

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 246

Senators Lehner, Manning

Cosponsors: Senators Beagle, Wilson, Brown, Williams, Sykes, Thomas, Tavares

A BILL

To amend sections 3302.03, 3313.534, 3313.66, 1
3313.661, 3313.668, and 3319.46 and to enact 2
section 3319.237 of the Revised Code to enact 3
the "SAFE Act" to revise the procedures for 4
emergency removal of a student, to prohibit 5
certain suspensions and expulsions of students 6
in grades pre-kindergarten through three, to 7
require each public school to implement a 8
positive behavior intervention and supports 9
framework in accordance with state standards, 10
and to make an appropriation. 11

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

Section 1. That sections 3302.03, 3313.534, 3313.66, 12
3313.661, 3313.668, and 3319.46 be amended and section 3319.237 13
of the Revised Code be enacted to read as follows: 14

Sec. 3302.03. Annually, not later than the fifteenth day 15
of September or the preceding Friday when that day falls on a 16
Saturday or Sunday, the department of education shall assign a 17
letter grade for overall academic performance and for each 18

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

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

(a) Annual measurable objectives; 40

(b) Performance index score for a school district or 41
building. Grades shall be awarded as a percentage of the total 42
possible points on the performance index system as adopted by 43
the state board. In adopting benchmarks for assigning letter 44
grades under division (A) (1) (b) of this section, the state board 45
of education shall designate ninety per cent or higher for an 46
"A," at least seventy per cent but not more than eighty per cent 47
for a "C," and less than fifty per cent for an "F." 48

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

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

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

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

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

(ii) A score that is at least one standard error of 71
measure but less than two standard errors of measure above the 72
mean score shall be designated as a "B." 73

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

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 78
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(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 82
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Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section. 84
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 89
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(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 95
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A) (1) of this section shall 104
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be assessed and assigned a letter grade, the department shall 107
conduct a public presentation before the standing committees of 108
the house of representatives and the senate that consider 109
education legislation describing such methods, including 110
performance benchmarks. 111

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

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

(a) Annual measurable objectives; 117

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

(c) The extent to which the school district or building 126
meets each of the applicable performance indicators established 127
by the state board under section 3302.03 of the Revised Code and 128
the percentage of applicable performance indicators that have 129
been achieved. In adopting benchmarks for assigning letter 130
grades under division (B) (1) (c) of this section, the state board 131
shall designate ninety per cent or higher for an "A." 132

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

(e) The overall score under the value-added progress 135

dimension of a school district or building, for which the 136
department shall use up to three years of value-added data as 137
available. 138

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

(g) Whether a school district or building is making 147
progress in improving literacy in grades kindergarten through 148
three, as determined using a method prescribed by the state 149
board. The state board shall adopt rules to prescribe benchmarks 150
and standards for assigning grades to districts and buildings 151
for purposes of division (B) (1) (g) of this section. In adopting 152
benchmarks for assigning letter grades under divisions (B) (1) (g) 153
and (C) (1) (g) of this section, the state board shall determine 154
progress made based on the reduction in the total percentage of 155
students scoring below grade level, or below proficient, 156
compared from year to year on the reading and writing diagnostic 157
assessments administered under section 3301.0715 of the Revised 158
Code and the third grade English language arts assessment under 159
section 3301.0710 of the Revised Code, as applicable. The state 160
board shall designate for a "C" grade a value that is not lower 161
than the statewide average value for this measure. No grade 162
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 163
section for a district or building in which less than five per 164
cent of students have scored below grade level on the diagnostic 165
assessment administered to students in kindergarten under 166

division (B) (1) of section 3313.608 of the Revised Code. 167

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

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

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

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

(b) The number of a district's or building's students who 189
have earned at least three college credits through dual 190
enrollment or advanced standing programs, such as the post- 191
secondary enrollment options program under Chapter 3365. of the 192
Revised Code and state-approved career-technical courses offered 193
through dual enrollment or statewide articulation, that appear 194
on a student's transcript or other official document, either of 195

which is issued by the institution of higher education from 196
which the student earned the college credit. The credits earned 197
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 198
this section shall not include any that are remedial or 199
developmental and shall include those that count toward the 200
curriculum requirements established for completion of a degree. 201

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

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

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

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

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

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

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

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

(a) Annual measurable objectives; 241

(b) Performance index score for a school district or 242
building. Grades shall be awarded as a percentage of the total 243
possible points on the performance index system as created by 244
the department. In adopting benchmarks for assigning letter 245
grades under division (C) (1) (b) of this section, the state board 246
shall designate ninety per cent or higher for an "A," at least 247
seventy per cent but not more than eighty per cent for a "C," 248
and less than fifty per cent for an "F." 249

(c) The extent to which the school district or building 250
meets each of the applicable performance indicators established 251
by the state board under section 3302.03 of the Revised Code and 252
the percentage of applicable performance indicators that have 253

been achieved. In adopting benchmarks for assigning letter 254
grades under division (C) (1) (c) of this section, the state board 255
shall designate ninety per cent or higher for an "A." 256

