

As Passed by the House

133rd General Assembly

Regular Session

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Am. Sub. H. B. No. 310

Representative Greenspan

Cosponsors: Representatives Fraizer, Ghanbari, Patton, Rogers, Sheehy

A BILL

To amend sections 2903.31, 3301.22, 3313.661, 1
3313.666, 3314.03, and 3326.11 and to enact 2
sections 2903.311, 3301.165, 3313.669, 3319.318, 3
and 3345.19 of the Revised Code to enact 4
"Collin's Law: The Ohio Anti-Bullying and Hazing 5
Act" with regard to school discipline and 6
bullying and hazing policies at schools and 7
colleges. 8

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

Section 1. That sections 2903.31, 3301.22, 3313.661, 9
3313.666, 3314.03, and 3326.11 be amended and sections 2903.311, 10
3301.165, 3313.669, 3319.318, and 3345.19 of the Revised Code be 11
enacted to read as follows: 12

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

of abuse, as defined in section 3719.011 of the Revised Code. 20

(B) (1) No person shall recklessly participate in the 21
hazing of another. 22

(2) No administrator, employee, ~~or~~ faculty member, 23
teacher, consultant, alumnus, or volunteer of any organization, 24
including any primary, secondary, or post-secondary school or ~~of~~ 25
any other educational institution, public or private, shall 26
recklessly permit the hazing of any person associated with the 27
organization. 28

(C) (1) No person shall recklessly participate in the 29
hazing of another when the hazing includes coerced consumption 30
of alcohol or drugs of abuse resulting in serious physical harm 31
to the other person. 32

(2) No administrator, employee, faculty member, teacher, 33
consultant, alumnus, or volunteer of any organization, including 34
any primary, secondary, or post-secondary school or any other 35
educational institution, public or private, shall recklessly 36
permit the hazing of any person associated with the organization 37
when the hazing includes coerced consumption of alcohol or drugs 38
of abuse resulting in serious physical harm to that person. 39

(3) No parent or guardian whose child is a student at any 40
primary, secondary, or post-secondary school or any other 41
educational institution, public or private, shall recklessly 42
permit the hazing of any person associated with the school or 43
institution when the hazing includes coerced consumption of 44
alcohol or drugs of abuse resulting in serious physical harm to 45
that person. 46

(D) Whoever violates this section is guilty of hazing. A 47
violation of division (B) (1) or (2) of this section is a 48

misdemeanor of the ~~fourth~~ second degree. A violation of 49
division (C) (1), (2), or (3) of this section is a felony of the 50
third degree. 51

Sec. 2903.311. (A) As used in this section, "hazing" has 52
the same meaning as in section 2903.31 of the Revised Code. 53

(B) No administrator, employee, faculty member, teacher, 54
consultant, alumnus, or volunteer of any organization, including 55
any primary, secondary, or post-secondary school or any other 56
public or private educational institution, who is acting in an 57
official and professional capacity and knows, or has reasonable 58
cause to suspect based on facts that would cause a reasonable 59
person in a similar position to suspect, that a person 60
associated with the organization has suffered or faces a threat 61
of suffering any physical or mental wound, injury, disability, 62
or condition of a nature that reasonably indicates hazing shall 63
recklessly fail to immediately report that knowledge or 64
reasonable cause to a law enforcement agency in the county in 65
which the victim of hazing resides or in which the hazing is 66
occurring or has occurred. 67

(C) No parent or guardian whose child is a student at any 68
primary, secondary, or post-secondary school or any other public 69
or private educational institution who knows, or has reasonable 70
cause to suspect based on facts that would cause a reasonable 71
person in a similar position to suspect, that a person 72
associated with the school or institution has suffered or faces 73
a threat of suffering any physical or mental wound, injury, 74
disability, or condition of a nature that reasonably indicates 75
hazing shall recklessly fail to immediately report that 76
knowledge or reasonable cause to a law enforcement agency in the 77
county in which the victim of hazing resides or in which the 78

hazing is occurring or has occurred. 79

(D) A violation of this section is a misdemeanor of the 80
fourth degree, except that the violation is a misdemeanor of the 81
first degree if the hazing causes serious physical harm. 82

Sec. 3301.165. (A) As used in this section, "harassment, 83
intimidation, or bullying" has the same meaning as in section 84
3313.666 of the Revised Code. 85

