

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 310

Representative Greenspan

A BILL

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

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

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

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

(B) (1) No person shall recklessly participate in the 19

hazing of another.

(2) No administrator, employee, ~~or~~ faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or ~~of~~ any other educational institution, public or private, shall recklessly permit the hazing of any person.

(C) (1) No person shall knowingly participate in the hazing of another when the hazing causes serious physical harm to the other person.

(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall knowingly permit the hazing of any person when the hazing causes serious physical harm to any person.

(D) Whoever violates this section is guilty of hazing. A violation of division (B) (1) or (2) of this section is a misdemeanor of the ~~fourth~~ second degree. A violation of division (C) (1) or (2) of this section is a felony of the fourth degree.

Sec. 3301.165. (A) As used in this section, "harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code.

(B) The governing authority of each chartered nonpublic school shall adopt a policy that requires the school to take disciplinary action against any pupil who commits an offense of harassment, intimidation, or bullying. The policy shall address issues such as disciplinary actions and due process in a manner similar to a policy adopted by a school district under section 3313.669 of the Revised Code. The governing authority shall

review the policy adopted under this section at least once every 49
three years and update it as necessary based on the review. 50

(C) The governing authority shall submit to the department 51
of education the policy adopted under division (B) of this 52
section in a form and manner determined by the department. 53

(D) If the school has a web site, the governing authority 54
shall post the policy adopted under division (B) of this section 55
on that web site. 56

Sec. 3301.22. (A) The state board of education shall 57
develop do both of the following: 58

(1) Develop a model policy to prohibit harassment, 59
intimidation, or bullying in order to assist school districts in 60
developing their own policies under section 3313.666 of the 61
Revised Code. ~~The board shall issue the model policy within six~~ 62
~~months after the effective date of this section;~~ 63

(2) Provide each school district with evidence-based best 64
practices regarding policies to prohibit harassment, 65
intimidation, or bullying. 66

(B) Beginning on the effective date of this amendment, the 67
state board shall review the model policy and best practices 68
developed under division (A) of this section at least once every 69
four years, and update them as necessary based on the review. 70

Sec. 3313.661. (A) Subject to the limitations set forth in 71
section 3313.668 of the Revised Code, the board of education of 72
each city, exempted village, and local school district shall 73
adopt a policy regarding suspension, expulsion, removal, and 74
permanent exclusion that specifies the types of misconduct for 75
which a pupil may be suspended, expelled, or removed. The types 76
of misconduct may include misconduct by a pupil that occurs off 77

of property owned or controlled by the district but that is 78
connected to activities or incidents that have occurred on 79
property owned or controlled by that district and misconduct by 80
a pupil that, regardless of where it occurs, is directed at a 81
district official or employee, or the property of such official 82
or employee. The policy shall specify the reasons for which the 83
superintendent of the district may reduce the expulsion 84
requirement in division (B) (2) of section 3313.66 of the Revised 85
Code. If a board of education adopts a resolution pursuant to 86
division (B) (3) of section 3313.66 of the Revised Code, the 87
policy shall define the term "knife capable of causing serious 88
bodily injury" or "firearm," as applicable, for purposes of 89
expulsion under that resolution and shall specify any reasons 90
for which the superintendent of the district may reduce any 91
required expulsion period on a case-by-case basis. If a board of 92
education adopts a resolution pursuant to division (B) (4) or (5) 93
of section 3313.66 of the Revised Code, the policy shall specify 94
any reasons for which the superintendent of the district may 95
reduce any required expulsion period on a case-by-case basis. 96
The policy also shall set forth the acts listed in section 97
3313.662 of the Revised Code for which a pupil may be 98
permanently excluded. 99

The policy adopted under this division shall specify the 100
date and manner by which a pupil or a pupil's parent, guardian, 101
or custodian may notify the board of the pupil's, parent's, 102
guardian's, or custodian's intent to appeal an expulsion or 103
suspension to the board or its designee pursuant to division (E) 104
of section 3313.66 of the Revised Code. In the case of any 105
expulsion, the policy shall not specify a date that is less than 106
fourteen days after the date of the notice provided to the pupil 107
or the pupil's parent, guardian, or custodian under division (D) 108

of that section. 109

A copy of the policy shall be posted on the district's web 110
site, if the district has one, and in a central location in the 111
school and shall be made available to pupils upon request. No 112
pupil shall be suspended, expelled, or removed except in 113
accordance with the policy adopted by the board of education of 114
the school district in which the pupil attends school, and no 115
pupil shall be permanently excluded except in accordance with 116
sections 3301.121 and 3313.662 of the Revised Code. 117