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

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

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

For the metric prescribed by division (C) (1) (e) of this 271
section, the state board may adopt a student academic progress 272
measure to be used instead of the value-added progress 273
dimension. If the state board adopts such a measure, it also 274
shall prescribe a method for assigning letter grades for the new 275
measure that is comparable to the method prescribed in division 276
(A) (1) (e) of this section. 277

(f) The value-added progress dimension score of a school 278
district or building disaggregated for each of the following 279
subgroups: students identified as gifted in superior cognitive 280
ability and specific academic ability fields under Chapter 3324. 281
of the Revised Code, students with disabilities, and students 282

whose performance places them in the lowest quintile for 283
achievement on a statewide basis, as determined by a method 284
prescribed by the state board. Each subgroup shall be a separate 285
graded measure. 286

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

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

(h) For a high mobility school district or building, an 306
additional value-added progress dimension score. For this 307
measure, the department shall use value-added data from the most 308
recent school year available and shall use assessment scores for 309
only those students to whom the district or building has 310
administered the assessments prescribed by section 3301.0710 of 311
the Revised Code for each of the two most recent consecutive 312

school years.	313
As used in this division, "high mobility school district	314
or building" means a school district or building where at least	315
twenty-five per cent of its total enrollment is made up of	316
students who have attended that school district or building for	317
less than one year.	318
(2) In addition to the graded measures in division (C) (1)	319
of this section, the department shall include on a school	320
district's or building's report card all of the following	321
without an assigned letter grade:	322
(a) The percentage of students enrolled in a district or	323
building who have taken a national standardized test used for	324
college admission determinations and the percentage of those	325
students who are determined to be remediation-free in accordance	326
with the standards adopted under division (F) of section	327
3345.061 of the Revised Code;	328
(b) The percentage of students enrolled in a district or	329
building participating in advanced placement classes and the	330
percentage of those students who received a score of three or	331
better on advanced placement examinations;	332
(c) The percentage of a district's or building's students	333
who have earned at least three college credits through advanced	334
standing programs, such as the college credit plus program under	335
Chapter 3365. of the Revised Code and state-approved career-	336
technical courses offered through dual enrollment or statewide	337
articulation, that appear on a student's college transcript	338
issued by the institution of higher education from which the	339
student earned the college credit. The credits earned that are	340
reported under divisions (B) (2) (b) and (C) (2) (c) of this section	341

shall not include any that are remedial or developmental and 342
shall include those that count toward the curriculum 343
requirements established for completion of a degree. 344

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

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

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

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

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

(3) The state board shall adopt rules pursuant to Chapter 363
119. of the Revised Code that establish a method to assign an 364
overall grade for a school district or school building for the 365
2017-2018 school year and each school year thereafter. The rules 366
shall group the performance measures in divisions (C) (1) and (2) 367
of this section into the following components: 368

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

(b) Achievement, which shall include the performance	371
measures in divisions (C) (1) (b) and (c) of this section;	372
(c) Progress, which shall include the performance measures	373
in divisions (C) (1) (e) and (f) of this section;	374
(d) Graduation, which shall include the performance	375
measure in division (C) (1) (d) of this section;	376
(e) Kindergarten through third-grade literacy, which shall	377
include the performance measure in division (C) (1) (g) of this	378
section;	379
(f) Prepared for success, which shall include the	380
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	381
and (f) of this section. The state board shall develop a method	382
to determine a grade for the component in division (C) (3) (f) of	383
this section using the performance measures in divisions (C) (2)	384
(a), (b), (c), (d), (e), and (f) of this section. When	385
available, the state board may incorporate the performance	386
measure under division (C) (2) (g) of this section into the	387
component under division (C) (3) (f) of this section. When	388
determining the overall grade for the prepared for success	389
component prescribed by division (C) (3) (f) of this section, no	390
individual student shall be counted in more than one performance	391
measure. However, if a student qualifies for more than one	392
performance measure in the component, the state board may, in	393
its method to determine a grade for the component, specify an	394
additional weight for such a student that is not greater than or	395
equal to 1.0. In determining the overall score under division	396
(C) (3) (f) of this section, the state board shall ensure that the	397
pool of students included in the performance measures aggregated	398
under that division are all of the students included in the	399
four- and five-year adjusted graduation cohort.	400