(B) The governing authority of each chartered nonpublic 86
school shall adopt a policy that addresses harassment, 87
intimidation, or bullying. The governing authority shall review 88
the policy adopted under this section at least once every three 89
years and update it as necessary based on the review. 90

(C) The governing authority shall submit to the department 91
of education the policy adopted under division (B) of this 92
section in a form and manner determined by the department. 93

(D) If the school has a web site and has publicly posted 94
its code of conduct on that web site, the governing authority 95
also shall post the policy adopted under division (B) of this 96
section on that web site. 97

Sec. 3301.22. (A) The state board of education shall 98
develop a ~~an evidence-based~~ model policy to prohibit harassment, 99
intimidation, or bullying in order to assist school districts in 100
developing their own policies under section 3313.666 of the 101
Revised Code. ~~The board shall issue the model policy within six-~~ 102
~~months after the effective date of this section~~ 103

(B) The department of education shall provide each school 104
district with evidence-based best practices regarding policies 105
to prohibit harassment, intimidation, or bullying. 106

(C) Beginning on the effective date of this amendment, 107
both of the following shall apply: 108

(1) The state board shall review the model policy 109
developed under this section at least once every four years, and 110
update them as necessary based on the review. 111

(2) The department shall review the best practices 112
provided under this section at least once every four years, and 113
update them as necessary based on the review. 114

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

education adopts a resolution pursuant to division (B)(4) or (5) 137
of section 3313.66 of the Revised Code, the policy shall specify 138
any reasons for which the superintendent of the district may 139
reduce any required expulsion period on a case-by-case basis. 140
The policy also shall set forth the acts listed in section 141
3313.662 of the Revised Code for which a pupil may be 142
permanently excluded. 143

The policy adopted under this division shall specify the 144
date and manner by which a pupil or a pupil's parent, guardian, 145
or custodian may notify the board of the pupil's, parent's, 146
guardian's, or custodian's intent to appeal an expulsion or 147
suspension to the board or its designee pursuant to division (E) 148
of section 3313.66 of the Revised Code. In the case of any 149
expulsion, the policy shall not specify a date that is less than 150
fourteen days after the date of the notice provided to the pupil 151
or the pupil's parent, guardian, or custodian under division (D) 152
of that section. 153

A copy of the policy shall be posted on the district's web 154
site, if the district has one, and in a central location in the 155
school and shall be made available to pupils upon request. No 156
pupil shall be suspended, expelled, or removed except in 157
accordance with the policy adopted by the board of education of 158
the school district in which the pupil attends school, and no 159
pupil shall be permanently excluded except in accordance with 160
sections 3301.121 and 3313.662 of the Revised Code. 161

(B) (1) A board of education may establish a program and 162
adopt guidelines under which a superintendent may require a 163
pupil to perform community service in conjunction with a 164
suspension or expulsion imposed under section 3313.66 of the 165
Revised Code or in place of a suspension or expulsion imposed 166

under section 3313.66 of the Revised Code except for an 167
expulsion imposed pursuant to division (B) (2) of that section. 168
If a board adopts guidelines under this division, they shall 169
permit, except with regard to an expulsion pursuant to division 170
(B) (2) of section 3313.66 of the Revised Code, a superintendent 171
to impose a community service requirement beyond the end of the 172
school year in lieu of applying an expulsion into the following 173
school year. Any guidelines adopted shall be included in the 174
policy adopted under this section. 175

(2) If a pupil is subject to detention or suspension for 176
an offense of harassment, intimidation, or bullying under 177
section 3313.669 of the Revised Code, the board of education may 178
develop an age-appropriate community service plan that a pupil 179
who is issued a detention or suspension under that section must 180
complete. The plan shall include specific goals and timelines 181
under which the pupil must perform community service during the 182
term of the pupil's detention or suspension. 183

(C) The written policy of each board of education that is 184
adopted pursuant to section 3313.20 of the Revised Code shall be 185
posted on the district's web site, if the district has one, and 186
in a central location in each school that is subject to the 187
policy and shall be made available to pupils upon request. 188

