

As Reported by the Senate Finance Committee

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Representatives Patterson, LaTourette

Cosponsors: Representatives Boggs, Lepore-Hagan, Carfagna, Slaby, Rogers, Scherer, Smith, K., Miller, Sheehy, Brenner, Fedor, Hambley, Henne, Smith, R., Cera, Green, Sykes, Anielski, Antonio, Arndt, Ashford, Barnes, Boyd, Brown, Craig, Cupp, Duffey, Edwards, Faber, Galonski, Gavarone, Ginter, Greenspan, Hagan, Holmes, Hoops, Hughes, Ingram, Johnson, Kelly, Koehler, Landis, Leland, Lipps, Manning, McClain, O'Brien, Patton, Pelanda, Perales, Ramos, Reineke, Rezabek, Riedel, Romanchuk, Ryan, Seitz, Stein, Strahorn, Thompson, West, Wiggam, Young

Senators Lehner, Manning, Oelslager, Tavares, Beagle

A BILL

To amend sections 3302.03, 3313.534, 3313.66,	1
3313.661, 3313.668, and 3319.46 and to enact	2
sections 3313.951 and 3319.237 of the Revised	3
Code with regard to school resource officers, to	4
require the Facilities Construction Commission	5
to study and report on school building security	6
upgrades and school resource officers, to enact	7
the "SAFE Act" with regard to suspension and	8
expulsion of students in grades pre-kindergarten	9
through three and positive behavior intervention	10
and supports, and to make an appropriation.	11

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

Section 1. That sections 3302.03, 3313.534, 3313.66,	12
3313.661, 3313.668, and 3319.46 be amended and sections 3313.951	13

and 3319.237 of the Revised Code be enacted to read as follows: 14

Sec. 3302.03. Annually, not later than the fifteenth day 15
of September or the preceding Friday when that day falls on a 16
Saturday or Sunday, the department of education shall assign a 17
letter grade for overall academic performance and for each 18
separate performance measure for each school district, and each 19
school building in a district, in accordance with this section. 20
The state board shall adopt rules pursuant to Chapter 119. of 21
the Revised Code to establish performance criteria for each 22
letter grade and prescribe a method by which the department 23
assigns each letter grade. For a school building to which any of 24
the performance measures do not apply, due to grade levels 25
served by the building, the state board shall designate the 26
performance measures that are applicable to the building and 27
that must be calculated separately and used to calculate the 28
building's overall grade. The department shall issue annual 29
report cards reflecting the performance of each school district, 30
each building within each district, and for the state as a whole 31
using the performance measures and letter grade system described 32
in this section. The department shall include on the report card 33
for each district and each building within each district the 34
most recent two-year trend data in student achievement for each 35
subject and each grade. 36

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

(a) Annual measurable objectives; 40

(b) Performance index score for a school district or 41
building. Grades shall be awarded as a percentage of the total 42
possible points on the performance index system as adopted by 43

the state board. In adopting benchmarks for assigning letter 44
grades under division (A) (1) (b) of this section, the state board 45
of education shall designate ninety per cent or higher for an 46
"A," at least seventy per cent but not more than eighty per cent 47
for a "C," and less than fifty per cent for an "F." 48

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

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

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

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

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

(ii) A score that is at least one standard error of 71
measure but less than two standard errors of measure above the 72

mean score shall be designated as a "B." 73

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

(iv) A score that is not greater than one standard error 78
of measure below the mean score but is greater than or equal to 79
two standard errors of measure below the mean score shall be 80
designated as a "D." 81

(v) A score that is not greater than two standard errors 82
of measure below the mean score shall be designated as an "F." 83

Whenever the value-added progress dimension is used as a 84
graded performance measure, whether as an overall measure or as 85
a measure of separate subgroups, the grades for the measure 86
shall be calculated in the same manner as prescribed in division 87
(A) (1) (e) of this section. 88

(f) The value-added progress dimension score for a school 89
district or building disaggregated for each of the following 90
subgroups: students identified as gifted, students with 91
disabilities, and students whose performance places them in the 92
lowest quintile for achievement on a statewide basis. Each 93
subgroup shall be a separate graded measure. 94

(2) Not later than April 30, 2013, the state board of 95
education shall adopt a resolution describing the performance 96
measures, benchmarks, and grading system for the 2012-2013 97
school year and, not later than June 30, 2013, shall adopt rules 98
in accordance with Chapter 119. of the Revised Code that 99
prescribe the methods by which the performance measures under 100
division (A) (1) of this section shall be assessed and assigned a 101

letter grade, including performance benchmarks for each letter 102
grade. 103

At least forty-five days prior to the state board's 104
adoption of rules to prescribe the methods by which the 105
performance measures under division (A)(1) of this section shall 106
be assessed and assigned a letter grade, the department shall 107
conduct a public presentation before the standing committees of 108
the house of representatives and the senate that consider 109
education legislation describing such methods, including 110
performance benchmarks. 111

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

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

(a) Annual measurable objectives; 117

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

(c) The extent to which the school district or building 126
meets each of the applicable performance indicators established 127
by the state board under section 3302.03 of the Revised Code and 128
the percentage of applicable performance indicators that have 129
been achieved. In adopting benchmarks for assigning letter 130

grades under division (B) (1) (c) of this section, the state board 131
shall designate ninety per cent or higher for an "A." 132

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

(e) The overall score under the value-added progress 135
dimension of a school district or building, for which the 136
department shall use up to three years of value-added data as 137
available. 138

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

(g) Whether a school district or building is making 147
progress in improving literacy in grades kindergarten through 148
three, as determined using a method prescribed by the state 149
board. The state board shall adopt rules to prescribe benchmarks 150
and standards for assigning grades to districts and buildings 151
for purposes of division (B) (1) (g) of this section. In adopting 152
benchmarks for assigning letter grades under divisions (B) (1) (g) 153
and (C) (1) (g) of this section, the state board shall determine 154
progress made based on the reduction in the total percentage of 155
students scoring below grade level, or below proficient, 156
compared from year to year on the reading and writing diagnostic 157
assessments administered under section 3301.0715 of the Revised 158
Code and the third grade English language arts assessment under 159
section 3301.0710 of the Revised Code, as applicable. The state 160

board shall designate for a "C" grade a value that is not lower 161
than the statewide average value for this measure. No grade 162
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 163
section for a district or building in which less than five per 164
cent of students have scored below grade level on the diagnostic 165
assessment administered to students in kindergarten under 166
division (B) (1) of section 3313.608 of the Revised Code. 167

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

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

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

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

(b) The number of a district's or building's students who 189

have earned at least three college credits through dual 190
enrollment or advanced standing programs, such as the post- 191
secondary enrollment options program under Chapter 3365. of the 192
Revised Code and state-approved career-technical courses offered 193
through dual enrollment or statewide articulation, that appear 194
on a student's transcript or other official document, either of 195
which is issued by the institution of higher education from 196
which the student earned the college credit. The credits earned 197
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 198
this section shall not include any that are remedial or 199
developmental and shall include those that count toward the 200
curriculum requirements established for completion of a degree. 201