(B) (1) A board of education may establish a program and 118
adopt guidelines under which a superintendent may require a 119
pupil to perform community service in conjunction with a 120
suspension or expulsion imposed under section 3313.66 of the 121
Revised Code or in place of a suspension or expulsion imposed 122
under section 3313.66 of the Revised Code except for an 123
expulsion imposed pursuant to division (B) (2) of that section. 124
If a board adopts guidelines under this division, they shall 125
permit, except with regard to an expulsion pursuant to division 126
(B) (2) of section 3313.66 of the Revised Code, a superintendent 127
to impose a community service requirement beyond the end of the 128
school year in lieu of applying an expulsion into the following 129
school year. Any guidelines adopted shall be included in the 130
policy adopted under this section. 131

(2) If a pupil is subject to detention, suspension, or 132
expulsion for an offense of harassment, intimidation, or 133
bullying under section 3313.669 of the Revised Code, the board 134
of education may develop a community service plan that a pupil 135
who is issued a detention, suspension, or expulsion under that 136
section must complete. The plan shall include specific goals and 137
timelines under which the pupil must perform community service 138

during the term of the pupil's suspension or expulsion. 139

(C) The written policy of each board of education that is 140
adopted pursuant to section 3313.20 of the Revised Code shall be 141
posted on the district's web site, if the district has one, and 142
in a central location in each school that is subject to the 143
policy and shall be made available to pupils upon request. 144

(D) Except as described in division (B) of section 145
3313.668 of the Revised Code, any policy, program, or guideline 146
adopted by a board of education under this section with regard 147
to suspensions or expulsions pursuant to division (A) or (B) of 148
section 3313.66 of the Revised Code shall apply to any student, 149
whether or not the student is enrolled in the district, 150
attending or otherwise participating in any curricular program 151
provided in a school operated by the board or provided on any 152
other property owned or controlled by the board. 153

(E) As used in this section, ~~"permanently":~~ 154

(1) "Permanently exclude" and "permanent exclusion" have 155
the same meanings as in section 3313.662 of the Revised Code. 156

(2) "Harassment, intimidation, or bullying" has the same 157
meaning as in section 3313.666 of the Revised Code. 158

Sec. 3313.666. (A) As used in this section: 159

(1) "Electronic act" means an act committed through the 160
use of a cellular telephone, computer, pager, personal 161
communication device, or other electronic communication device. 162

(2) "Harassment, intimidation, or bullying" means ~~either~~ 163
any of the following: 164

(a) Any intentional written, verbal, electronic, or 165
physical act that a student has exhibited toward another 166

particular student or an administrator, employee, faculty 167
member, teacher, consultant, or volunteer of the district more 168
than once and the behavior both: 169

(i) Causes mental or physical harm to the other student or 170
the administrator, employee, faculty member, teacher, 171
consultant, or volunteer of the district; 172

(ii) Is sufficiently severe, persistent, or pervasive that 173
it creates an intimidating, threatening, or abusive educational 174
environment for the other student or the administrator, 175
employee, faculty member, teacher, consultant, or volunteer of 176
the district. 177

(b) Violence within a dating relationship; 178

(c) Hazing as defined in section 2903.31 of the Revised 179
Code. 180

(B) The board of education of each city, local, exempted 181
village, and joint vocational school district shall establish a 182
policy prohibiting the harassment, intimidation, or bullying of 183
students and administrators, employees, faculty members, 184
teachers, consultants, and volunteers of the district. The 185
policy shall be developed in consultation with parents, school 186
employees, school volunteers, students, and community members, 187
and shall apply to grades kindergarten through twelve. The 188
policy shall include the following: 189

(1) A statement prohibiting harassment, intimidation, or 190
bullying of any student on school property, on a school bus, or 191
at school-sponsored events and expressly providing for the 192
possibility of suspension of a student found responsible for 193
harassment, intimidation, or bullying by an electronic act; 194

(2) A definition of harassment, intimidation, or bullying 195

that includes the definition in division (A) of this section; 196

(3) A procedure for reporting prohibited incidents; 197

(4) A requirement that school personnel report prohibited 198
incidents of which they are aware to the school principal or 199
other administrator designated by the principal; 200

(5) A requirement that the custodial parent or guardian of 201
any student involved in a prohibited incident be notified and, 202
to the extent permitted by section 3319.321 of the Revised Code 203
and the "Family Educational Rights and Privacy Act of 1974," 88 204
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 205
written reports pertaining to the prohibited incident~~†~~. For each 206
prohibited incident, the district shall maintain a record 207
verifying that the custodial parent or guardian was notified of 208
the incident. 209

(6) A procedure for documenting any prohibited incident 210
that is reported; 211