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

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

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

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

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

(2) "B" for a district or school making above average progress;	431 432
(3) "C" for a district or school making average progress;	433
(4) "D" for a district or school making below average progress;	434 435
(5) "F" for a district or school failing to meet minimum progress.	436 437
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	438 439 440
(1) Performance of students by grade-level;	441
(2) Performance of students by race and ethnic group;	442
(3) Performance of students by gender;	443
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	444 445
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	446 447 448
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	449 450
(7) Performance of students grouped by those who are economically disadvantaged;	451 452
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	453 454 455
(9) Performance of students grouped by those who are	456

classified as limited English proficient;	457
(10) Performance of students grouped by those who have disabilities;	458 459
(11) Performance of students grouped by those who are classified as migrants;	460 461
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	462 463 464 465 466 467 468 469 470
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	471 472 473
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F) (1) to (13) of this section that it deems relevant.	474 475 476 477 478 479 480
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report	481 482 483 484 485

student performance data for any group identified in division 486
(F) of this section that contains less than ten students. If the 487
department does not report student performance data for a group 488
because it contains less than ten students, the department shall 489
indicate on the report card that is why data was not reported. 490

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

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

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

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

of the Revised Code. 516

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

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

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

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

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

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

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

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

(K) (1) In calculating English language arts, mathematics, 566
or science assessment passage rates used to determine school 567
district or building performance under this section, the 568
department shall include all students taking an assessment with 569
accommodation or to whom an alternate assessment is administered 570
pursuant to division (C) (1) or (3) of section 3301.0711 of the 571
Revised Code. 572

(2) In calculating performance index scores, rates of 573
achievement on the performance indicators established by the 574

state board under section 3302.02 of the Revised Code, and 575
annual measurable objectives for determining adequate yearly 576
progress for school districts and buildings under this section, 577
the department shall do all of the following: 578

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

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

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

(L) Beginning with the 2015-2016 school year and at least 594
once every three years thereafter, the state board of education 595
shall review and may adjust the benchmarks for assigning letter 596
grades to the performance measures and components prescribed 597
under divisions (C) (3) and (D) of this section. 598

Sec. 3313.534. (A) The board of education of each city, 599
exempted village, and local school district shall adopt a policy 600
of zero tolerance for violent, disruptive, or inappropriate 601
behavior and establish strategies to address such behavior that 602
range from prevention to intervention. A policy adopted pursuant 603

to this section shall comply with the requirements of sections 604
3313.668 and 3319.46 of the Revised Code. 605

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

Sec. 3313.66. (A) (1) Except as provided under division (B) 616
(2) of this section, and subject to section 3313.668 of the 617
Revised Code, the superintendent of schools of a city, exempted 618
village, or local school district, or the principal of a public 619
school may suspend a pupil from school for not more than ten 620
school days. The board of education of a city, exempted village, 621
or local school district may adopt a policy granting assistant 622
principals and other administrators the authority to suspend a 623
pupil from school for a period of time as specified in the 624
policy of the board of education, not to exceed ten school days. 625
If at the time an out-of-school suspension is imposed there are 626
fewer than ten school days remaining in the school year in which 627
the incident that gives rise to the suspension takes place, the 628
superintendent shall not apply any remaining part of the period 629
of the suspension to the following school year. The 630
superintendent may instead require the pupil to participate in a 631
community service program or another alternative consequence for 632
a number of hours equal to the remaining part of the period of 633
the suspension. The pupil shall be required to begin the pupil's 634

community service or alternative consequence during the first 635
full week day of summer break. Each school district, in its 636
discretion, may develop an appropriate list of alternative 637
consequences. In the event that a pupil fails to complete 638
community service or the assigned alternative consequence, the 639
school district may determine the next course of action, which 640
shall not include requiring the pupil to serve the remaining 641
time of the out-of-school suspension at the beginning of the 642
following school year. 643

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

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

~~(2)~~ (b) Provides the pupil an opportunity to appear at an 656
informal hearing before the principal, assistant principal, 657
superintendent, or superintendent's designee and challenge the 658
reason for the intended suspension or otherwise to explain the 659
pupil's actions. 660

If a pupil is suspended pursuant to division (A) (1) of 661
this section, the school district board ~~may, in its discretion,~~ 662
shall permit the pupil to complete any classroom assignments 663
missed because of the suspension. 664

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

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

(2) (a) Unless a pupil is permanently excluded pursuant to 684
section 3313.662 of the Revised Code, the superintendent of 685
schools of a city, exempted village, or local school district 686
shall expel a pupil from school for a period of one year for 687
bringing a firearm to a school operated by the board of 688
education of the district or onto any other property owned or 689
controlled by the board, except that the superintendent may 690
reduce this requirement on a case-by-case basis in accordance 691
with the policy adopted by the board under section 3313.661 of 692
the Revised Code. 693