(D) Except as described in division (B) of section 189
3313.668 of the Revised Code, any policy, program, or guideline 190
adopted by a board of education under this section with regard 191
to suspensions or expulsions pursuant to division (A) or (B) of 192
section 3313.66 of the Revised Code shall apply to any student, 193
whether or not the student is enrolled in the district, 194
attending or otherwise participating in any curricular program 195
provided in a school operated by the board or provided on any 196

other property owned or controlled by the board.	197
(E) As used in this section, "permanently:	198
(1) <u>"Permanently exclude"</u> and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	199 200
(2) <u>"Harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code.</u>	201 202
Sec. 3313.666. (A) As used in this section:	203
(1) "Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.	204 205 206
(2) "Harassment, intimidation, or bullying" means either <u>any</u> of the following:	207 208
(a) Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student <u>or an administrator, employee, faculty member, teacher, consultant, or volunteer of the district</u> more than once and the behavior both:	209 210 211 212 213
(i) Causes mental or physical harm to the other student <u>or the administrator, employee, faculty member, teacher, consultant, or volunteer of the district;</u>	214 215 216
(ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student <u>or the administrator, employee, faculty member, teacher, consultant, or volunteer of the district.</u>	217 218 219 220 221
(b) Violence within a dating relationship;	222
(c) <u>Hazing as defined in section 2903.31 of the Revised</u>	223

<u>Code.</u>	224
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting <u>the harassment, intimidation, or bullying of students and administrators, employees, faculty members, teachers, consultants, and volunteers of the district.</u> The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members, <u>and shall apply to grades four through twelve.</u> The policy shall include the following:	225 226 227 228 229 230 231 232 233
(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;	234 235 236 237 238
(2) A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;	239 240
(3) A procedure for reporting prohibited incidents;	241
(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;	242 243 244
(5) A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, have access to any written reports pertaining to the prohibited incident † . <u>For each prohibited incident, the district shall maintain a record verifying that the custodial parent or guardian was notified of</u>	245 246 247 248 249 250 251 252

<u>the incident.</u>	253
(6) A procedure for documenting any prohibited incident that is reported;	254 255
(7) A procedure for responding to and investigating any reported incident;	256 257
(8) A strategy for protecting a victim or other person from new or additional harassment, intimidation, or bullying, and from retaliation following a report, including a means by which a person may report an incident anonymously;	258 259 260 261
(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States † . <u>The disciplinary procedure shall comply with section 3313.669 of the Revised Code.</u>	262 263 264 265 266
(10) <u>A disciplinary procedure for any student guilty of retaliation against a student, administrator, employee, faculty member, teacher, consultant, or volunteer of the district who reports an incident of harassment, intimidation, or bullying;</u>	267 268 269 270
<u>(11)</u> A statement prohibiting students from deliberately making false reports of harassment, intimidation, or bullying and a disciplinary procedure for any student responsible for deliberately making a false report of that nature;	271 272 273 274
(11) <u>(12)</u> A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended.	275 276 277 278 279 280 281

(C) Each board's policy shall appear in any student 282
handbooks, and in any of the publications that set forth the 283
comprehensive rules, procedures, and standards of conduct for 284
schools and students in the district. The policy and an 285
explanation of the seriousness of bullying by electronic means 286
shall be made available to students in the district and to their 287
custodial parents or guardians. Information regarding the policy 288
shall be incorporated into employee training materials. 289

(D) (1) To the extent that state or federal funds are 290
appropriated for this purpose, each board shall require that all 291
students enrolled in the district annually be provided with age- 292
appropriate instruction, as determined by the board, on the 293
board's policy, including a written or verbal discussion of the 294
consequences for violations of the policy. 295

(2) Each board shall require that once each school year a 296
written statement describing the policy and the consequences for 297
violations of the policy be sent to each student's custodial 298
parent or guardian. The statement may be sent with regular 299
student report cards or may be delivered electronically. 300

(E) A school district employee, student, or volunteer 301
shall be individually immune from liability in a civil action 302
for damages arising from reporting an incident in accordance 303
with a policy adopted pursuant to this section if that person 304
reports an incident of harassment, intimidation, or bullying 305
promptly in good faith and in compliance with the procedures as 306
specified in the policy. 307

(F) Except as provided in division (E) of this section, 308
nothing in this section prohibits a victim from seeking redress 309
under any other provision of the Revised Code or common law that 310
may apply. 311