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

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

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

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

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

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

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

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

(a) Annual measurable objectives; 241

(b) Performance index score for a school district or 242
building. Grades shall be awarded as a percentage of the total 243
possible points on the performance index system as created by 244
the department. In adopting benchmarks for assigning letter 245
grades under division (C) (1) (b) of this section, the state board 246
shall designate ninety per cent or higher for an "A," at least 247

seventy per cent but not more than eighty per cent for a "C," 248
and less than fifty per cent for an "F." 249

(c) The extent to which the school district or building 250
meets each of the applicable performance indicators established 251
by the state board under section 3302.03 of the Revised Code and 252
the percentage of applicable performance indicators that have 253
been achieved. In adopting benchmarks for assigning letter 254
grades under division (C) (1) (c) of this section, the state board 255
shall designate ninety per cent or higher for an "A." 256

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

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

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

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

(A) (1) (e) of this section. 277

(f) The value-added progress dimension score of a school 278
district or building disaggregated for each of the following 279
subgroups: students identified as gifted in superior cognitive 280
ability and specific academic ability fields under Chapter 3324. 281
of the Revised Code, students with disabilities, and students 282
whose performance places them in the lowest quintile for 283
achievement on a statewide basis, as determined by a method 284
prescribed by the state board. Each subgroup shall be a separate 285
graded measure. 286

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

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

(h) For a high mobility school district or building, an 306

additional value-added progress dimension score. For this 307
measure, the department shall use value-added data from the most 308
recent school year available and shall use assessment scores for 309
only those students to whom the district or building has 310
administered the assessments prescribed by section 3301.0710 of 311
the Revised Code for each of the two most recent consecutive 312
school years. 313

As used in this division, "high mobility school district 314
or building" means a school district or building where at least 315
twenty-five per cent of its total enrollment is made up of 316
students who have attended that school district or building for 317
less than one year. 318

(2) In addition to the graded measures in division (C) (1) 319
of this section, the department shall include on a school 320
district's or building's report card all of the following 321
without an assigned letter grade: 322

(a) The percentage of students enrolled in a district or 323
building who have taken a national standardized test used for 324
college admission determinations and the percentage of those 325
students who are determined to be remediation-free in accordance 326
with the standards adopted under division (F) of section 327
3345.061 of the Revised Code; 328

(b) The percentage of students enrolled in a district or 329
building participating in advanced placement classes and the 330
percentage of those students who received a score of three or 331
better on advanced placement examinations; 332

(c) The percentage of a district's or building's students 333
who have earned at least three college credits through advanced 334
standing programs, such as the college credit plus program under 335

Chapter 3365. of the Revised Code and state-approved career- 336
technical courses offered through dual enrollment or statewide 337
articulation, that appear on a student's college transcript 338
issued by the institution of higher education from which the 339
student earned the college credit. The credits earned that are 340
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 341
shall not include any that are remedial or developmental and 342
shall include those that count toward the curriculum 343
requirements established for completion of a degree. 344

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

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

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

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

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

(3) The state board shall adopt rules pursuant to Chapter 363
119. of the Revised Code that establish a method to assign an 364

overall grade for a school district or school building for the 365
2017-2018 school year and each school year thereafter. The rules 366
shall group the performance measures in divisions (C) (1) and (2) 367
of this section into the following components: 368

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

(b) Achievement, which shall include the performance 371
measures in divisions (C) (1) (b) and (c) of this section; 372

(c) Progress, which shall include the performance measures 373
in divisions (C) (1) (e) and (f) of this section; 374

(d) Graduation, which shall include the performance 375
measure in division (C) (1) (d) of this section; 376

(e) Kindergarten through third-grade literacy, which shall 377
include the performance measure in division (C) (1) (g) of this 378
section; 379

(f) Prepared for success, which shall include the 380
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 381
and (f) of this section. The state board shall develop a method 382
to determine a grade for the component in division (C) (3) (f) of 383
this section using the performance measures in divisions (C) (2) 384
(a), (b), (c), (d), (e), and (f) of this section. When 385
available, the state board may incorporate the performance 386
measure under division (C) (2) (g) of this section into the 387
component under division (C) (3) (f) of this section. When 388
determining the overall grade for the prepared for success 389
component prescribed by division (C) (3) (f) of this section, no 390
individual student shall be counted in more than one performance 391
measure. However, if a student qualifies for more than one 392
performance measure in the component, the state board may, in 393

its method to determine a grade for the component, specify an 394
additional weight for such a student that is not greater than or 395
equal to 1.0. In determining the overall score under division 396
(C) (3) (f) of this section, the state board shall ensure that the 397
pool of students included in the performance measures aggregated 398
under that division are all of the students included in the 399
four- and five-year adjusted graduation cohort. 400

In the rules adopted under division (C) (3) of this 401
section, the state board shall adopt a method for determining a 402
grade for each component in divisions (C) (3) (a) to (f) of this 403
section. The state board also shall establish a method to assign 404
an overall grade of "A," "B," "C," "D," or "F" using the grades 405
assigned for each component. The method the state board adopts 406
for assigning an overall grade shall give equal weight to the 407
components in divisions (C) (3) (b) and (c) of this section. 408

At least forty-five days prior to the state board's 409
adoption of rules to prescribe the methods for calculating the 410
overall grade for the report card, as required by this division, 411
the department shall conduct a public presentation before the 412
standing committees of the house of representatives and the 413
senate that consider education legislation describing the format 414
for the report card, weights that will be assigned to the 415
components of the overall grade, and the method for calculating 416
the overall grade. 417

(D) On or after July 1, 2015, the state board may develop 418
a measure of student academic progress for high school students 419
using only data from assessments in English language arts and 420
mathematics. If the state board develops this measure, each 421
school district and applicable school building shall be assigned 422
a separate letter grade for it not sooner than the 2017-2018 423

school year. The district's or building's grade for that measure 424
shall not be included in determining the district's or 425
building's overall letter grade. 426

(E) The letter grades assigned to a school district or 427
building under this section shall be as follows: 428

(1) "A" for a district or school making excellent 429
progress; 430

(2) "B" for a district or school making above average 431
progress; 432

(3) "C" for a district or school making average progress; 433

(4) "D" for a district or school making below average 434
progress; 435

(5) "F" for a district or school failing to meet minimum 436
progress. 437

(F) When reporting data on student achievement and 438
progress, the department shall disaggregate that data according 439
to the following categories: 440

(1) Performance of students by grade-level; 441

(2) Performance of students by race and ethnic group; 442

(3) Performance of students by gender; 443

(4) Performance of students grouped by those who have been 444
enrolled in a district or school for three or more years; 445

(5) Performance of students grouped by those who have been 446
enrolled in a district or school for more than one year and less 447
than three years; 448

(6) Performance of students grouped by those who have been 449

enrolled in a district or school for one year or less; 450

(7) Performance of students grouped by those who are 451
economically disadvantaged; 452

(8) Performance of students grouped by those who are 453
enrolled in a conversion community school established under 454
Chapter 3314. of the Revised Code; 455