(b) The superintendent of schools of a city, exempted 694

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

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

(3) The board of education of a city, exempted village, or 709
local school district may adopt a resolution authorizing the 710
superintendent of schools to expel a pupil from school for a 711
period not to exceed one year for bringing a knife capable of 712
causing serious bodily injury to a school operated by the board, 713
onto any other property owned or controlled by the board, or to 714
an interscholastic competition, an extracurricular event, or any 715
other program or activity sponsored by the school district or in 716
which the district is a participant, or for possessing a firearm 717
or knife capable of causing serious bodily injury at a school, 718
on any other property owned or controlled by the board, or at an 719
interscholastic competition, an extracurricular event, or any 720
other school program or activity, which firearm or knife was 721
initially brought onto school board property by another person. 722
The resolution may authorize the superintendent to extend such 723
an expulsion, as necessary, into the school year following the 724
school year in which the incident that gives rise to the 725

expulsion takes place. 726

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

(5) The board of education of any city, exempted village, 743
or local school district may adopt a resolution establishing a 744
policy under section 3313.661 of the Revised Code that 745
authorizes the superintendent of schools to expel a pupil from 746
school for a period not to exceed one year for making a bomb 747
threat to a school building or to any premises at which a school 748
activity is occurring at the time of the threat. Any expulsion 749
under this division shall extend, as necessary, into the school 750
year following the school year in which the incident that gives 751
rise to the expulsion takes place. 752

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

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

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

The notice required in this division shall include the 763
reasons for the intended expulsion, notification of the 764
opportunity of the pupil and the pupil's parent, guardian, 765
custodian, or representative to appear before the superintendent 766
or the superintendent's designee to challenge the reasons for 767
the intended expulsion or otherwise to explain the pupil's 768
action, and notification of the time and place to appear. The 769
time to appear shall not be earlier than three nor later than 770
five school days after the notice is given, unless the 771
superintendent grants an extension of time at the request of the 772
pupil or the pupil's parent, guardian, custodian, or 773
representative. If an extension is granted after giving the 774
original notice, the superintendent shall notify the pupil and 775
the pupil's parent, guardian, custodian, or representative of 776
the new time and place to appear. If the proposed expulsion is 777
based on a violation listed in division (A) of section 3313.662 778
of the Revised Code and if the pupil is sixteen years of age or 779
older, the notice shall include a statement that the 780
superintendent may seek to permanently exclude the pupil if the 781
pupil is convicted of or adjudicated a delinquent child for that 782
violation. 783

(7) A superintendent of schools of a city, exempted 784
village, or local school district shall initiate expulsion 785

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

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

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

(a) A school district or school that returns a student in 813
any of grades pre-kindergarten through three to curricular and 814
extracurricular activities on the next school day shall not be 815

required to follow division (C) (3) of this section with regard 816
to that student. 817

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

(3) If a pupil is removed under ~~this division~~ (C) (1) or 824
(2) of this section from a curricular activity or from the 825
school premises, written notice of the hearing and of the reason 826
for the removal shall be given to the pupil as soon as 827
practicable prior to the hearing, which shall be held ~~within~~ 828
~~three school days from the time on the next school day after the~~ 829
initial removal is ordered. The hearing shall be held in 830
accordance with division (A) of this section unless it is 831
probable that the pupil may be subject to expulsion, in which 832
case a hearing in accordance with division (B) of this section 833
shall be held, except that the hearing shall be held ~~within~~ 834
~~three school days on the next school day after the date of the~~ 835
initial removal. The individual who ordered, caused, or 836
requested the removal to be made shall be present at the 837
hearing. 838

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

(D) The superintendent or principal, within one school day 844
after the time of a pupil's expulsion or suspension, shall 845

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

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

Any superintendent expelling a pupil under this section 875
for more than twenty school days or for any period of time if 876

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

(E) A pupil or the pupil's parent, guardian, or custodian 886
may appeal the pupil's expulsion by a superintendent or 887
suspension by a superintendent, principal, assistant principal, 888
or other administrator to the board of education or to its 889
designee. If the pupil or the pupil's parent, guardian, or 890
custodian intends to appeal the expulsion or suspension to the 891
board or its designee, the pupil or the pupil's parent, 892
guardian, or custodian shall notify the board in the manner and 893
by the date specified in the notice provided under division (D) 894
of this section. The pupil or the pupil's parent, guardian, or 895
custodian may be represented in all appeal proceedings and shall 896
be granted a hearing before the board or its designee in order 897
to be heard against the suspension or expulsion. At the request 898
of the pupil or of the pupil's parent, guardian, custodian, or 899
attorney, the board or its designee may hold the hearing in 900
executive session but shall act upon the suspension or expulsion 901
only at a public meeting. The board, by a majority vote of its 902
full membership or by the action of its designee, may affirm the 903
order of suspension or expulsion, reinstate the pupil, or 904
otherwise reverse, vacate, or modify the order of suspension or 905
expulsion. 906

The board or its designee shall make a verbatim record of 907

hearings held under this division. The decisions of the board or 908
its designee may be appealed under Chapter 2506. of the Revised 909
Code. 910

This section shall not be construed to require notice and 911
hearing in accordance with division (A), (B), or (C) of this 912
section in the case of normal disciplinary procedures in which a 913
pupil is removed from a curricular activity for a period of less 914
than one school day and is not subject to suspension or 915
expulsion. 916