(7) A procedure for responding to and investigating any 212
reported incident; 213

(8) A strategy for protecting a victim or other person 214
from new or additional harassment, intimidation, or bullying, 215
and from retaliation following a report, including a means by 216
which a person may report an incident anonymously; 217

(9) A disciplinary procedure for any student guilty of 218
harassment, intimidation, or bullying, which shall not infringe 219
on any student's rights under the first amendment to the 220
Constitution of the United States~~†~~. The disciplinary procedure 221
shall comply with section 3313.669 of the Revised Code. 222

(10) A disciplinary procedure for any student guilty of 223

retaliation against a student, administrator, employee, faculty 224
member, teacher, consultant, or volunteer of the district who 225
reports an incident of harassment, intimidation, or bullying; 226

(11) A statement prohibiting students from deliberately 227
making false reports of harassment, intimidation, or bullying 228
and a disciplinary procedure for any student responsible for 229
deliberately making a false report of that nature; 230

~~(11)~~ (12) A requirement that the district administration 231
semiannually provide the president of the district board a 232
written summary of all reported incidents and post the summary 233
on its web site, if the district has a web site, to the extent 234
permitted by section 3319.321 of the Revised Code and the 235
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 236
571, 20 U.S.C. 1232g, as amended. 237

(C) Each board's policy shall appear in any student 238
handbooks, and in any of the publications that set forth the 239
comprehensive rules, procedures, and standards of conduct for 240
schools and students in the district. The policy and an 241
explanation of the seriousness of bullying by electronic means 242
shall be made available to students in the district and to their 243
custodial parents or guardians. Information regarding the policy 244
shall be incorporated into employee training materials. 245

(D) (1) To the extent that state or federal funds are 246
appropriated for this purpose, each board shall require that all 247
students enrolled in the district annually be provided with age- 248
appropriate instruction, as determined by the board, on the 249
board's policy, including a written or verbal discussion of the 250
consequences for violations of the policy. 251

(2) Each board shall require that once each school year a 252

written statement describing the policy and the consequences for 253
violations of the policy be sent to each student's custodial 254
parent or guardian. The statement may be sent with regular 255
student report cards or may be delivered electronically. 256

(E) A school district employee, student, or volunteer 257
shall be individually immune from liability in a civil action 258
for damages arising from reporting an incident in accordance 259
with a policy adopted pursuant to this section if that person 260
reports an incident of harassment, intimidation, or bullying 261
promptly in good faith and in compliance with the procedures as 262
specified in the policy. 263

(F) Except as provided in division (E) of this section, 264
nothing in this section prohibits a victim from seeking redress 265
under any other provision of the Revised Code or common law that 266
may apply. 267

(G) This section does not create a new cause of action or 268
a substantive legal right for any person. 269

(H) Each board shall update the policy adopted under this 270
section to include violence within a dating relationship ~~and,~~ 271
harassment, intimidation, or bullying by electronic means, and 272
hazing. The board also shall review the policy adopted under 273
this section at least once every three years and update it as 274
necessary based on the review. 275

Sec. 3313.669. (A) Except as provided in division (F) of 276
this section, the board of education of each city, exempted 277
village, or local school district shall adopt a resolution 278
establishing a policy under section 3313.661 of the Revised Code 279
that requires the district superintendent to take a disciplinary 280
action against any pupil who commits an offense of harassment, 281

intimidation, or bullying. The policy shall authorize the 282
imposition of any of the following actions for each offense by a 283
pupil as determined appropriate under the circumstances: 284

(1) A detention requiring the pupil to be present in 285
school before or after the instructional day, or on days the 286
school is not normally open for instruction, for up to the total 287
number of hours equivalent to ten school days to complete 288
supervised learning activities or a community service plan 289
prescribed under division (B)(1) of this section; 290

(2) An in-school suspension of up to ten school days; 291

(3) An out-of-school suspension of up to ten school days; 292

(4) An expulsion. 293

Subject to division (D) of this section, any suspension or 294
expulsion issued under this section shall be issued in 295
accordance with sections 3313.66, 3313.661, and 3313.668 of the 296
Revised Code. 297

(B)(1) The board may develop a community service plan for 298
any pupil subject to detention, suspension, or expulsion under 299
this section and require that the pupil complete the plan. The 300
plan shall include specific goals and timelines under which the 301
pupil shall perform community service during the term of the 302
pupil's detention, suspension, or expulsion. The board shall 303
determine the duration of the community service performed under 304
the plan. The community service plan may continue beyond the 305
date upon which a pupil returns to school. 306

(2) The district shall prohibit a pupil from participating 307
in any extracurricular activity during the period of a pupil's 308
detention, suspension, or expulsion under this section. 309