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

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

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

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

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

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

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

Subject to division (D) of this section, any suspension
issued under this section shall be issued in accordance with

sections 3313.66, 3313.661, and 3313.668 of the Revised Code. 341

(B) (1) The board may develop an age-appropriate community service plan for any pupil subject to detention or suspension under this section and require that the pupil complete the plan. The plan shall include specific goals and timelines under which the pupil shall perform community service during the term of the pupil's detention or suspension under this section. The board shall determine the duration of the community service performed under the plan. The community service plan may continue beyond the date upon which a pupil returns to school. 342
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(2) The district shall prohibit a pupil from participating in any extracurricular activity during the period of a pupil's detention or suspension under this section. 351
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(3) As determined appropriate by the board, the district may impose additional measures, other than those prescribed under this division, on a pupil subject to detention or suspension under this section. 354
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(C) (1) During the period of a pupil's detention or suspension under this section, the district shall permit the pupil to do both of the following: 358
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(a) Complete all missed schoolwork. For this purpose, the district may offer tutoring and academic support to the pupil. 361
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(b) Take any required state assessment. For this purpose, the pupil shall be permitted to take the assessment in the pupil's regular school setting. 363
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(2) The district may provide counseling or intervention services for a pupil subject to detention, suspension, or an alternative form of discipline under this section, so long as the pupil's parent, guardian, or custodian gives permission for 366
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the pupil to undergo such counseling or intervention services. 370
If the district does not offer counseling or intervention 371
services, the district may coordinate with community 372
organizations that provide counseling or intervention services 373
and help identify counseling or intervention resources. 374

(D) As a condition of returning to school, a pupil who is 375
suspended under this section shall complete all missed 376
schoolwork, as determined by the district. If the pupil does not 377
complete this requirement, the pupil may be permitted to return 378
to school provided the district determines that the pupil has 379
made sufficient progress towards completing the requirement. 380

(E) Upon receiving a report or being notified of a 381
potential incident of harassment, intimidation, or bullying at 382
school or on school grounds, the principal or another 383
administrator shall conduct an investigation to determine if 384
harassment, intimidation, or bullying has occurred. The 385
principal or another administrator shall notify the parent, 386
guardian, or custodian of any pupil involved in a potential 387
incident of harassment, intimidation, or bullying of an 388
investigation conducted under this division. 389

(F) A board may adopt guidelines regarding the issuance of 390
an alternative form of discipline to a pupil who commits an 391
offense of harassment, intimidation, or bullying in lieu of a 392
detention or suspension under this section. The guidelines shall 393
include both of the following: 394

(1) One or more alternative forms of discipline approved 395
by the board. A board shall only approve an alternative form of 396
discipline that has a high chance of successfully reintegrating 397
a pupil into the school. 398

(2) Criteria for determining whether a pupil qualifies for an alternative form of discipline. The criteria shall at least include all of the following: 399
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(a) Extenuating circumstances that qualify a pupil for an alternative form of discipline, rather than a detention or suspension; 402
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(b) A requirement that a pupil has a high chance of successful reintegration into the school using the alternative form of discipline; 405
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(c) A requirement that the pupil does not pose a risk to the safety of the school and the victim. 408
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(G) Any suspension issued under this section shall be subject to the due process procedures for a suspension prescribed under section 3313.66 of the Revised Code. Additionally, any detention issued under this section shall be subject to due process procedures in a similar manner to the procedures for a suspension under section 3313.66 of the Revised Code. 410
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(H) (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. 417
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(2) The board shall permit a victim of harassment, intimidation, or bullying to complete all missed schoolwork due to harassment, intimidation, or bullying. For this purpose, the district may offer tutoring and academic support to the victim. 421
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(I) Nothing in this section shall create a new requirement on the part of a board to provide the same services it would provide to a pupil attending school in the district to a pupil 425
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permanently excluded pursuant to section 3313.662 of the Revised Code. 428
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(J) Nothing in this section shall affect a district's obligation to provide a free and appropriate education to children with disabilities under 20 U.S.C. 1400, et seq. and Chapter 3323. of the Revised Code. 430
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(K) This section shall not apply to any pupil in grades pre-kindergarten through three. 434
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(L) As used in this section: 436

(1) "Extracurricular activity" has the same meaning as in section 3313.537 of the Revised Code. 437
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(2) "Harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code. 439
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 441
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 446
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(1) That the school shall be established as either of the following: 449
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 451
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(b) A public benefit corporation established under Chapter 454