(F) (1) If a pupil is expelled pursuant to division (B) of 917
this section for committing any violation listed in division (A) 918
of section 3313.662 of the Revised Code and the pupil was 919
sixteen years of age or older at the time of committing the 920
violation, if a complaint, indictment, or information is filed 921
alleging that the pupil is a delinquent child based upon the 922
commission of the violation or the pupil is prosecuted as an 923
adult for the commission of the violation, and if the resultant 924
juvenile court or criminal proceeding is pending at the time 925
that the expulsion terminates, the superintendent of schools 926
that expelled the pupil may file a motion with the court in 927
which the proceeding is pending requesting an order extending 928
the expulsion for the lesser of an additional eighty days or the 929
number of school days remaining in the school year. Upon the 930
filing of the motion, the court immediately shall schedule a 931
hearing and give written notice of the time, date, and location 932
of the hearing to the superintendent and to the pupil and the 933
pupil's parent, guardian, or custodian. At the hearing, the 934
court shall determine whether there is reasonable cause to 935
believe that the pupil committed the alleged violation that is 936
the basis of the expulsion and, upon determining that reasonable 937
cause to believe the pupil committed the violation does exist, 938

shall grant the requested extension. 939

(2) If a pupil has been convicted of or adjudicated a 940
delinquent child for a violation listed in division (A) of 941
section 3313.662 of the Revised Code for an act that was 942
committed when the child was sixteen years of age or older, if 943
the pupil has been expelled pursuant to division (B) of this 944
section for that violation, and if the board of education of the 945
school district of the school from which the pupil was expelled 946
has adopted a resolution seeking the pupil's permanent 947
exclusion, the superintendent may file a motion with the court 948
that convicted the pupil or adjudicated the pupil a delinquent 949
child requesting an order to extend the expulsion until an 950
adjudication order or other determination regarding permanent 951
exclusion is issued by the superintendent of public instruction 952
pursuant to section 3301.121 and division (D) of section 953
3313.662 of the Revised Code. Upon the filing of the motion, the 954
court immediately shall schedule a hearing and give written 955
notice of the time, date, and location of the hearing to the 956
superintendent of the school district, the pupil, and the 957
pupil's parent, guardian, or custodian. At the hearing, the 958
court shall determine whether there is reasonable cause to 959
believe the pupil's continued attendance in the public school 960
system may endanger the health and safety of other pupils or 961
school employees and, upon making that determination, shall 962
grant the requested extension. 963

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

section or the validity of a permanent exclusion procedure that 970
is conducted in accordance with sections 3301.121 and 3313.662 971
of the Revised Code. 972

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

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

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 988
3313.64, and 3313.65 of the Revised Code, any school district, 989
after offering an opportunity for a hearing, may temporarily 990
deny admittance to any pupil if one of the following applies: 991

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

(b) The pupil has been expelled from the schools of 996
another district under division (B) of this section and the 997
period of the expulsion, as established under that division or 998

as extended under division (F) of this section, has not expired. 999

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

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

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

(b) Upon expiration of a period established by the 1017
district, beginning with the date of expulsion or removal from 1018
the out-of-state school, that is no greater than the period of 1019
expulsion that the pupil would have received under the policy 1020
adopted by the district under section 3313.661 of the Revised 1021
Code had the offense that gave rise to the expulsion or removal 1022
by the out-of-state school been committed while the pupil was 1023
enrolled in the district. 1024

(K) As used in this section: 1025

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

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

Sec. 3313.661. (A) ~~The~~ Subject to the limitations set 1031
forth in section 3313.668 of the Revised Code, the board of 1032
education of each city, exempted village, and local school 1033
district shall adopt a policy regarding suspension, expulsion, 1034
removal, and permanent exclusion that specifies the types of 1035
misconduct for which a pupil may be suspended, expelled, or 1036
removed. The types of misconduct may include misconduct by a 1037
pupil that occurs off of property owned or controlled by the 1038
district but that is connected to activities or incidents that 1039
have occurred on property owned or controlled by that district 1040
and misconduct by a pupil that, regardless of where it occurs, 1041
is directed at a district official or employee, or the property 1042
of such official or employee. The policy shall specify the 1043
reasons for which the superintendent of the district may reduce 1044
the expulsion requirement in division (B) (2) of section 3313.66 1045
of the Revised Code. If a board of education adopts a resolution 1046
pursuant to division (B) (3) of section 3313.66 of the Revised 1047
Code, the policy shall define the term "knife capable of causing 1048
serious bodily injury" or "firearm," as applicable, for purposes 1049
of expulsion under that resolution and shall specify any reasons 1050
for which the superintendent of the district may reduce any 1051
required expulsion period on a case-by-case basis. If a board of 1052
education adopts a resolution pursuant to division (B) (4) or (5) 1053
of section 3313.66 of the Revised Code, the policy shall specify 1054
any reasons for which the superintendent of the district may 1055
reduce any required expulsion period on a case-by-case basis. 1056
The policy also shall set forth the acts listed in section 1057
3313.662 of the Revised Code for which a pupil may be 1058