(3) As determined appropriate by the board, the district 310
may impose additional measures, other than those prescribed 311
under this division, on a pupil subject to detention, 312
suspension, or expulsion under this section. 313

(C) (1) During the period of a pupil's suspension or 314
expulsion under this section, the district shall permit the 315
pupil to do both of the following: 316

(a) Complete all missed schoolwork. For this purpose, the 317
district may offer tutoring and academic support to the pupil. 318

(b) Take any required state assessment. For this purpose, 319
the pupil shall be permitted to take the assessment in the 320
pupil's regular school setting. 321

(2) The district may provide counseling or intervention 322
services for a pupil subject to detention, suspension, or 323
expulsion under this section, so long as the pupil's parent, 324
guardian, or custodian gives permission for the pupil to undergo 325
such counseling or intervention services. If the district does 326
not offer counseling or intervention services, the district may 327
coordinate with community organizations that provide counseling 328
or intervention services and help identify counseling or 329
intervention resources. 330

(D) As a condition of returning to school, a pupil who is 331
suspended or expelled under this section shall complete all 332
missed schoolwork, as determined by the superintendent. If the 333
pupil does not complete this requirement, the pupil may be 334
permitted to return to school provided the superintendent 335
determines that the pupil has made sufficient progress towards 336
completing the requirement. 337

(E) (1) Upon receiving a report or being notified of a 338

potential incident of harassment, intimidation, or bullying at 339
school or on school grounds, the principal or another 340
administrator shall conduct an investigation to determine if 341
harassment, intimidation, or bullying has occurred. 342

(2) No pupil shall be subject to detention, suspension, or 343
expulsion under this section if the board has approved an 344
alternative form of discipline as prescribed in division (F) of 345
this section. 346

(F) (1) After the investigation prescribed in division (E) 347
(1) of this section, but prior to issuing any detention, 348
suspension, or expulsion prescribed in division (A) of this 349
section, an administrator, such as the superintendent or 350
principal, may petition the board to approve an alternative form 351
of discipline for the pupil in lieu of detention, suspension, or 352
expulsion if the administrator, based on the investigation's 353
findings, believes that the pupil: 354

(a) Has extenuating circumstances specific to that pupil; 355

(b) Has a high chance of successful reintegration into the 356
school using the alternative form of discipline; 357

(c) Does not pose a risk to the safety of the school and 358
the victim. 359

(2) The board, by a majority vote of its full membership, 360
may approve the alternative form of discipline. 361

(G) No pupil shall be subject to detention under this 362
section unless, prior to the pupil's detention, the 363
superintendent does both of the following: 364

(1) Gives the pupil and the pupil's parent, guardian, or 365
custodian written notice of the intention to issue a detention 366

to the pupil;

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(2) Provides the pupil and the pupil's parent, guardian,
custodian, or representative an opportunity to appear in person
before the superintendent or the superintendent's designee to
challenge the reasons for the intended detention or otherwise to
explain the pupil's actions.

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The notice required in this division shall include the
reasons for the intended detention, notification of the
opportunity of the pupil and the pupil's parent, guardian,
custodian, or representative to appear before the superintendent
or the superintendent's designee to challenge the reasons for
the intended detention or otherwise to explain the pupil's
action, and notification of the time and place to appear. The
time to appear shall not be earlier than three nor later than
five school days after the notice is given, unless the
superintendent grants an extension of time at the request of the
pupil or the pupil's parent, guardian, custodian, or
representative. If an extension is granted after giving the
original notice, the superintendent shall notify the pupil and
the pupil's parent, guardian, custodian, or representative of
the new time and place to appear.

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(H) Any suspension or expulsion issued under this section
shall be subject to the due process procedures prescribed under
section 3313.66 of the Revised Code.

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(I) (1) The board may offer counseling services to the
victim of an offense of harassment, intimidation, or bullying.
However, the victim is not required to participate in the
counseling.

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(2) The board shall permit a victim of harassment,

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intimidation, or bullying to complete all missed schoolwork due 396
to harassment, intimidation, or bullying. For this purpose, the 397
district may offer tutoring and academic support to the victim. 398

(J) Nothing in this section shall create a new requirement 399
on the part of a board to provide the same services it would 400
provide to a pupil attending school in the district to a pupil 401
permanently excluded pursuant to section 3313.662 of the Revised 402
Code. 403

(K) Nothing in this section shall affect a district's 404
obligation to provide a free and appropriate education to 405
children with disabilities under 20 U.S.C. 1400, et seq. and 406
Chapter 3323. of the Revised Code. 407