1702. of the Revised Code, if established after April 8, 2003.	455
(2) The education program of the school, including the	456
school's mission, the characteristics of the students the school	457
is expected to attract, the ages and grades of students, and the	458
focus of the curriculum;	459
(3) The academic goals to be achieved and the method of	460
measurement that will be used to determine progress toward those	461
goals, which shall include the statewide achievement	462
assessments;	463
(4) Performance standards, including but not limited to	464
all applicable report card measures set forth in section 3302.03	465
or 3314.017 of the Revised Code, by which the success of the	466
school will be evaluated by the sponsor;	467
(5) The admission standards of section 3314.06 of the	468
Revised Code and, if applicable, section 3314.061 of the Revised	469
Code;	470
(6) (a) Dismissal procedures;	471
(b) A requirement that the governing authority adopt an	472
attendance policy that includes a procedure for automatically	473
withdrawing a student from the school if the student without a	474
legitimate excuse fails to participate in seventy-two	475
consecutive hours of the learning opportunities offered to the	476
student.	477
(7) The ways by which the school will achieve racial and	478
ethnic balance reflective of the community it serves;	479
(8) Requirements for financial audits by the auditor of	480
state. The contract shall require financial records of the	481
school to be maintained in the same manner as are financial	482

records of school districts, pursuant to rules of the auditor of 483
state. Audits shall be conducted in accordance with section 484
117.10 of the Revised Code. 485

(9) An addendum to the contract outlining the facilities 486
to be used that contains at least the following information: 487

(a) A detailed description of each facility used for 488
instructional purposes; 489

(b) The annual costs associated with leasing each facility 490
that are paid by or on behalf of the school; 491

(c) The annual mortgage principal and interest payments 492
that are paid by the school; 493

(d) The name of the lender or landlord, identified as 494
such, and the lender's or landlord's relationship to the 495
operator, if any. 496

(10) Qualifications of teachers, including a requirement 497
that the school's classroom teachers be licensed in accordance 498
with sections 3319.22 to 3319.31 of the Revised Code, except 499
that a community school may engage noncertificated persons to 500
teach up to twelve hours per week pursuant to section 3319.301 501
of the Revised Code. 502

(11) That the school will comply with the following 503
requirements: 504

(a) The school will provide learning opportunities to a 505
minimum of twenty-five students for a minimum of nine hundred 506
twenty hours per school year. 507

(b) The governing authority will purchase liability 508
insurance, or otherwise provide for the potential liability of 509
the school. 510

(c) The school will be nonsectarian in its programs, 511
admission policies, employment practices, and all other 512
operations, and will not be operated by a sectarian school or 513
religious institution. 514

(d) The school will comply with sections 9.90, 9.91, 515
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 516
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 517
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 518
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 519
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 520
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3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 522
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 523
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 524
3319.073, 3319.318, 3319.321, 3319.39, 3319.391, 3319.41, 525
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 526
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 527
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 528
4123., 4141., and 4167. of the Revised Code as if it were a 529
school district and will comply with section 3301.0714 of the 530
Revised Code in the manner specified in section 3314.17 of the 531
Revised Code. 532

(e) The school shall comply with Chapter 102. and section 533
2921.42 of the Revised Code. 534

(f) The school will comply with sections 3313.61, 535
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 536
Revised Code, except that for students who enter ninth grade for 537
the first time before July 1, 2010, the requirement in sections 538
3313.61 and 3313.611 of the Revised Code that a person must 539
successfully complete the curriculum in any high school prior to 540

receiving a high school diploma may be met by completing the 541
curriculum adopted by the governing authority of the community 542
school rather than the curriculum specified in Title XXXIII of 543
the Revised Code or any rules of the state board of education. 544
Beginning with students who enter ninth grade for the first time 545
on or after July 1, 2010, the requirement in sections 3313.61 546
and 3313.611 of the Revised Code that a person must successfully 547
complete the curriculum of a high school prior to receiving a 548
high school diploma shall be met by completing the requirements 549
prescribed in division (C) of section 3313.603 of the Revised 550
Code, unless the person qualifies under division (D) or (F) of 551
that section. Each school shall comply with the plan for 552
awarding high school credit based on demonstration of subject 553
area competency, and beginning with the 2017-2018 school year, 554
with the updated plan that permits students enrolled in seventh 555
and eighth grade to meet curriculum requirements based on 556
subject area competency adopted by the state board of education 557
under divisions (J) (1) and (2) of section 3313.603 of the 558
Revised Code. Beginning with the 2018-2019 school year, the 559
school shall comply with the framework for granting units of 560
high school credit to students who demonstrate subject area 561
competency through work-based learning experiences, internships, 562
or cooperative education developed by the department under 563
division (J) (3) of section 3313.603 of the Revised Code. 564