permanently excluded. 1059

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

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

(B) A board of education may establish a program and adopt 1077
guidelines under which a superintendent may require a pupil to 1078
perform community service in conjunction with a suspension or 1079
expulsion imposed under section 3313.66 of the Revised Code or 1080
in place of a suspension or expulsion imposed under section 1081
3313.66 of the Revised Code except for an expulsion imposed 1082
pursuant to division (B) (2) of that section. If a board adopts 1083
guidelines under this division, they shall permit, except with 1084
regard to an expulsion pursuant to division (B) (2) of section 1085
3313.66 of the Revised Code, a superintendent to impose a 1086
community service requirement beyond the end of the school year 1087
in lieu of applying an expulsion into the following school year. 1088

Any guidelines adopted shall be included in the policy adopted 1089
under this section. 1090

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

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

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

Sec. 3313.668. (A) On and after July 1, 2017, no school 1107
district or school shall suspend, expel, or remove a student 1108
from school under section 3313.66 of the Revised Code solely on 1109
the basis of the student's absences from school without 1110
legitimate excuse. 1111

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

(a) A school district or school may issue an out-of-school 1116
suspension or expulsion, in accordance with section 3313.66 of 1117

the Revised Code, to a student in any of grades pre-kindergarten 1118
through three who has engaged in any of the behaviors described 1119
in divisions (B) (2) to (5) of section 3313.66 of the Revised 1120
Code. 1121

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

(2) Whenever possible, the principal shall consult with a 1130
mental health professional under contract with the district or 1131
school prior to suspending or expelling a student in any of 1132
grades pre-kindergarten through three. If the events leading up 1133
to suspension or expulsion indicate a need for additional mental 1134
health services, the student's principal or the district's 1135
mental health professional shall, in any manner that does not 1136
result in a financial burden to the school district or school, 1137
assist the student's parent or guardian with locating providers 1138
or obtaining those services, including referral to an 1139
independent mental health professional. 1140

(3) A student in any of grades pre-kindergarten through 1141
three who is suspended or expelled shall be afforded the same 1142
notice and hearing, procedural, and educational opportunities as 1143
prescribed for a suspension or expulsion pursuant to section 1144
3313.66 of the Revised Code. 1145

Sec. 3319.237. (A) The standards for the preparation of 1146
teachers adopted under section 3333.048 of the Revised Code 1147

shall require each institution that provides a teacher 1148
preparation program to include a semester course, or the 1149
equivalent, for all students pursuing a license to teach in any 1150
of grades pre-kindergarten through twelve that includes 1151
instruction on all of the following: 1152

(1) Positive behavior intervention and supports and 1153
social-emotional development; 1154

(2) Classroom systems for establishing the foundation for 1155
positive behavior, such as supervision, acknowledgment, prompts, 1156
and precorrection; 1157

(3) Classroom systems for responding to unwanted behavior, 1158
including error correction and other strategies; 1159

(4) Classroom data collection systems; 1160

(5) Effective instructional strategies and how to 1161
implement them with fidelity; 1162

(6) Matching curriculum to student needs and data. 1163

(B) A teacher who completes a teacher preparation program 1164
prior to the effective date of this section and who has not 1165
completed professional development or continuing education as 1166
part of the school-wide implementation of the positive behavior 1167
intervention and supports framework required under section 1168
3319.46 of the Revised Code shall complete a continuing 1169
education or professional development course in positive 1170
behavior intervention and supports within three years after the 1171
effective date of this section. The department of education 1172
shall establish model professional development courses to assist 1173
teachers in compliance with this division. 1174

Sec. 3319.46. (A)(1) The state board of education shall 1175

adopt rules under Chapter 119. of the Revised Code that 1176
establish ~~a~~ both of the following: 1177

(a) A policy and standards for the implementation of a 1178
positive behavior intervention and supports ~~and framework;~~ 1179

(b) A policy and standards for the use of physical 1180
restraint or seclusion on students. 1181

(2) Within ninety days after the effective date of this 1182
amendment, the state board shall amend or update rule 3301-35-15 1183
of the Ohio Administrative Code to reflect the requirements of 1184
this section. 1185

(B) (1) Each school district board of education shall 1186
~~comply do~~ all of the following: 1187

(a) Implement a positive behavior intervention and 1188
supports framework on a system-wide basis that complies with 1189
this section; 1190

(b) Comply with the any policy and standards adopted, 1191
amended, or updated by the state board under this section; 1192

(c) Submit any reports required by the department of 1193
education or the general assembly with respect to the 1194
implementation of a positive behavior intervention and supports 1195
framework or suspension and expulsion of students in any of 1196
grades pre-kindergarten through three. 1197