(L) As used in this section: 408

(1) "Extracurricular activity" has the same meaning as in 409
section 3313.537 of the Revised Code. 410

(2) "Harassment, intimidation, or bullying" has the same 411
meaning as in section 3313.666 of the Revised Code. 412

Sec. 3314.03. A copy of every contract entered into under 413
this section shall be filed with the superintendent of public 414
instruction. The department of education shall make available on 415
its web site a copy of every approved, executed contract filed 416
with the superintendent under this section. 417

(A) Each contract entered into between a sponsor and the 418
governing authority of a community school shall specify the 419
following: 420

(1) That the school shall be established as either of the 421
following: 422

(a) A nonprofit corporation established under Chapter 423

1702. of the Revised Code, if established prior to April 8, 424
2003; 425

(b) A public benefit corporation established under Chapter 426
1702. of the Revised Code, if established after April 8, 2003. 427

(2) The education program of the school, including the 428
school's mission, the characteristics of the students the school 429
is expected to attract, the ages and grades of students, and the 430
focus of the curriculum; 431

(3) The academic goals to be achieved and the method of 432
measurement that will be used to determine progress toward those 433
goals, which shall include the statewide achievement 434
assessments; 435

(4) Performance standards, including but not limited to 436
all applicable report card measures set forth in section 3302.03 437
or 3314.017 of the Revised Code, by which the success of the 438
school will be evaluated by the sponsor; 439

(5) The admission standards of section 3314.06 of the 440
Revised Code and, if applicable, section 3314.061 of the Revised 441
Code; 442

(6) (a) Dismissal procedures; 443

(b) A requirement that the governing authority adopt an 444
attendance policy that includes a procedure for automatically 445
withdrawing a student from the school if the student without a 446
legitimate excuse fails to participate in seventy-two 447
consecutive hours of the learning opportunities offered to the 448
student. 449

(7) The ways by which the school will achieve racial and 450
ethnic balance reflective of the community it serves; 451

(8) Requirements for financial audits by the auditor of 452
state. The contract shall require financial records of the 453
school to be maintained in the same manner as are financial 454
records of school districts, pursuant to rules of the auditor of 455
state. Audits shall be conducted in accordance with section 456
117.10 of the Revised Code. 457

(9) An addendum to the contract outlining the facilities 458
to be used that contains at least the following information: 459

(a) A detailed description of each facility used for 460
instructional purposes; 461

(b) The annual costs associated with leasing each facility 462
that are paid by or on behalf of the school; 463

(c) The annual mortgage principal and interest payments 464
that are paid by the school; 465

(d) The name of the lender or landlord, identified as 466
such, and the lender's or landlord's relationship to the 467
operator, if any. 468

(10) Qualifications of teachers, including a requirement 469
that the school's classroom teachers be licensed in accordance 470
with sections 3319.22 to 3319.31 of the Revised Code, except 471
that a community school may engage noncertificated persons to 472
teach up to twelve hours per week pursuant to section 3319.301 473
of the Revised Code. 474

(11) That the school will comply with the following 475
requirements: 476

(a) The school will provide learning opportunities to a 477
minimum of twenty-five students for a minimum of nine hundred 478
twenty hours per school year. 479

(b) The governing authority will purchase liability 480
insurance, or otherwise provide for the potential liability of 481
the school. 482

(c) The school will be nonsectarian in its programs, 483
admission policies, employment practices, and all other 484
operations, and will not be operated by a sectarian school or 485
religious institution. 486

(d) The school will comply with sections 9.90, 9.91, 487
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 488
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 489
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 490
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 491
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 492
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 493
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 494
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 495
3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 3319.318, 496
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 497
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 498
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 499
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 500
of the Revised Code as if it were a school district and will 501
comply with section 3301.0714 of the Revised Code in the manner 502
specified in section 3314.17 of the Revised Code. 503

(e) The school shall comply with Chapter 102. and section 504
2921.42 of the Revised Code. 505

(f) The school will comply with sections 3313.61, 506
3313.611, and 3313.614 of the Revised Code, except that for 507
students who enter ninth grade for the first time before July 1, 508
2010, the requirement in sections 3313.61 and 3313.611 of the 509