(g) The school governing authority will submit within four 565
months after the end of each school year a report of its 566
activities and progress in meeting the goals and standards of 567
divisions (A) (3) and (4) of this section and its financial 568
status to the sponsor and the parents of all students enrolled 569
in the school. 570

(h) The school, unless it is an internet- or computer- 571

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

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

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

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

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

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

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

- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;
- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.
- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;
- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;
- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;
- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	629 630
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	631 632 633
(c) Permit the enrollment of students who reside in any other district in the state.	634 635
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	636 637 638 639
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	640 641 642
(22) A provision recognizing both of the following:	643
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	644 645 646 647
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	648 649 650 651 652 653 654
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	655 656

classroom-based learning opportunities that is in compliance 657
with criteria for student participation established by the 658
department under division (H) (2) of section 3314.08 of the 659
Revised Code; 660

(24) The school will comply with sections 3302.04 and 661
3302.041 of the Revised Code, except that any action required to 662
be taken by a school district pursuant to those sections shall 663
be taken by the sponsor of the school. However, the sponsor 664
shall not be required to take any action described in division 665
(F) of section 3302.04 of the Revised Code. 666

(25) Beginning in the 2006-2007 school year, the school 667
will open for operation not later than the thirtieth day of 668
September each school year, unless the mission of the school as 669
specified under division (A) (2) of this section is solely to 670
serve dropouts. In its initial year of operation, if the school 671
fails to open by the thirtieth day of September, or within one 672
year after the adoption of the contract pursuant to division (D) 673
of section 3314.02 of the Revised Code if the mission of the 674
school is solely to serve dropouts, the contract shall be void. 675

(26) Whether the school's governing authority is planning 676
to seek designation for the school as a STEM school equivalent 677
under section 3326.032 of the Revised Code; 678

(27) That the school's attendance and participation 679
policies will be available for public inspection; 680

(28) That the school's attendance and participation 681
records shall be made available to the department of education, 682
auditor of state, and school's sponsor to the extent permitted 683
under and in accordance with the "Family Educational Rights and 684
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 685

and any regulations promulgated under that act, and section 686
3319.321 of the Revised Code; 687

(29) If a school operates using the blended learning 688
model, as defined in section 3301.079 of the Revised Code, all 689
of the following information: 690

(a) An indication of what blended learning model or models 691
will be used; 692

(b) A description of how student instructional needs will 693
be determined and documented; 694

(c) The method to be used for determining competency, 695
granting credit, and promoting students to a higher grade level; 696

(d) The school's attendance requirements, including how 697
the school will document participation in learning 698
opportunities; 699

(e) A statement describing how student progress will be 700
monitored; 701

(f) A statement describing how private student data will 702
be protected; 703

(g) A description of the professional development 704
activities that will be offered to teachers. 705

(30) A provision requiring that all moneys the school's 706
operator loans to the school, including facilities loans or cash 707
flow assistance, must be accounted for, documented, and bear 708
interest at a fair market rate; 709

(31) A provision requiring that, if the governing 710
authority contracts with an attorney, accountant, or entity 711
specializing in audits, the attorney, accountant, or entity 712

shall be independent from the operator with which the school has 713
contracted. 714

(32) A provision requiring the governing authority to 715
adopt an enrollment and attendance policy that requires a 716
student's parent to notify the community school in which the 717
student is enrolled when there is a change in the location of 718
the parent's or student's primary residence. 719

(33) A provision requiring the governing authority to 720
adopt a student residence and address verification policy for 721
students enrolling in or attending the school. 722

(B) The community school shall also submit to the sponsor 723
a comprehensive plan for the school. The plan shall specify the 724
following: 725

(1) The process by which the governing authority of the 726
school will be selected in the future; 727

(2) The management and administration of the school; 728

(3) If the community school is a currently existing public 729
school or educational service center building, alternative 730
arrangements for current public school students who choose not 731
to attend the converted school and for teachers who choose not 732
to teach in the school or building after conversion; 733