(9) Performance of students grouped by those who are 456
classified as limited English proficient; 457

(10) Performance of students grouped by those who have 458
disabilities; 459

(11) Performance of students grouped by those who are 460
classified as migrants; 461

(12) Performance of students grouped by those who are 462
identified as gifted in superior cognitive ability and the 463
specific academic ability fields of reading and math pursuant to 464
Chapter 3324. of the Revised Code. In disaggregating specific 465
academic ability fields for gifted students, the department 466
shall use data for those students with specific academic ability 467
in math and reading. If any other academic field is assessed, 468
the department shall also include data for students with 469
specific academic ability in that field as well. 470

(13) Performance of students grouped by those who perform 471
in the lowest quintile for achievement on a statewide basis, as 472
determined by a method prescribed by the state board. 473

The department may disaggregate data on student 474
performance according to other categories that the department 475
determines are appropriate. To the extent possible, the 476
department shall disaggregate data on student performance 477

according to any combinations of two or more of the categories 478
listed in divisions (F)(1) to (13) of this section that it deems 479
relevant. 480

In reporting data pursuant to division (F) of this 481
section, the department shall not include in the report cards 482
any data statistical in nature that is statistically unreliable 483
or that could result in the identification of individual 484
students. For this purpose, the department shall not report 485
student performance data for any group identified in division 486
(F) of this section that contains less than ten students. If the 487
department does not report student performance data for a group 488
because it contains less than ten students, the department shall 489
indicate on the report card that is why data was not reported. 490

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

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

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

(I) (1) (a) Except as provided in division (I) (1) (b) of this 508
section, for any district that sponsors a conversion community 509
school under Chapter 3314. of the Revised Code, the department 510
shall combine data regarding the academic performance of 511
students enrolled in the community school with comparable data 512
from the schools of the district for the purpose of determining 513
the performance of the district as a whole on the report card 514
issued for the district under this section or section 3302.033 515
of the Revised Code. 516

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

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

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

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

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

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

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

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

(K) (1) In calculating English language arts, mathematics, 566
or science assessment passage rates used to determine school 567

district or building performance under this section, the 568
department shall include all students taking an assessment with 569
accommodation or to whom an alternate assessment is administered 570
pursuant to division (C) (1) or (3) of section 3301.0711 of the 571
Revised Code. 572

(2) In calculating performance index scores, rates of 573
achievement on the performance indicators established by the 574
state board under section 3302.02 of the Revised Code, and 575
annual measurable objectives for determining adequate yearly 576
progress for school districts and buildings under this section, 577
the department shall do all of the following: 578

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

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

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

(L) Beginning with the 2015-2016 school year and at least 594
once every three years thereafter, the state board of education 595
shall review and may adjust the benchmarks for assigning letter 596

grades to the performance measures and components prescribed 597
under divisions (C) (3) and (D) of this section. 598

Sec. 3313.534. (A) The board of education of each city, 599
exempted village, and local school district shall adopt a policy 600
of zero tolerance for violent, disruptive, or inappropriate 601
behavior and establish strategies to address such behavior that 602
range from prevention to intervention. A policy adopted pursuant 603
to this section shall comply with the requirements of sections 604
3313.668 and 3319.46 of the Revised Code. 605

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

Sec. 3313.66. (A) (1) Except as provided under division (B) 616
(2) of this section, and subject to section 3313.668 of the 617
Revised Code, the superintendent of schools of a city, exempted 618
village, or local school district, or the principal of a public 619
school may suspend a pupil from school for not more than ten 620
school days. The board of education of a city, exempted village, 621
or local school district may adopt a policy granting assistant 622
principals and other administrators the authority to suspend a 623
pupil from school for a period of time as specified in the 624
policy of the board of education, not to exceed ten school days. 625
If at the time an out-of-school suspension is imposed there are 626

fewer than ten school days remaining in the school year in which 627
the incident that gives rise to the suspension takes place, the 628
superintendent shall not apply any remaining part of the period 629
of the suspension to the following school year. The 630
superintendent may instead require the pupil to participate in a 631
community service program or another alternative consequence for 632
a number of hours equal to the remaining part of the period of 633
the suspension. The pupil shall be required to begin the pupil's 634
community service or alternative consequence during the first 635
full week day of summer break. Each school district, in its 636
discretion, may develop an appropriate list of alternative 637
consequences. In the event that a pupil fails to complete 638
community service or the assigned alternative consequence, the 639
school district may determine the next course of action, which 640
shall not include requiring the pupil to serve the remaining 641
time of the out-of-school suspension at the beginning of the 642
following school year. 643

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

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

~~(2)~~ (b) Provides the pupil an opportunity to appear at an 656

informal hearing before the principal, assistant principal, 657
superintendent, or superintendent's designee and challenge the 658
reason for the intended suspension or otherwise to explain the 659
pupil's actions. 660

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

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

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

(2) (a) Unless a pupil is permanently excluded pursuant to 684
section 3313.662 of the Revised Code, the superintendent of 685
schools of a city, exempted village, or local school district 686

shall expel a pupil from school for a period of one year for 687
bringing a firearm to a school operated by the board of 688
education of the district or onto any other property owned or 689
controlled by the board, except that the superintendent may 690
reduce this requirement on a case-by-case basis in accordance 691
with the policy adopted by the board under section 3313.661 of 692
the Revised Code. 693

(b) The superintendent of schools of a city, exempted 694
village, or local school district may expel a pupil from school 695
for a period of one year for bringing a firearm to an 696
interscholastic competition, an extracurricular event, or any 697
other school program or activity that is not located in a school 698
or on property that is owned or controlled by the district. The 699
superintendent may reduce this disciplinary action on a case-by- 700
case basis in accordance with the policy adopted by the board 701
under section 3313.661 of the Revised Code. 702

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

(3) The board of education of a city, exempted village, or 709
local school district may adopt a resolution authorizing the 710
superintendent of schools to expel a pupil from school for a 711
period not to exceed one year for bringing a knife capable of 712
causing serious bodily injury to a school operated by the board, 713
onto any other property owned or controlled by the board, or to 714
an interscholastic competition, an extracurricular event, or any 715
other program or activity sponsored by the school district or in 716

which the district is a participant, or for possessing a firearm 717
or knife capable of serious bodily injury, at a school, on any 718
other property owned or controlled by the board, or at an 719
interscholastic competition, an extracurricular event, or any 720
other school program or activity, which firearm or knife was 721
initially brought onto school board property by another person. 722
The resolution may authorize the superintendent to extend such 723
an expulsion, as necessary, into the school year following the 724
school year in which the incident that gives rise to the 725
expulsion takes place. 726

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

(5) The board of education of any city, exempted village, 743
or local school district may adopt a resolution establishing a 744
policy under section 3313.661 of the Revised Code that 745
authorizes the superintendent of schools to expel a pupil from 746
school for a period not to exceed one year for making a bomb 747

threat to a school building or to any premises at which a school 748
activity is occurring at the time of the threat. Any expulsion 749
under this division shall extend, as necessary, into the school 750
year following the school year in which the incident that gives 751
rise to the expulsion takes place. 752