Revised Code that a person must successfully complete the 510
curriculum in any high school prior to receiving a high school 511
diploma may be met by completing the curriculum adopted by the 512
governing authority of the community school rather than the 513
curriculum specified in Title XXXIII of the Revised Code or any 514
rules of the state board of education. Beginning with students 515
who enter ninth grade for the first time on or after July 1, 516
2010, the requirement in sections 3313.61 and 3313.611 of the 517
Revised Code that a person must successfully complete the 518
curriculum of a high school prior to receiving a high school 519
diploma shall be met by completing the requirements prescribed 520
in division (C) of section 3313.603 of the Revised Code, unless 521
the person qualifies under division (D) or (F) of that section. 522
Each school shall comply with the plan for awarding high school 523
credit based on demonstration of subject area competency, and 524
beginning with the 2017-2018 school year, with the updated plan 525
that permits students enrolled in seventh and eighth grade to 526
meet curriculum requirements based on subject area competency 527
adopted by the state board of education under divisions (J) (1) 528
and (2) of section 3313.603 of the Revised Code. Beginning with 529
the 2018-2019 school year, the school shall comply with the 530
framework for granting units of high school credit to students 531
who demonstrate subject area competency through work-based 532
learning experiences, internships, or cooperative education 533
developed by the department under division (J) (3) of section 534
3313.603 of the Revised Code. 535

(g) The school governing authority will submit within four 536
months after the end of each school year a report of its 537
activities and progress in meeting the goals and standards of 538
divisions (A) (3) and (4) of this section and its financial 539
status to the sponsor and the parents of all students enrolled 540

in the school. 541

(h) The school, unless it is an internet- or computer- 542
based community school, will comply with section 3313.801 of the 543
Revised Code as if it were a school district. 544

(i) If the school is the recipient of moneys from a grant 545
awarded under the federal race to the top program, Division (A), 546
Title XIV, Sections 14005 and 14006 of the "American Recovery 547
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 548
the school will pay teachers based upon performance in 549
accordance with section 3317.141 and will comply with section 550
3319.111 of the Revised Code as if it were a school district. 551

(j) If the school operates a preschool program that is 552
licensed by the department of education under sections 3301.52 553
to 3301.59 of the Revised Code, the school shall comply with 554
sections 3301.50 to 3301.59 of the Revised Code and the minimum 555
standards for preschool programs prescribed in rules adopted by 556
the state board under section 3301.53 of the Revised Code. 557

(k) The school will comply with sections 3313.6021 and 558
3313.6023 of the Revised Code as if it were a school district 559
unless it is either of the following: 560

(i) An internet- or computer-based community school; 561

(ii) A community school in which a majority of the 562
enrolled students are children with disabilities as described in 563
division (A) (4) (b) of section 3314.35 of the Revised Code. 564

(12) Arrangements for providing health and other benefits 565
to employees; 566

(13) The length of the contract, which shall begin at the 567
beginning of an academic year. No contract shall exceed five 568

years unless such contract has been renewed pursuant to division 569
(E) of this section. 570

(14) The governing authority of the school, which shall be 571
responsible for carrying out the provisions of the contract; 572

(15) A financial plan detailing an estimated school budget 573
for each year of the period of the contract and specifying the 574
total estimated per pupil expenditure amount for each such year. 575

(16) Requirements and procedures regarding the disposition 576
of employees of the school in the event the contract is 577
terminated or not renewed pursuant to section 3314.07 of the 578
Revised Code; 579

(17) Whether the school is to be created by converting all 580
or part of an existing public school or educational service 581
center building or is to be a new start-up school, and if it is 582
a converted public school or service center building, 583
specification of any duties or responsibilities of an employer 584
that the board of education or service center governing board 585
that operated the school or building before conversion is 586
delegating to the governing authority of the community school 587
with respect to all or any specified group of employees provided 588
the delegation is not prohibited by a collective bargaining 589
agreement applicable to such employees; 590

(18) Provisions establishing procedures for resolving 591
disputes or differences of opinion between the sponsor and the 592
governing authority of the community school; 593

(19) A provision requiring the governing authority to 594
adopt a policy regarding the admission of students who reside 595
outside the district in which the school is located. That policy 596
shall comply with the admissions procedures specified in 597

sections 3314.06 and 3314.061 of the Revised Code and, at the 598
sole discretion of the authority, shall do one of the following: 599

(a) Prohibit the enrollment of students who reside outside 600
the district in which the school is located; 601

(b) Permit the enrollment of students who reside in 602
districts adjacent to the district in which the school is 603
located; 604

(c) Permit the enrollment of students who reside in any 605
other district in the state. 606

(20) A provision recognizing the authority of the 607
department of education to take over the sponsorship of the 608
school in accordance with the provisions of division (C) of 609
section 3314.015 of the Revised Code; 610

(21) A provision recognizing the sponsor's authority to 611
assume the operation of a school under the conditions specified 612
in division (B) of section 3314.073 of the Revised Code; 613

(22) A provision recognizing both of the following: 614

(a) The authority of public health and safety officials to 615
inspect the facilities of the school and to order the facilities 616
closed if those officials find that the facilities are not in 617
compliance with health and safety laws and regulations; 618