(2) Each school district's positive behavior intervention 1198
and supports framework may focus on the following: 1199

(a) Comprehensive, school-wide data systems that enable 1200
monitoring of academic progress, behavioral incidents, 1201
attendance, and other critical indicators across classrooms; 1202

(b) School-wide investment in evidence-based curriculum and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction; 1203
1204
1205

(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system; 1206
1207

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition. 1208
1209
1210

(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. 1211
1212
1213
1214
1215
1216

(D) The department of education shall oversee each school district's and school's compliance with this section. 1217
1218

Section 2. That existing sections 3302.03, 3313.534, 1219
3313.66, 3313.661, 3313.668, and 3319.46 of the Revised Code are 1220
hereby repealed. 1221

Section 3. All items in this section are hereby 1222
appropriated as designated out of any moneys in the state 1223
treasury to the credit of the designated fund. For all 1224
appropriations made in this act, those in the first column are 1225
for fiscal year 2018 and those in the second column are for 1226
fiscal year 2019. The appropriations made in this act are in 1227
addition to any other appropriations made for the FY 2018-FY 1228
2019 biennium. 1229

EDU DEPARTMENT OF EDUCATION 1230

State Lottery Fund Group	1231
7017 200602 School Climate Grants \$0\$2,000,000	1232
TOTAL SLF State Lottery Fund Group\$0\$2,000,000	1233
TOTAL ALL BUDGET FUND GROUPS \$0\$2,000,000	1234
SCHOOL CLIMATE GRANTS	1235
(A) The foregoing appropriation item 200602, School	1236
Climate Grants, shall be used to provide competitive grants to	1237
eligible applicants to implement positive behavior intervention	1238
and supports frameworks, evidence- or research-based social and	1239
emotional learning initiatives, or both, in eligible school	1240
buildings.	1241
(B) The Superintendent of Public Instruction shall	1242
administer and award the grants. The Superintendent shall	1243
prescribe an application form, establish procedures for the	1244
consideration and approval of grant applications, and determine	1245
the amount of the grant awards, provided that the Superintendent	1246
shall award the grants in the following order of priority:	1247
(1) First, to eligible applicants whose grant proposal	1248
serves one or more eligible school buildings whose percentage of	1249
students who are identified as economically disadvantaged is	1250
greater than the statewide average percentage of students who	1251
are identified as economically disadvantaged, as determined by	1252
the Superintendent;	1253
(2) Second, to eligible applicants whose grant proposal	1254
serves one or more eligible school buildings with high	1255
suspension rates, as determined by the Superintendent;	1256
(3) Third, to eligible applicants who were not awarded a	1257
grant under either division (B) (1) or (2) of this section in the	1258

order in which the applications were received. 1259

(C) Notwithstanding any provision of law to the contrary, 1260
grants awarded under this section may be used by grant 1261
recipients for grant-related expenses for a period not to exceed 1262
two years from the date of the award, according to guidelines 1263
established by the Superintendent. 1264

(D) As used in this section: 1265

(1) "Eligible applicant" means a city, local, or exempted 1266
village school district; a community school established under 1267
Chapter 3314. of the Revised Code; or a STEM or STEAM school 1268
established under Chapter 3326. of the Revised Code. 1269

(2) "Eligible school building" means a building of an 1270
eligible applicant that serves any of grades kindergarten 1271
through five. 1272

Section 4. Within the limits set forth in this act, the 1273
Director of Budget and Management shall establish accounts 1274
indicating the source and amount of funds for each appropriation 1275
made in this act, and shall determine the form and manner in 1276
which appropriation accounts shall be maintained. Expenditures 1277
from appropriations contained in this act shall be accounted for 1278
as though made in Am. Sub. H.B. 49 of the 132nd General 1279
Assembly. 1280

The appropriations made in this act are subject to all 1281
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 1282
that are generally applicable to such appropriations. 1283

Section 5. The General Assembly recognizes that out-of- 1284
school suspensions are a widely used classroom management tool 1285
and that it may take time to completely phase out unnecessary 1286
out-of-school suspensions. During this period of transition, 1287

while school districts and schools are gaining the knowledge and 1288
experience related to how positive behavior intervention and 1289
supports improve social, emotional, and academic development for 1290
students in grades pre-kindergarten through three, it is 1291
imperative that those students remain in the classroom whenever 1292
possible. In an effort to give school districts and schools time 1293
to fully replace unnecessary suspensions and expulsions with an 1294
effective positive behavior intervention and supports framework 1295
and to facilitate professional development opportunities for 1296
teaching staff, the General Assembly has determined that gradual 1297
implementation is necessary. Accordingly, until the 2020-2021 1298
school year, a school district or school shall be considered to 1299
be in compliance with division (B) of section 3313.668 of the 1300
Revised Code, as amended by this act, according to the 1301
implementation schedule and requirements described in this 1302
section. 1303