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

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

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

The notice required in this division shall include the 763
reasons for the intended expulsion, notification of the 764
opportunity of the pupil and the pupil's parent, guardian, 765
custodian, or representative to appear before the superintendent 766
or the superintendent's designee to challenge the reasons for 767
the intended expulsion or otherwise to explain the pupil's 768
action, and notification of the time and place to appear. The 769
time to appear shall not be earlier than three nor later than 770
five school days after the notice is given, unless the 771
superintendent grants an extension of time at the request of the 772
pupil or the pupil's parent, guardian, custodian, or 773
representative. If an extension is granted after giving the 774
original notice, the superintendent shall notify the pupil and 775
the pupil's parent, guardian, custodian, or representative of 776
the new time and place to appear. If the proposed expulsion is 777

based on a violation listed in division (A) of section 3313.662 778
of the Revised Code and if the pupil is sixteen years of age or 779
older, the notice shall include a statement that the 780
superintendent may seek to permanently exclude the pupil if the 781
pupil is convicted of or adjudicated a delinquent child for that 782
violation. 783

(7) A superintendent of schools of a city, exempted 784
village, or local school district shall initiate expulsion 785
proceedings pursuant to this section with respect to any pupil 786
who has committed an act warranting expulsion under the 787
district's policy regarding expulsion even if the pupil has 788
withdrawn from school for any reason after the incident that 789
gives rise to the hearing but prior to the hearing or decision 790
to impose the expulsion. If, following the hearing, the pupil 791
would have been expelled for a period of time had the pupil 792
still been enrolled in the school, the expulsion shall be 793
imposed for the same length of time as on a pupil who has not 794
withdrawn from the school. 795

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

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

(a) A school district or school that returns a student in 813
any of grades pre-kindergarten through three to curricular and 814
extracurricular activities on the next school day shall not be 815
required to follow division (C) (3) of this section with regard 816
to that student. 817

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

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

hearing. 838

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

(D) The superintendent or principal, within one school day 844
after the time of a pupil's expulsion or suspension, shall 845
notify in writing the parent, guardian, or custodian of the 846
pupil ~~and the treasurer of the board of education of the~~ 847
expulsion or suspension. The In the case of an expulsion, the 848
superintendent or principal, within one school day after the 849
time of a pupil's expulsion, also shall notify in writing the 850
treasurer of the board of education. Each notice shall include 851
the reasons for the expulsion or suspension, notification of the 852
right of the pupil or the pupil's parent, guardian, or custodian 853
to appeal the expulsion or suspension to the board of education 854
or to its designee, to be represented in all appeal proceedings, 855
to be granted a hearing before the board or its designee in 856
order to be heard against the suspension or expulsion, and to 857
request that the hearing be held in executive session, 858
notification that the expulsion may be subject to extension 859
pursuant to division (F) of this section if the pupil is sixteen 860
years of age or older, and notification that the superintendent 861
may seek the pupil's permanent exclusion if the suspension or 862
expulsion was based on a violation listed in division (A) of 863
section 3313.662 of the Revised Code that was committed when the 864
child was sixteen years of age or older and if the pupil is 865
convicted of or adjudicated a delinquent child for that 866
violation. 867

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

Any superintendent expelling a pupil under this section 875
for more than twenty school days or for any period of time if 876
the expulsion will extend into the following semester or school 877
year shall, in the notice required under this division, provide 878
the pupil and the pupil's parent, guardian, or custodian with 879
information about services or programs offered by public and 880
private agencies that work toward improving those aspects of the 881
pupil's attitudes and behavior that contributed to the incident 882
that gave rise to the pupil's expulsion. The information shall 883
include the names, addresses, and phone numbers of the 884
appropriate public and private agencies. 885

(E) A pupil or the pupil's parent, guardian, or custodian 886
may appeal the pupil's expulsion by a superintendent or 887
suspension by a superintendent, principal, assistant principal, 888
or other administrator to the board of education or to its 889
designee. If the pupil or the pupil's parent, guardian, or 890
custodian intends to appeal the expulsion or suspension to the 891
board or its designee, the pupil or the pupil's parent, 892
guardian, or custodian shall notify the board in the manner and 893
by the date specified in the notice provided under division (D) 894
of this section. The pupil or the pupil's parent, guardian, or 895
custodian may be represented in all appeal proceedings and shall 896
be granted a hearing before the board or its designee in order 897
to be heard against the suspension or expulsion. At the request 898

of the pupil or of the pupil's parent, guardian, custodian, or attorney, the board or its designee may hold the hearing in executive session but shall act upon the suspension or expulsion only at a public meeting. The board, by a majority vote of its full membership or by the action of its designee, may affirm the order of suspension or expulsion, reinstate the pupil, or otherwise reverse, vacate, or modify the order of suspension or expulsion.

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

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

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

the expulsion for the lesser of an additional eighty days or the 929
number of school days remaining in the school year. Upon the 930
filing of the motion, the court immediately shall schedule a 931
hearing and give written notice of the time, date, and location 932
of the hearing to the superintendent and to the pupil and the 933
pupil's parent, guardian, or custodian. At the hearing, the 934
court shall determine whether there is reasonable cause to 935
believe that the pupil committed the alleged violation that is 936
the basis of the expulsion and, upon determining that reasonable 937
cause to believe the pupil committed the violation does exist, 938
shall grant the requested extension. 939

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

believe the pupil's continued attendance in the public school 960
system may endanger the health and safety of other pupils or 961
school employees and, upon making that determination, shall 962
grant the requested extension. 963

(G) The failure of the superintendent or the board of 964
education to provide the information regarding the possibility 965
of permanent exclusion in the notice required by divisions (A), 966
(B), and (D) of this section is not jurisdictional, and the 967
failure shall not affect the validity of any suspension or 968
expulsion procedure that is conducted in accordance with this 969
section or the validity of a permanent exclusion procedure that 970
is conducted in accordance with sections 3301.121 and 3313.662 971
of the Revised Code. 972

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

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

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 988
3313.64, and 3313.65 of the Revised Code, any school district, 989

after offering an opportunity for a hearing, may temporarily 990
deny admittance to any pupil if one of the following applies: 991

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

(b) The pupil has been expelled from the schools of 996
another district under division (B) of this section and the 997
period of the expulsion, as established under that division or 998
as extended under division (F) of this section, has not expired. 999

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

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

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

(b) Upon expiration of a period established by the 1017
district, beginning with the date of expulsion or removal from 1018

the out-of-state school, that is no greater than the period of 1019
expulsion that the pupil would have received under the policy 1020
adopted by the district under section 3313.661 of the Revised 1021
Code had the offense that gave rise to the expulsion or removal 1022
by the out-of-state school been committed while the pupil was 1023
enrolled in the district. 1024

