As Introduced

135th General Assembly Regular Session 2023-2024

S. B. No. 259

Senator Gavarone

A BILL

To enact section 3313.5313 of the Revised Code	1
regarding participation in interscholastic	2
athletics for students subjected to harassment,	3
intimidation, bullying, or other offenses.	4

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

Section 1. That section 3313.5313 of the Revised Code be	5
enacted to read as follows:	6
Sec. 3313.5313. (A) As used in this section:	7
(1) "Harassment, intimidation, or bullying" has the same	8
meaning as in section 3313.666 of the Revised Code.	9
(2) "Home-educated student" means a student who is	10
receiving home education in accordance with section 3321.042 of	11
the Revised Code.	12
(3) "Qualifying offense" means any of the following:	13
(a) An offense of violence;	14
(b) A violation of section 2907.07 of the Revised Code;	15
(c) An attempt to commit an offense of violence or a	16
violation of section 2907.07 of the Revised Code.	17

(4) "Qualifying school" means a community school	18
established under Chapter 3314. of the Revised Code, a STEM	19
school established under Chapter 3326. of the Revised Code, a	20
chartered nonpublic school, or a nonchartered nonpublic school.	21
(5) "Resident district" means the school district in which	22
a student is entitled to attend school under section 3313.64 or	23
3313.65 of the Revised Code.	24
(B) The superintendent of any school district may afford	25
any home-educated student or any student enrolled in a	26
qualifying school or a different school district, regardless of	27
whether the superintendent's district is the student's resident	28
district, the opportunity to participate in interscholastic	29
athletics at a school of the superintendent's district, if the	30
student was subject to any of the following by a school	31
official, employee, or volunteer or another student from the	32
district or school in which the student is enrolled or the	33
district in which the student is participating in	34
interscholastic athletics under section 3313.537, 3313.5311, or	35
3313.5312 of the Revised Code:	36
(1) Harassment, intimidation, or bullying;	37
(2) A qualifying offense, for which the school official,	38
employee, or volunteer or another student has been either of the	39
following:	40
(a) Charged with, indicted for, convicted of, or pled	41
guilty to committing;	42
(b) Alleged to be or is adjudicated a delinquent child for	43
committing.	44
(3) Conduct by a school official, employee, or volunteer	45
that violates the licensure code of professional conduct for	46

(C) The chief administrative officer of any qualifying48school may afford any student enrolled in a school district, any49student enrolled in a different qualifying school, or any home-50educated student the opportunity to participate in51interscholastic athletics at the chief administrative officer's.52school official, employee, or volunteer or another student from54the district or school in which the student is enrolled or the55district in which the student is participating in56interscholastic athletics under section 3313.537, 3313.5311, or573313.5312 of the Revised Code:58(1) Harassment, intimidation, or bullying;60employee, or volunteer or another student of the61following:62(a) Charged with, indicted for, convicted of, or pled63guilty to committing;64(b) Alleged to be or is adjudicated a delinquent child for66Chie educators developed by the state board of education.69(b) To participate in interscholastic athletics under this70section, a student who is not a home-educated student shall be71of the appropriate age and orade level, as determined by the72superintendent of the district or the chief administrative73officer of the qualifying school, for the school at which the74student participates in interscholastic athletics and shall73	Ohio educators developed by the state board of education.	47
student enrolled in a different qualifying school, or any home-50educated student the opportunity to participate in51interscholastic athletics at the chief administrative officer's52school, if the student was subject to any of the following by a53school official, employee, or volunteer or another student from54the district or school in which the student is enrolled or the55district in which the student is participating in56interscholastic athletics under section 3313.537, 3313.5311, or573313.5312 of the Revised Code:58(1) Harassment, intimidation, or bullying;59(2) A qualifying offense, for which the school official,60employee, or volunteer or another student has been either of the61following:64(a) Charged with, indicted for, convicted of, or pled63guilty to committing;64(b) Alleged to be or is adjudicated a delinquent child for65committing.66(3) Conduct by a school official, employee, or volunteer67that violates the licensure code of professional conduct for68Ohio educators developed by the state board of education.69section, a student who is not a home-educated student shall be71of the appropriate age and grade level, as determined by the72superintendent of the district or the chief administrative73officer of the qualifying school, for the school at which the74	(C) The chief administrative officer of any qualifying	48
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under this section.

fulfill the same nonacademic and financial requirements as any 76 other participant. 77 (E) Divisions (C) to (E) of section 3313.5312 of the 78 Revised Code apply to a home-educated student who participates 79 in interscholastic athletics at school under this section. 80 (F) No district or school shall impose additional rules on 81 a student to participate under this section that do not apply to 82 other students participating in the same interscholastic 83 athletics activity. No district or school shall impose fees for 84 a student to participate under this section that exceed any fees 85 charged to other students participating in the same 86 interscholastic athletics activity. 87 (G) No school district board of education, STEM school 88 governing body, or governing authority of a community school, 89 chartered nonpublic school, or nonchartered nonpublic school 90 shall take any action contrary to the provisions of this 91 section. 92 (H) No school district, interscholastic conference, or 93 organization that regulates interscholastic conferences or 94 events shall do either of the following: 95 (1) Require a student who is eligible to participate in 96 interscholastic athletics under this section to meet eligibility 97 requirements that conflict with this section; 98 (2) Penalize or restrict the eligibility to participate in 99 interscholastic athletics of a student who, during a school 100 year, ceases to participate in interscholastic athletics at one 101 district or school and then begins to participate in 102 interscholastic athletics at a different district or school 103

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