(b) The authority of the department of education as the 619
community school oversight body to suspend the operation of the 620
school under section 3314.072 of the Revised Code if the 621
department has evidence of conditions or violations of law at 622
the school that pose an imminent danger to the health and safety 623
of the school's students and employees and the sponsor refuses 624
to take such action. 625

(23) A description of the learning opportunities that will 626
be offered to students including both classroom-based and non- 627
classroom-based learning opportunities that is in compliance 628
with criteria for student participation established by the 629
department under division (H) (2) of section 3314.08 of the 630
Revised Code; 631

(24) The school will comply with sections 3302.04 and 632
3302.041 of the Revised Code, except that any action required to 633
be taken by a school district pursuant to those sections shall 634
be taken by the sponsor of the school. However, the sponsor 635
shall not be required to take any action described in division 636
(F) of section 3302.04 of the Revised Code. 637

(25) Beginning in the 2006-2007 school year, the school 638
will open for operation not later than the thirtieth day of 639
September each school year, unless the mission of the school as 640
specified under division (A) (2) of this section is solely to 641
serve dropouts. In its initial year of operation, if the school 642
fails to open by the thirtieth day of September, or within one 643
year after the adoption of the contract pursuant to division (D) 644
of section 3314.02 of the Revised Code if the mission of the 645
school is solely to serve dropouts, the contract shall be void. 646

(26) Whether the school's governing authority is planning 647
to seek designation for the school as a STEM school equivalent 648
under section 3326.032 of the Revised Code; 649

(27) That the school's attendance and participation 650
policies will be available for public inspection; 651

(28) That the school's attendance and participation 652
records shall be made available to the department of education, 653
auditor of state, and school's sponsor to the extent permitted 654

under and in accordance with the "Family Educational Rights and 655
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 656
and any regulations promulgated under that act, and section 657
3319.321 of the Revised Code; 658

(29) If a school operates using the blended learning 659
model, as defined in section 3301.079 of the Revised Code, all 660
of the following information: 661

(a) An indication of what blended learning model or models 662
will be used; 663

(b) A description of how student instructional needs will 664
be determined and documented; 665

(c) The method to be used for determining competency, 666
granting credit, and promoting students to a higher grade level; 667

(d) The school's attendance requirements, including how 668
the school will document participation in learning 669
opportunities; 670

(e) A statement describing how student progress will be 671
monitored; 672

(f) A statement describing how private student data will 673
be protected; 674

(g) A description of the professional development 675
activities that will be offered to teachers. 676

(30) A provision requiring that all moneys the school's 677
operator loans to the school, including facilities loans or cash 678
flow assistance, must be accounted for, documented, and bear 679
interest at a fair market rate; 680

(31) A provision requiring that, if the governing 681

authority contracts with an attorney, accountant, or entity 682
specializing in audits, the attorney, accountant, or entity 683
shall be independent from the operator with which the school has 684
contracted. 685

(32) A provision requiring the governing authority to 686
adopt an enrollment and attendance policy that requires a 687
student's parent to notify the community school in which the 688
student is enrolled when there is a change in the location of 689
the parent's or student's primary residence. 690

(33) A provision requiring the governing authority to 691
adopt a student residence and address verification policy for 692
students enrolling in or attending the school. 693

(B) The community school shall also submit to the sponsor 694
a comprehensive plan for the school. The plan shall specify the 695
following: 696

(1) The process by which the governing authority of the 697
school will be selected in the future; 698

(2) The management and administration of the school; 699

(3) If the community school is a currently existing public 700
school or educational service center building, alternative 701
arrangements for current public school students who choose not 702
to attend the converted school and for teachers who choose not 703
to teach in the school or building after conversion; 704

(4) The instructional program and educational philosophy 705
of the school; 706

(5) Internal financial controls. 707

When submitting the plan under this division, the school 708
shall also submit copies of all policies and procedures 709

regarding internal financial controls adopted by the governing 710
authority of the school. 711

(C) A contract entered into under section 3314.02 of the 712
Revised Code between a sponsor and the governing authority of a 713
community school may provide for the community school governing 714
authority to make payments to the sponsor, which is hereby 715
authorized to receive such payments as set forth in the contract 716
between the governing authority and the sponsor. The total 717
amount of such payments for monitoring, oversight, and technical 718
assistance of the school shall not exceed three per cent of the 719
total amount of payments for operating expenses that the school 720
receives from the state. 721

(D) The contract shall specify the duties of the sponsor 722
which shall be in accordance with the written agreement entered 723
into with the department of education under division (B) of 724
section 3314.015 of the Revised Code and shall include the 725
following: 726