(K) As used in this section: 1025

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

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

Sec. 3313.661. (A) ~~The~~ Subject to the limitations set 1031
forth in section 3313.668 of the Revised Code, the board of 1032
education of each city, exempted village, and local school 1033
district shall adopt a policy regarding suspension, expulsion, 1034
removal, and permanent exclusion that specifies the types of 1035
misconduct for which a pupil may be suspended, expelled, or 1036
removed. The types of misconduct may include misconduct by a 1037
pupil that occurs off of property owned or controlled by the 1038
district but that is connected to activities or incidents that 1039
have occurred on property owned or controlled by that district 1040
and misconduct by a pupil that, regardless of where it occurs, 1041
is directed at a district official or employee, or the property 1042
of such official or employee. The policy shall specify the 1043
reasons for which the superintendent of the district may reduce 1044
the expulsion requirement in division (B)(2) of section 3313.66 1045
of the Revised Code. If a board of education adopts a resolution 1046
pursuant to division (B)(3) of section 3313.66 of the Revised 1047
Code, the policy shall define the term "knife capable of causing" 1048

serious bodily injury" or "firearm," as applicable, for purposes 1049
of expulsion under that resolution and shall specify any reasons 1050
for which the superintendent of the district may reduce any 1051
required expulsion period on a case-by-case basis. If a board of 1052
education adopts a resolution pursuant to division (B) (4) or (5) 1053
of section 3313.66 of the Revised Code, the policy shall specify 1054
any reasons for which the superintendent of the district may 1055
reduce any required expulsion period on a case-by-case basis. 1056
The policy also shall set forth the acts listed in section 1057
3313.662 of the Revised Code for which a pupil may be 1058
permanently excluded. 1059

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

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

(B) A board of education may establish a program and adopt 1077
guidelines under which a superintendent may require a pupil to 1078

perform community service in conjunction with a suspension or 1079
expulsion imposed under section 3313.66 of the Revised Code or 1080
in place of a suspension or expulsion imposed under section 1081
3313.66 of the Revised Code except for an expulsion imposed 1082
pursuant to division (B)(2) of that section. If a board adopts 1083
guidelines under this division, they shall permit, except with 1084
regard to an expulsion pursuant to division (B)(2) of section 1085
3313.66 of the Revised Code, a superintendent to impose a 1086
community service requirement beyond the end of the school year 1087
in lieu of applying an expulsion into the following school year. 1088
Any guidelines adopted shall be included in the policy adopted 1089
under this section. 1090

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

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

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

Sec. 3313.668. (A) On and after July 1, 2017, no school 1107
district or school shall suspend, expel, or remove a student 1108

from school under section 3313.66 of the Revised Code solely on 1109
the basis of the student's absences from school without 1110
legitimate excuse. 1111

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

(a) A school district or school may issue an out-of-school 1116
suspension or expulsion, in accordance with section 3313.66 of 1117
the Revised Code, to a student in any of grades pre-kindergarten 1118
through three who has engaged in any of the behaviors described 1119
in divisions (B) (2) to (5) of section 3313.66 of the Revised 1120
Code. 1121

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

(2) Whenever possible, the principal shall consult with a 1130
mental health professional under contract with the district or 1131
school prior to suspending or expelling a student in any of 1132
grades pre-kindergarten through three. If the events leading up 1133
to suspension or expulsion indicate a need for additional mental 1134
health services, the student's principal or the district's 1135
mental health professional shall, in any manner that does not 1136
result in a financial burden to the school district or school, 1137
assist the student's parent or guardian with locating providers 1138

or obtaining those services, including referral to an 1139
independent mental health professional. Nothing in this division 1140
shall be construed to limit the responsibilities of a school 1141
district or school with respect to the provision of special 1142
education and related services under Chapter 3323. of the 1143
Revised Code. 1144

(3) A student in any of grades pre-kindergarten through 1145
three who is suspended or expelled shall be afforded the same 1146
notice and hearing, procedural, and educational opportunities as 1147
prescribed for a suspension or expulsion pursuant to section 1148
3313.66 of the Revised Code. 1149

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

Sec. 3313.951. (A) As used in this section: 1157

(1) "Law enforcement agency" has the same meaning as in 1158
section 149.435 of the Revised Code. 1159

(2) "Peace officer" has the same meaning as in division 1160
(A) (1) of section 109.71 of the Revised Code. 1161

(3) "School resource officer" means a peace officer who is 1162
appointed through a memorandum of understanding between a law 1163
enforcement agency and a school district to provide services to 1164
a school district or school as described in this section. 1165

(B) (1) A school resource officer who provides services to 1166
a school district or school on or after the effective date of 1167

this section shall, except as described in division (B)(2) of 1168
this section, satisfy both of the following conditions: 1169

(a) Complete a basic training program approved by the Ohio 1170
peace officer training commission, as described in division (B) 1171
(1) of section 109.77 of the Revised Code; 1172

(b) Complete at least forty hours of school resource 1173
officer training within one year after appointment to provide 1174
those services through one of the following entities, as 1175
approved by the Ohio peace officer training commission: 1176

(i) The national association of school resource officers; 1177

(ii) The Ohio school resource officer association; 1178

(iii) A peace officer certified to conduct a course that 1179
satisfies the conditions set forth in division (B)(3) of this 1180
section. 1181

(2) A school resource officer who is appointed to provide 1182
services to a school district or school prior to the effective 1183
date of this section shall be exempt from compliance with the 1184
training requirements prescribed in division (B)(1)(b) of this 1185
section. 1186

(3) A certified training program provided by an entity 1187
described in division (B)(1)(b)(i) or (ii) of this section shall 1188
include instruction regarding skills, tactics, and strategies 1189
necessary to address the specific nature of all of the 1190
following: 1191

(a) School campuses; 1192

(b) School building security needs and characteristics; 1193

(c) The nuances of law enforcement functions conducted 1194

inside a school environment, including: 1195

(i) Understanding the psychological and physiological 1196
 characteristics consistent with the ages of the students in the 1197
 assigned building or buildings; 1198

(ii) Understanding the appropriate role of school resource 1199
 officers regarding discipline and reducing the number of 1200
 referrals to juvenile court; and 1201

(iii) Understanding the use of developmentally appropriate 1202
 interview, interrogation, de-escalation, and behavior management 1203
 strategies. 1204

(d) The mechanics of being a positive role model for 1205
 youth, including appropriate communication techniques which 1206
 enhance interactions between the school resource officer and 1207
 students; 1208

(e) Providing assistance on topics such as classroom 1209
 management tools to provide law-related education to students 1210
 and methods for managing the behaviors sometimes associated with 1211
 educating children with special needs; 1212

(f) The mechanics of the laws regarding compulsory 1213
 attendance, as set forth in Chapter 3321. of the Revised Code; 1214

(g) Identifying the trends in drug use, eliminating the 1215
 instance of drug use, and encouraging a drug-free environment in 1216
 schools. 1217

(4) The Ohio peace officer training commission shall do 1218
 both of the following: 1219

(a) Develop and conduct a basic school resource officer 1220
 training course that satisfies the conditions set forth in 1221
 division (B) (3) of this section, and establish criteria for what 1222

constitutes successful completion of that course; 1223

(b) Adopt rules, in accordance with Chapter 119. of the 1224
Revised Code, for the approval of an entity described in 1225
division (B) (1) (b) (i) or (ii) of this section that provides 1226
certified school resource officer training. 1227

