 1063

Appropriation items 200502, Pupil Transportation, and 1064
200550, Foundation Funding - All Students, other than specific 1065
set-asides, are collectively used in each fiscal year to pay 1066
state formula aid obligations for school districts, community 1067
schools, STEM schools, college preparatory boarding schools, 1068
joint vocational school districts, and state scholarship 1069
programs under H.B. 33 of the 135th General Assembly. The first 1070
priority of these appropriation items, with the exception of 1071
specific set-asides, is to fund state formula aid obligations. 1072
It may be necessary to reallocate funds among these 1073
appropriation items or use excess funds from other General 1074
Revenue Fund appropriation items in the Department of Education 1075
and Workforce's budget, including appropriation item 200903, 1076
Property Tax Reimbursement - Education, in each fiscal year in 1077
order to meet state formula aid obligations. If it is determined 1078
that it is necessary to transfer funds among these appropriation 1079
items or to transfer funds from other General Revenue Fund 1080
appropriations in the Department's budget to meet state formula 1081
aid obligations, the Director of Education and Workforce shall 1082
seek approval from the Director of Budget and Management to 1083
transfer funds as needed. 1084

The Director of Education and Workforce may use a portion 1085

of the funds encumbered in fiscal year 2023 and any unexpended 1086
and unencumbered balance from fiscal year 2024 from 1087
appropriation item 200550, Foundation Funding - All Students, to 1088
comply with Title II, Sec. 2004(b) of the federal "American 1089
Rescue Plan Act of 2021," Pub. L. No. 117-2. 1090

The Director of Education and Workforce shall make 1091
payments, transfers, and deductions, as authorized by Title 1092
XXXVIII of the Revised Code in amounts substantially equal to 1093
those made in the prior year, or otherwise, at the discretion of 1094
the Director, until at least the effective date of the 1095
amendments and enactments made to Title XXXVIII of the Revised 1096
Code by H.B. 33 of the 135th General Assembly. Any funds paid to 1097
districts or schools under this section shall be credited toward 1098
the annual funds calculated for the district or school after the 1099
changes made to Title XXXVIII of the Revised Code in H.B. 33 of 1100
the 135th General Assembly are effective. Upon the effective 1101
date of changes made to Title XXXVIII of the Revised Code in H.B. 1102
33 of the 135th General Assembly, funds shall be calculated as 1103
an annual amount. 1104

Section 4. That existing Section 265.270 of H.B. 33 of the 1105
135th General Assembly (as amended by S.B. 168 of the 135th 1106
General Assembly) is hereby repealed. 1107

Section 5. (A) Notwithstanding any provision in the 1108
Revised Code to the contrary, a community school that meets the 1109
criteria for closure prescribed under division (A) of section 1110
3314.35 of the Revised Code in the 2024-2025 school year shall 1111
not be subject to closure under that section if, in any of the 1112
2022-2023, 2023-2024, or 2024-2025 school years, the school 1113
received a performance index score within five points below the 1114
score required to receive two stars on the achievement component 1115

on the school's report card for that school year. 1116

(B) If a school to which division (A) of this section 1117
applies continues to meet the criteria for closure under section 1118
3314.35 of the Revised Code for the 2025-2026 school year, then 1119
the school shall close pursuant to division (C) of that section. 1120

(C) If a school to which division (A) of this section 1121
applies does not meet the criteria for closure under section 1122
3314.35 of the Revised Code for the 2025-2026 school year, the 1123
school shall not be subject to closure under section 3314.35 of 1124
the Revised Code in the 2026-2027 school year. 1125

(D) If a school to which division (C) of this section 1126
applies meets one of the following criteria for the 2026-2027 1127
school year, then the school shall close pursuant to division 1128
(C) of section 3314.35 of the Revised Code: 1129

(1) The school does not offer a grade level higher than 1130
three and satisfies either of the following criteria: 1131

(a) The school has received a performance rating of one 1132
star for early literacy under division (D) (3) (e) of section 1133
3302.03 of the Revised Code. 1134

(b) The school has received an overall performance rating 1135
of less than two stars under division (D) (3) of section 3302.03 1136
of the Revised Code. 1137

(2) The school offers any of grade levels four to eight 1138
but does not offer a grade level higher than nine and satisfies 1139
either of the following criteria: 1140

(a) The school has received a performance rating of one 1141
star for both achievement under division (D) (3) (b) of section 1142
3302.03 of the Revised Code and progress under division (D) (3) 1143

(c) of that section. 1144

(b) The school has received an overall performance rating 1145
of less than two stars under division (D) of section 3302.03 of 1146
the Revised Code and a performance rating of one star for 1147
progress under division (D) (3) (c) of that section. 1148

(3) The school offers any of grade levels ten to twelve 1149
and satisfies either of the following criteria: 1150

(a) The school has received a performance rating of one 1151
star for achievement under division (D) (3) (b) of section 3302.03 1152
of the Revised Code and has not met annual measurable objectives 1153
for gap closing under division (D) (3) (a) of that section, as 1154
determined by the department. 1155

(b) The school has received an overall performance rating 1156
of less than two stars under division (D) of section 3302.03 of 1157
the Revised Code and a performance rating of one star for 1158
progress under division (D) (1) (b) of that section. 1159

(E) If a school to which division (C) of this section 1160
applies does not meet any of the criteria listed in division (D) 1161
of this section for the 2026-2027 school year, the report card 1162
ratings for the 2026-2027 school year shall be the new starting 1163
point to determine closure over multiple years under section 1164
3314.35 of the Revised Code. 1165