(A) (1) For each of school years 2017-2018, 2018-2019, 1304
2019-2020, and 2020-2021, each school district or school shall 1305
report to the Department of Education, in the form and manner 1306
prescribed by the Department, the number of out-of-school 1307
suspensions and expulsions that were issued to a student in any 1308
of grades pre-kindergarten through three, categorized by offense 1309
as follows: 1310

(a) Any offense described in divisions (B) (2) to (5) of 1311
section 3313.66 of the Revised Code; 1312

(b) Offenses not described in divisions (B) (2) to (5) of 1313
section 3313.66 of the Revised Code but for which the school 1314
district determined suspension or expulsion was necessary to 1315
protect the immediate health and safety of the student, the 1316
student's fellow classmates, or the classroom staff and 1317

teachers; 1318

(c) Any other offense not described in division (A) (1) (a) 1319
or (b) of this section. 1320

(2) After the 2020-2021 school year, each school district 1321
or school shall annually report, in the form and manner 1322
prescribed by the Department of Education, the number of out-of- 1323
school suspensions and expulsions that were issued to a student 1324
in any of grades pre-kindergarten through three only if the 1325
Department determines that continued reporting of this 1326
information is necessary to carry out any of the requirements 1327
set forth in this act. 1328

(B) For the 2017-2018 school year, a school district or 1329
school shall be exempt from compliance with division (B) of 1330
section 3313.668 of the Revised Code and shall issue all 1331
suspensions and expulsions in accordance with section 3313.66 of 1332
the Revised Code, as amended by this act. 1333

(C) (1) For the 2018-2019 school year, a school district or 1334
school shall comply with the requirements of divisions (B) (2) 1335
and (3) of section 3313.668 of the Revised Code. 1336

(2) A school district or school shall be considered to be 1337
in compliance with division (B) (1) of section 3313.668 of the 1338
Revised Code, if for the 2018-2019 school year, the school 1339
district reduces the number of out-of-school suspensions and 1340
expulsions issued for offenses categorized in division (A) (1) (c) 1341
of this section by twenty-five per cent, using the numbers 1342
reported for that category for the 2017-2018 school year as a 1343
baseline. 1344

(D) (1) For the 2019-2020 school year, a school district or 1345
school shall comply with the requirements of divisions (B) (2) 1346

and (3) of section 3313.668 of the Revised Code. 1347

(2) A school district or school shall be considered to be 1348
in compliance with division (B)(1) of section 3313.668 of the 1349
Revised Code, if for the 2019-2020 school year, the school 1350
district reduces the number of out-of-school suspensions and 1351
expulsions issued for offenses categorized in division (A)(1)(c) 1352
of this section by fifty per cent, using the numbers reported 1353
for that category for the 2017-2018 school year as a baseline. 1354

(E) For the 2020-2021 school year, and each year 1355
thereafter, all out-of-school suspensions and expulsions issued 1356
to a student in any of grades pre-kindergarten through three 1357
shall be in compliance with division (B) of section 3313.668 of 1358
the Revised Code, such that the number of out-of-school 1359
suspensions and expulsions issued for offenses categorized in 1360
division (A)(1)(c) of this section is zero and all suspensions 1361
and expulsions for students in grades pre-kindergarten through 1362
three are either for offenses described in divisions (B)(2) to 1363
(5) of section 3313.66 of the Revised Code, as required by 1364
division (B)(1)(a) of section 3313.668 of the Revised Code or 1365
are necessary for the immediate health and safety of the 1366
student, the student's fellow classmates, or the classroom staff 1367
and teachers as required by division (B)(1)(b) of section 1368
3313.668 of the Revised Code. 1369

(F) Not later than the first day of October of each of 1370
school years 2017-2018, 2018-2019, 2019-2020, and 2020-2021, the 1371
Department of Education shall submit to the General Assembly, in 1372
accordance with section 101.68 of the Revised Code, and to the 1373
State Superintendent of Public Instruction a report containing 1374
the following: 1375

(1) A summary of the best practices of implementing a 1376

positive behavior intervention and supports framework by school 1377
districts throughout Ohio; 1378

(2) The total number of out-of-school suspensions and 1379
expulsions issued by a school district or building to students 1380
in any of grades pre-kindergarten through three, disaggregated 1381
by category of offense as described in divisions (A) (1) (a), (b), 1382
and (c) of this section and disaggregated within each category 1383
of offense according to sex, race, whether the student has been 1384
identified as economically disadvantaged, and whether the 1385
student has a disability. 1386

(G) The implementation schedule and requirements of this 1387
section shall apply to school districts, community schools 1388
established under Chapter 3314. of the Revised Code, STEM or 1389
STEAM schools established under Chapter 3326. of the Revised 1390
Code, and college-preparatory boarding schools established under 1391
Chapter 3328. of the Revised Code. 1392

Section 6. This act shall be known as the "Supporting 1393
Alternatives for Education Act," or the "SAFE Act." 1394