(C) (1) If a school district decides to utilize school 1228
resource officer services, the school district and the 1229
appropriate law enforcement agency shall first enter into a 1230
memorandum of understanding that clarifies the purpose of the 1231
school resource officer program and roles and expectations 1232
between the participating entities. If a school district is 1233
already utilizing school resource officer services on the 1234
effective date of this section, the school district and the law 1235
enforcement agency shall enter into a memorandum of 1236
understanding within one year after the effective date of this 1237
section. 1238

(2) Each memorandum of understanding shall address the 1239
following items: 1240

(a) Clearly defined set of goals for the school resource 1241
officer program; 1242

(b) Background requirements or suggested expertise for 1243
employing law enforcement in the school setting, including an 1244
understanding of child and adolescent development; 1245

(c) Professional development, including training 1246
requirements that focus on age-appropriate practices for 1247
conflict resolution and developmentally informed de-escalation 1248
and crisis intervention methods; 1249

(d) Clearly defined roles, responsibilities, and 1250
expectations of the parties involved, including school resource 1251

officers, law enforcement, school administrators, staff, and 1252
teachers; 1253

(e) A protocol for how suspected criminal activity versus 1254
school discipline is to be handled; 1255

(f) The requirement for coordinated crisis planning and 1256
updating of school crisis plans; 1257

(g) Any other discretionary items determined by the 1258
parties to foster a school resource officer program that builds 1259
positive relationships between law enforcement, school staff, 1260
and the students, promotes a safe and positive learning 1261
environment, and decreases the number of youth formally referred 1262
to the juvenile justice system. 1263

(3) A school district, through its school administration, 1264
may give students an opportunity to provide input during the 1265
drafting process of any memorandum of understanding being 1266
entered into pursuant to division (C) of this section. 1267

(D)(1) In accordance with the requirements prescribed in 1268
this section, a school resource officer may work in one or more 1269
school districts or schools providing the following services: 1270

(a) Assistance with adoption, implementation, and 1271
amendment of the comprehensive emergency management plan 1272
required under section 3313.536 of the Revised Code; 1273

(b) Carrying out any additional responsibilities assigned 1274
to the school resource officer under the employment engagement, 1275
contract, or memorandum of understanding, including but not 1276
limited to: 1277

(i) Providing a safe learning environment; 1278

(ii) Providing valuable resources to school staff members; 1279

<u>(iii) Fostering positive relationships with students and</u>	1280
<u>staff;</u>	1281
<u>(iv) Developing strategies to resolve problems affecting</u>	1282
<u>youth and protecting all students.</u>	1283
<u>(2) A school resource officer shall consult with local law</u>	1284
<u>enforcement officials and first responders when assisting a</u>	1285
<u>school district's administrator in the development of a</u>	1286
<u>comprehensive emergency management plan.</u>	1287
<u>(E) The school district or school administrator shall have</u>	1288
<u>final decision-making authority regarding all matters of school</u>	1289
<u>discipline.</u>	1290
<u>Sec. 3319.237. (A) The standards for the preparation of</u>	1291
<u>teachers adopted under section 3333.048 of the Revised Code</u>	1292
<u>shall require each institution that provides a teacher</u>	1293
<u>preparation program to include a semester course, or the</u>	1294
<u>equivalent, for all students pursuing a license to teach in any</u>	1295
<u>of grades pre-kindergarten through five that includes</u>	1296
<u>instruction on all of the following:</u>	1297
<u>(1) Positive behavior intervention and supports and</u>	1298
<u>social-emotional development;</u>	1299
<u>(2) Classroom systems for establishing the foundation for</u>	1300
<u>positive behavior, such as supervision, acknowledgment, prompts,</u>	1301
<u>and precorrection;</u>	1302
<u>(3) Classroom systems for responding to unwanted behavior,</u>	1303
<u>including error correction and other strategies;</u>	1304
<u>(4) Classroom data collection systems;</u>	1305
<u>(5) Effective instructional strategies and how to</u>	1306
<u>implement them with fidelity;</u>	1307

(6) Matching curriculum to student needs and data; 1308

(7) The impact of trauma, toxic stress, and other 1309
environmental variables on learning behavior. 1310

(B) Within three years after the effective date of this 1311
section, each school district shall provide professional 1312
development or continuing education in positive behavior 1313
intervention and supports, as part of the school-wide 1314
implementation of the positive behavior intervention and 1315
supports framework required under section 3319.46 of the Revised 1316
Code, to all of the following: 1317

(1) Any of the district's teachers who teach in buildings 1318
that serve students in any of grades pre-kindergarten through 1319
three and who completed a teacher preparation program prior to 1320
the effective date of this section; 1321

(2) All of the district's administrators who serve 1322
students in any of grades pre-kindergarten through three, 1323
including the school district superintendent, building 1324
principals, and assistant principals, who have not already 1325
completed a course of instruction, professional development, or 1326
continuing education in positive behavior intervention and 1327
supports. 1328

Each district's local professional development committee, 1329
established under section 3319.22 of the Revised Code, shall 1330
monitor compliance with division (B) of this section and shall 1331
establish model professional development courses to assist in 1332
that compliance. 1333

Sec. 3319.46. (A) (1) The state board of education shall 1334
adopt rules under Chapter 119. of the Revised Code that 1335
establish a—both of the following: 1336

(a) A policy and standards for the implementation of 1337
positive behavior intervention ~~and~~ supports ~~and~~ framework; 1338

(b) A policy and standards for the use of physical 1339
restraint or seclusion on students. 1340

(2) Within ninety days after the effective date of this 1341
amendment, the state board shall amend or update rule 3301-35-15 1342
of the Administrative Code to reflect the requirements of this 1343
section. 1344

(B) (1) Each school district board of education shall 1345
comply do all of the following: 1346

(a) Implement a positive behavior intervention and 1347
supports framework on a system-wide basis that complies with 1348
this section; 1349

(b) Comply with ~~the any~~ policy and standards adopted, 1350
amended, or updated by the state board under this section; 1351

(c) Submit any reports required by the department of 1352
education or the general assembly with respect to the 1353
implementation of a positive behavior intervention and supports 1354
framework or suspension and expulsion of students in any of 1355
grades pre-kindergarten through three. 1356

(2) Each school district's positive behavior intervention 1357
and supports framework may focus on the following: 1358

(a) Comprehensive, school-wide data systems that enable 1359
monitoring of academic progress, behavioral incidents, 1360
attendance, and other critical indicators across classrooms; 1361

(b) School-wide investment in evidence-based curricula and 1362
effective instructional strategies, matched to students' needs, 1363
and data to support teachers' academic instruction; 1364

(c) An expectation by school administrators that classroom 1365
practices be linked to and aligned with the school-wide system; 1366

(d) Improving staff climate and culture regarding the role 1367
of discipline in the classroom, established through the use of 1368
positive and proactive communication and staff recognition. 1369

(C) For purposes of this section, "positive behavior 1370
intervention and supports framework" or "positive behavior 1371
intervention and supports" means a multi-tiered, school-wide, 1372
behavioral framework developed and implemented for the purpose 1373
of improving academic and social outcomes and increasing 1374
learning for all students. 1375