(4) The instructional program and educational philosophy 734
of the school; 735

(5) Internal financial controls. 736

When submitting the plan under this division, the school 737
shall also submit copies of all policies and procedures 738
regarding internal financial controls adopted by the governing 739
authority of the school. 740

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

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

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

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

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

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

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 770
the school to be on probationary status pursuant to section 771
3314.073 of the Revised Code, suspend the operation of the 772
school pursuant to section 3314.072 of the Revised Code, or 773
terminate the contract of the school pursuant to section 3314.07 774
of the Revised Code as determined necessary by the sponsor; 775

(6) Have in place a plan of action to be undertaken in the 776
event the community school experiences financial difficulties or 777
closes prior to the end of a school year. 778

(E) Upon the expiration of a contract entered into under 779
this section, the sponsor of a community school may, with the 780
approval of the governing authority of the school, renew that 781
contract for a period of time determined by the sponsor, but not 782
ending earlier than the end of any school year, if the sponsor 783
finds that the school's compliance with applicable laws and 784
terms of the contract and the school's progress in meeting the 785
academic goals prescribed in the contract have been 786
satisfactory. Any contract that is renewed under this division 787
remains subject to the provisions of sections 3314.07, 3314.072, 788
and 3314.073 of the Revised Code. 789

(F) If a community school fails to open for operation 790
within one year after the contract entered into under this 791
section is adopted pursuant to division (D) of section 3314.02 792
of the Revised Code or permanently closes prior to the 793
expiration of the contract, the contract shall be void and the 794
school shall not enter into a contract with any other sponsor. A 795
school shall not be considered permanently closed because the 796
operations of the school have been suspended pursuant to section 797
3314.072 of the Revised Code. 798

Sec. 3319.318. (A) The superintendent of a school 799

district, or the superintendent's designee, shall investigate 800
any report of harassment, intimidation, or bullying by an 801
administrator, employee, faculty member, teacher, consultant, or 802
volunteer of a school district against a student and shall 803
determine the proper course of action pursuant to Chapter 3319. 804
of the Revised Code. 805

(B) As used in this section, "harassment, intimidation, or 806
bullying" means any intentional written, verbal, electronic, or 807
physical act that an administrator, employee, faculty member, 808
teacher, consultant, or volunteer of a school district has 809
exhibited toward a student more than once and the behavior both: 810

(1) Causes mental or physical harm to the student; 811

(2) Is sufficiently severe, persistent, or pervasive that 812
it creates an intimidating, threatening, or abusive educational 813
environment for the student. 814

Sec. 3326.11. Each science, technology, engineering, and 815
mathematics school established under this chapter and its 816
governing body shall comply with sections 9.90, 9.91, 109.65, 817
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 818
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 819
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 820
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 821
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 822
3313.6021, 3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 823
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 824
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 825
3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 826
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 827
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 828
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.318, 3319.32, 829

3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 830
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 831
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 832
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 833
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 834
as if it were a school district. 835

Sec. 3345.19. (A) Each state institution of higher 836
education shall adopt a policy, including rules, regarding 837
harassment, intimidation, or bullying and hazing. The policy 838
shall include penalties for harassment, intimidation, or 839
bullying and hazing, including sanctions, fines, the withholding 840
of a diploma or transcript, probation, suspension, and 841
expulsion. 842

(B) As used in this section: 843

(1) "Harassment, intimidation, or bullying" means any 844
intentional written, verbal, electronic, or physical act that a 845
student has exhibited toward another particular student or an 846
administrator, employee, faculty member, teacher, consultant, or 847
volunteer of the institution more than once and the behavior 848
both: 849

(a) Causes mental or physical harm to the other student or 850
the administrator, employee, faculty member, teacher, 851
consultant, or volunteer; 852

(b) Is sufficiently severe, persistent, or pervasive that 853
it creates an intimidating, threatening, or abusive educational 854
environment for the other student or the administrator, 855
employee, faculty member, teacher, consultant, or volunteer. 856

(2) "Hazing" has the same meaning as in section 2903.31 of 857
the Revised Code. 858

(3) "State institution of higher education" has the same 859
meaning as in section 3345.011 of the Revised Code. 860

Section 2. That existing sections 2903.31, 3301.22, 861
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 862
hereby repealed. 863

Section 3. This act shall be known as "Collin's Law: The 864
Ohio Anti-Bullying and Hazing Act." 865