(1) Monitor the community school's compliance with all 727
laws applicable to the school and with the terms of the 728
contract; 729

(2) Monitor and evaluate the academic and fiscal 730
performance and the organization and operation of the community 731
school on at least an annual basis; 732

(3) Report on an annual basis the results of the 733
evaluation conducted under division (D) (2) of this section to 734
the department of education and to the parents of students 735
enrolled in the community school; 736

(4) Provide technical assistance to the community school 737
in complying with laws applicable to the school and terms of the 738

contract; 739

(5) Take steps to intervene in the school's operation to 740
correct problems in the school's overall performance, declare 741
the school to be on probationary status pursuant to section 742
3314.073 of the Revised Code, suspend the operation of the 743
school pursuant to section 3314.072 of the Revised Code, or 744
terminate the contract of the school pursuant to section 3314.07 745
of the Revised Code as determined necessary by the sponsor; 746

(6) Have in place a plan of action to be undertaken in the 747
event the community school experiences financial difficulties or 748
closes prior to the end of a school year. 749

(E) Upon the expiration of a contract entered into under 750
this section, the sponsor of a community school may, with the 751
approval of the governing authority of the school, renew that 752
contract for a period of time determined by the sponsor, but not 753
ending earlier than the end of any school year, if the sponsor 754
finds that the school's compliance with applicable laws and 755
terms of the contract and the school's progress in meeting the 756
academic goals prescribed in the contract have been 757
satisfactory. Any contract that is renewed under this division 758
remains subject to the provisions of sections 3314.07, 3314.072, 759
and 3314.073 of the Revised Code. 760

(F) If a community school fails to open for operation 761
within one year after the contract entered into under this 762
section is adopted pursuant to division (D) of section 3314.02 763
of the Revised Code or permanently closes prior to the 764
expiration of the contract, the contract shall be void and the 765
school shall not enter into a contract with any other sponsor. A 766
school shall not be considered permanently closed because the 767
operations of the school have been suspended pursuant to section 768

3314.072 of the Revised Code. 769

Sec. 3319.318. (A) The superintendent of a school 770
district, or the superintendent's designee, shall investigate 771
any report of harassment, intimidation, or bullying by an 772
administrator, employee, faculty member, teacher, consultant, or 773
volunteer of a school district against a student and shall 774
determine the proper course of action pursuant to Chapter 3319. 775
of the Revised Code. 776

(B) As used in this section, "harassment, intimidation, or 777
bullying" means any intentional written, verbal, electronic, or 778
physical act that an administrator, employee, faculty member, 779
teacher, consultant, or volunteer of a school district has 780
exhibited toward a student more than once and the behavior both: 781

(1) Causes mental or physical harm to the student; 782

(2) Is sufficiently severe, persistent, or pervasive that 783
it creates an intimidating, threatening, or abusive educational 784
environment for the student. 785

Sec. 3326.11. Each science, technology, engineering, and 786
mathematics school established under this chapter and its 787
governing body shall comply with sections 9.90, 9.91, 109.65, 788
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 789
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 790
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 791
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 792
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 793
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 794
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 795
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 796
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 797

3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 798
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 799
3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 800
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 801
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 802
4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 803
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 804
4167. of the Revised Code as if it were a school district. 805

Sec. 3345.19. (A) Each state institution of higher 806
education shall adopt a policy, including rules, regarding 807
harassment, intimidation, or bullying and hazing. The policy 808
shall include penalties for harassment, intimidation, or 809
bullying and hazing, including sanctions, fines, the withholding 810
of a diploma or transcript, probation, suspension, and 811
expulsion. 812

(B) As used in this section: 813

(1) "Harassment, intimidation, or bullying" means any 814
intentional written, verbal, electronic, or physical act that a 815
student has exhibited toward another particular student or an 816
administrator, employee, faculty member, teacher, consultant, or 817
volunteer of the institution more than once and the behavior 818
both: 819

(a) Causes mental or physical harm to the other student or 820
the administrator, employee, faculty member, teacher, 821
consultant, or volunteer; 822

(b) Is sufficiently severe, persistent, or pervasive that 823
it creates an intimidating, threatening, or abusive educational 824
environment for the other student or the administrator, 825
employee, faculty member, teacher, consultant, or volunteer. 826

(2) "Hazing" has the same meaning as in section 2903.31 of 827
the Revised Code. 828

(3) "State institution of higher education" has the same 829
meaning as in section 3345.011 of the Revised Code. 830

Section 2. That existing sections 2903.31, 3301.22, 831
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 832
hereby repealed. 833

Section 3. This act shall be known as the "Ohio Anti- 834
Bullying and Hazing Act." 835