(D) The department of education shall oversee each school 1376
district's and school's compliance with this section. 1377

Section 2. That existing sections 3302.03, 3313.534, 1378
3313.66, 3313.661, 3313.668, and 3319.46 of the Revised Code are 1379
hereby repealed. 1380

Section 3. All appropriation items in this act are 1381
appropriated out of any moneys in the state treasury to the 1382
credit of the designated fund that are not otherwise 1383
appropriated. For all appropriations made in this act, those in 1384
the first column are for fiscal year 2018 and those in the 1385
second column are for fiscal year 2019. The appropriations made 1386
in this act are in addition to any other appropriations made for 1387
the FY 2018-FY 2019 biennium. 1388

Section 4. AGO ATTORNEY GENERAL 1389

General Revenue Fund 1390

GRF 055502 School Safety \$ 0 \$ 12,000,000 1391

Training Grants 1392

TOTAL GRF General Revenue Fund \$ 0 \$ 12,000,000 1393

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 12,000,000 1394

SCHOOL SAFETY TRAINING GRANTS 1395

(A) The foregoing appropriation item 055502, School Safety 1396
Training Grants, shall be used by the Attorney General, in 1397
consultation with the Superintendent of Public Instruction and 1398
the Director of Mental Health and Addiction Services, solely to 1399
make grants to public and chartered nonpublic schools and 1400
schools operated by county boards of developmental disabilities 1401
administering special education services programs pursuant to 1402
section 5126.05 of the Revised Code for school safety and school 1403
climate programs and training. 1404

(B) The use of the grants includes, but is not limited to, 1405
all of the following: 1406

(1) The support of school resource officer certification 1407
training; 1408

(2) Any type of active shooter and school safety training; 1409

(3) All grade level type educational resources; 1410

(4) Training to identify and assist students with mental 1411
health issues; 1412

(5) Any other training related to school safety. 1413

(C) The schools and county boards shall work or contract 1414
with the county sheriff's office or a local police department in 1415
whose jurisdiction they are located to develop the programs and 1416
training described in divisions (B) (1), (2), (3), and (5) of 1417
this section. 1418

Section 5. EDU DEPARTMENT OF EDUCATION 1419

State Lottery Fund Group				1420
7017 200602 School Climate Grants	\$0	\$	2,000,000	1421
TOTAL SLF State Lottery Fund Group	\$0	\$	2,000,000	1422
TOTAL ALL BUDGET FUND GROUPS	\$0	\$	2,000,000	1423

SCHOOL CLIMATE GRANTS 1424

(A) The foregoing appropriation item 200602, School 1425
Climate Grants, shall be used to provide competitive grants to 1426
eligible applicants to implement positive behavior intervention 1427
and supports frameworks, evidence- or research-based social and 1428
emotional learning initiatives, or both, in eligible school 1429
buildings. 1430

(B) The Superintendent of Public Instruction shall 1431
administer and award the grants. The Superintendent shall 1432
prescribe an application form, establish procedures for the 1433
consideration and approval of grant applications, and determine 1434
the amount of the grant awards, provided that the Superintendent 1435
shall award the grants in the following order of priority: 1436

(1) First, to eligible applicants whose grant proposal 1437
serves one or more eligible school buildings whose percentage of 1438
students who are identified as economically disadvantaged is 1439
greater than the statewide average percentage of students who 1440
are identified as economically disadvantaged, as determined by 1441
the Superintendent; 1442

(2) Second, to eligible applicants whose grant proposal 1443
serves one or more eligible school buildings with high 1444
suspension rates, as determined by the Superintendent; 1445

(3) Third, to eligible applicants who were not awarded a 1446
grant under either division (B) (1) or (2) of this section in the 1447

order in which the applications were received. 1448

The Superintendent may enter into a written grant 1449
agreement with each eligible applicant awarded a grant under 1450
this section that includes the terms and conditions governing 1451
the use of the funds. The Superintendent may monitor a 1452
recipient's use of the funds to ensure that the funds are used 1453
in accordance with the grant agreement. 1454

(C) A grant awarded to an eligible applicant under this 1455
section shall not exceed \$5,000 per eligible school building 1456
served in the eligible applicant's grant proposal, up to a 1457
maximum of \$50,000. 1458

(D) Notwithstanding any provision of law to the contrary, 1459
grants awarded under this section may be used by grant 1460
recipients for grant-related expenses for a period not to exceed 1461
two years from the date of the award, according to guidelines 1462
established by the Superintendent. 1463

(E) As used in this section: 1464

(1) "Eligible applicant" means a city, local, or exempted 1465
village school district; a community school established under 1466
Chapter 3314. of the Revised Code; or a STEM or STEAM school 1467
established under Chapter 3326. of the Revised Code. 1468

(2) "Eligible school building" means a building of an 1469
eligible applicant that serves any of grades kindergarten 1470
through three. 1471

Section 6. Within the limits set forth in this act, the 1472
Director of Budget and Management shall establish accounts 1473
indicating the source and amount of funds for each appropriation 1474
made in this act, and shall determine the form and manner in 1475
which appropriation accounts shall be maintained. Expenditures 1476

from appropriations contained in this act shall be accounted for 1477
as though made in Am. Sub. H.B. 49 of the 132nd General 1478
Assembly. 1479

The appropriations made in this act are subject to all 1480
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 1481
that are generally applicable to such appropriations. 1482

Section 7. On the effective date of this section, or as 1483
soon as possible thereafter, the Executive Director of the Ohio 1484
Facilities Construction Commission shall cancel any existing 1485
encumbrances against appropriation item C230V9, School Security 1486
Grants, and certify the total amount canceled to the Director of 1487
Budget and Management. Upon receipt of the certification, or as 1488
soon as possible thereafter, the Director of Budget and 1489
Management may transfer cash, up to the certified amount, from 1490
the Public School Building Fund (Fund 7021) to the General 1491
Revenue Fund. 1492

Section 8. (A) The Department of Public Safety, in 1493
consultation with the Ohio Facilities Construction Commission, 1494
shall conduct a study of school security in existing public and 1495
chartered nonpublic school buildings. The study shall include 1496
the following: 1497

(1) The types of physical security measures used in school 1498
buildings; 1499

(2) Options for possible security upgrades for school 1500
buildings; 1501

(3) An analysis of the most cost-effective ways to add 1502
physical security changes to existing school buildings; 1503

(4) The number of school buildings with a school resource 1504
officer; 1505

(5) The number of school buildings with other school 1506
security personnel not reported in division (A) (4) of this 1507
section, including school buildings that use retired law 1508
enforcement as school security; 1509

(6) Recommendations for improving school security. 1510

For purposes of division (A) (4) of this section, "school 1511
building" includes all public school buildings, including school 1512
buildings operated by school districts, community schools 1513
established under Chapter 3314. of the Revised Code, STEM 1514
schools established under Chapter 3326. of the Revised Code, 1515
college-preparatory boarding schools established under Chapter 1516
3328. of the Revised Code, and, if the governing authority of a 1517
chartered nonpublic school elects to participate in the study, 1518
any school building operated by that school. 1519

As used in this section, "school resource officer" has the 1520
same meaning as in section 3313.951 of the Revised Code. 1521

(B) In order to maintain student and staff safety, any 1522
information provided by a public or chartered nonpublic school 1523
to the Department of Public Safety shall be considered a 1524
security record and is not a public record pursuant to section 1525
149.433 of the Revised Code. 1526

(C) The Commission shall submit a copy of the study to the 1527
Governor and each member of the General Assembly not later than 1528
February 1, 2019. 1529

Section 9. The General Assembly recognizes that out-of- 1530
school suspensions are a widely used classroom management tool 1531
and that it may take time to completely phase out unnecessary 1532
out-of-school suspensions. During this period of transition, 1533
while school districts and schools are gaining the knowledge and 1534

experience related to how positive behavior intervention and 1535
supports improve social, emotional, and academic development for 1536
students in grades pre-kindergarten through three, it is 1537
imperative that those students remain in the classroom whenever 1538
possible. In an effort to give school districts and schools time 1539
to fully replace unnecessary suspensions and expulsions with an 1540
effective positive behavior intervention and supports framework 1541
and to facilitate professional development opportunities for 1542
teaching staff, the General Assembly has determined that gradual 1543
implementation is necessary. Accordingly, until the 2021-2022 1544
school year, a school district or school shall be considered to 1545
be in compliance with division (B) of section 3313.668 of the 1546
Revised Code, as amended by this act, according to the 1547
implementation schedule and requirements described in this 1548
section. 1549

(A) (1) For each of school years 2018-2019, 2019-2020, 1550
2020-2021, and 2021-2022 each school district or school shall 1551
report to the Department of Education, in the form and manner 1552
prescribed by the Department, the number of out-of-school 1553
suspensions and expulsions that were issued to a student in any 1554
of grades pre-kindergarten through three, categorized by offense 1555
as follows: 1556

(a) Any offense described in divisions (B) (2) to (5) of 1557
section 3313.66 of the Revised Code; 1558

(b) Offenses not described in divisions (B) (2) to (5) of 1559
section 3313.66 of the Revised Code but for which the school 1560
district determined suspension or expulsion was necessary to 1561
protect the immediate health and safety of the student, the 1562
student's fellow classmates, or the classroom staff and 1563
teachers; 1564

(c) Any other offense not described in division (A) (1) (a) 1565
or (b) of this section. 1566

(2) After the 2021-2022 school year, each school district 1567
or school shall annually report, in the form and manner 1568
prescribed by the Department of Education, the number of out-of- 1569
school suspensions and expulsions that were issued to a student 1570
in any of grades pre-kindergarten through three only if the 1571
Department determines that continued reporting of this 1572
information is necessary to carry out any of the requirements 1573
set forth in this act. 1574

(B) For the 2017-2018 and 2018-2019 school years, a school 1575
district or school shall be exempt from compliance with division 1576
(B) of section 3313.668 of the Revised Code and shall issue all 1577
suspensions and expulsions in accordance with section 3313.66 of 1578
the Revised Code, as amended by this act. 1579

(C) (1) For the 2019-2020 school year, a school district or 1580
school shall comply with the requirements of divisions (B) (2) 1581
and (3) of section 3313.668 of the Revised Code. 1582

(2) A school district or school shall be considered to be 1583
in compliance with division (B) (1) of section 3313.668 of the 1584
Revised Code, if for the 2019-2020 school year, the school 1585
district reduces the number of out-of-school suspensions and 1586
expulsions issued for offenses categorized in division (A) (1) (c) 1587
of this section by twenty-five per cent, using the numbers 1588
reported for that category for the 2018-2019 school year as a 1589
baseline. 1590

(D) (1) For the 2020-2021 school year, a school district or 1591
school shall comply with the requirements of divisions (B) (2) 1592
and (3) of section 3313.668 of the Revised Code. 1593

(2) A school district or school shall be considered to be 1594
in compliance with division (B) (1) of section 3313.668 of the 1595
Revised Code, if for the 2020-2021 school year, the school 1596
district reduces the number of out-of-school suspensions and 1597
expulsions issued for offenses categorized in division (A) (1) (c) 1598
of this section by fifty per cent, using the numbers reported 1599
for that category for the 2018-2019 school year as a baseline. 1600

(E) For the 2021-2022 school year, and each year 1601
thereafter, all out-of-school suspensions and expulsions issued 1602
to a student in any of grades pre-kindergarten through three 1603
shall be in compliance with division (B) of section 3313.668 of 1604
the Revised Code, such that the number of out-of-school 1605
suspensions and expulsions issued for offenses categorized in 1606
division (A) (1) (c) of this section is zero and all suspensions 1607
and expulsions for students in grades pre-kindergarten through 1608
three are either for offenses described in divisions (B) (2) to 1609
(5) of section 3313.66 of the Revised Code, as required by 1610
division (B) (1) (a) of section 3313.668 of the Revised Code or 1611
are necessary for the immediate health and safety of the 1612
student, the student's fellow classmates, classroom staff and 1613
teachers, or other school employees as required by division (B) 1614
(1) (b) of section 3313.668 of the Revised Code. 1615

(F) Not later than the first day of October of each of 1616
school years 2018-2019, 2019-2020, 2020-2021, and 2021-2022 the 1617
Department of Education shall submit to the General Assembly, in 1618
accordance with section 101.68 of the Revised Code, and to the 1619
State Superintendent of Public Instruction a report containing 1620
the following: 1621

(1) A summary of the best practices of implementing a 1622
positive behavior intervention and supports framework by school 1623

districts throughout Ohio; 1624

(2) The total number of out-of-school suspensions and 1625
expulsions issued by a school district or building to students 1626
in any of grades pre-kindergarten through three, disaggregated 1627
by category of offense as described in divisions (A) (1) (a), (b), 1628
and (c) of this section and disaggregated within each category 1629
of offense according to sex, race, whether the student has been 1630
identified as economically disadvantaged, and whether the 1631
student has a disability. 1632

(G) The implementation schedule and requirements of this 1633
section shall apply to school districts, community schools 1634
established under Chapter 3314. of the Revised Code, STEM or 1635
STEAM schools established under Chapter 3326. of the Revised 1636
Code, and college-preparatory boarding schools established under 1637
Chapter 3328. of the Revised Code. 1638

Section 10. Nothing in this act shall be construed to 1639
limit the responsibilities of a school district or school under 1640
the "Individuals with Disabilities Education Improvement Act of 1641
2004," 20 U.S.C. 1400 et seq., or under Chapter 3323. of the 1642
Revised Code. 1643

Section 11. The provisions of this act concerning positive 1644
behavior intervention and supports, discipline and procedures 1645
for code of conduct violations, including suspension of students 1646
in any of grades pre-kindergarten through three, and the 1647
appropriation described in Section 4 of this act shall be known 1648
as the "Supporting Alternatives for Education Act," or the "SAFE 1649
Act." 1650