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Sub. H. B. No. 276

A B I L L

To amend section 3314.03 and to enact sections 1
117.53, 3301.22, 3313.666, and 3313.667 of the 2
Revised Code with respect to school policies 3
prohibiting harassment, intimidation, or bullying. 4

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

Section 1. That section 3314.03 be amended and sections 5
117.53, 3301.22, 3313.666, and 3313.667 of the Revised Code be 6
enacted to read as follows: 7

Sec. 117.53. When conducting an audit under section 117.11 of 8
the Revised Code of a city, local, exempted village, or joint 9
vocational school district, or a community school established 10
under Chapter 3314. of the Revised Code, the auditor of state 11
shall identify whether the school district or community school has 12
adopted an anti-harassment policy in accordance with section 13
3313.666 of the Revised Code. This determination shall be recorded 14
in the audit report. 15

Sec. 3301.22. The department of education shall develop a 16
model policy to prohibit harassment, intimidation, or bullying in 17
order to assist school districts in developing their own policies 18
under section 3313.666 of the Revised Code. The department shall 19
issue the model policy within six months after the effective date 20
of this section. 21

Sec. 3313.666. (A) As used in this section, "harassment,
intimidation, or bullying" means any intentional written, verbal,
or physical act that a student has exhibited toward another
particular student more than once and the behavior both:

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

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

(B) The board of education of each city, local, exempted
village, and joint vocational school district shall establish a
policy prohibiting harassment, intimidation, or bullying. The
policy shall be developed in consultation with parents, school
employees, school volunteers, students, and community members. The
policy shall include, but need not be limited to, the following:

(1) A statement prohibiting harassment, intimidation, or
bullying of any student on school property or at school-sponsored
events;

(2) A definition of harassment, intimidation, or bullying
that shall include, at a minimum, the definition in division (A)
of this section;

(3) A procedure for reporting prohibited incidents;

(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;

(5) A requirement that parents or guardians 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;

(6) A procedure for documenting any prohibited incident that 52
is reported; 53

(7) A procedure for responding to and investigating any 54
reported incident; 55

(8) A strategy for protecting a victim from additional 56
harassment, intimidation, or bullying, and from retaliation 57
following a report; 58

(9) A disciplinary procedure for any student guilty of 59
harassment, intimidation, or bullying. 60

(C) Each board's policy shall appear in any student 61
handbooks, and in any of the publications that set forth the 62
comprehensive rules, procedures, and standards of conduct for 63
schools and students in the district. Information regarding the 64
policy shall be incorporated into employee training materials. 65

(D) A school district employee, student, or volunteer shall 66
be individually immune from liability in a civil action for 67
damages arising from reporting an incident in accordance with a 68
policy adopted pursuant to this section if that person reports an 69
incident of harassment, intimidation, or bullying promptly in good 70
faith and in compliance with the procedures as specified in the 71
policy. 72

(E) Except as provided in division (D) of this section, 73
nothing in this section prohibits a victim from seeking redress 74
under any other provision of the Revised Code or common law that 75
may apply. 76

Sec. 3313.667. (A) Any school district may form bullying 77
prevention task forces, programs, and other initiatives involving 78
volunteers, parents, law enforcement, and community members. 79

(B) To the extent that state or federal funds are 80
appropriated for these purposes, each school district shall: 81

- (1) Provide training, workshops, or courses on the district's harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements. 82-88
- (2) Develop a process for educating students about the policy. 89-90

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. 91-93

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 94-96

(1) That the school shall be established as either of the following: 97-98

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 99-100

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003; 101-102

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 103-106

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests; 107-109

(4) Performance standards by which the success of the school 110

will be evaluated by the sponsor. If the sponsor will evaluate the 111
school in accordance with division (D) of section 3314.36 of the 112
Revised Code, the contract shall specify the number of school 113
years that the school will be evaluated under that division. 114

(5) The admission standards of section 3314.06 of the Revised 115
Code and, if applicable, section 3314.061 of the Revised Code; 116

(6) (a) Dismissal procedures; 117

(b) A requirement that the governing authority adopt an 118
attendance policy that includes a procedure for automatically 119
withdrawing a student from the school if the student without a 120
legitimate excuse fails to participate in one hundred five 121
consecutive hours of the learning opportunities offered to the 122
student. 123

(7) The ways by which the school will achieve racial and 124
ethnic balance reflective of the community it serves; 125

(8) Requirements for financial audits by the auditor of 126
state. The contract shall require financial records of the school 127
to be maintained in the same manner as are financial records of 128
school districts, pursuant to rules of the auditor of state, and 129
the audits shall be conducted in accordance with section 117.10 of 130
the Revised Code. 131

(9) The facilities to be used and their locations; 132

(10) Qualifications of teachers, including a requirement that 133
the school's classroom teachers be licensed in accordance with 134
sections 3319.22 to 3319.31 of the Revised Code, except that a 135
community school may engage noncertificated persons to teach up to 136
twelve hours per week pursuant to section 3319.301 of the Revised 137
Code; 138

(11) That the school will comply with the following 139
requirements: 140

(a) The school will provide learning opportunities to a 141
minimum of twenty-five students for a minimum of nine hundred 142
twenty hours per school year; 143

(b) The governing authority will purchase liability 144
insurance, or otherwise provide for the potential liability of the 145
school; 146

(c) The school will be nonsectarian in its programs, 147
admission policies, employment practices, and all other 148
operations, and will not be operated by a sectarian school or 149
religious institution; 150

(d) The school will comply with sections 9.90, 9.91, 109.65, 151
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 152
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 153
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 154
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 155
3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 156
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 157
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 158
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 159
were a school district and will comply with section 3301.0714 of 160
the Revised Code in the manner specified in section 3314.17 of the 161
Revised Code; 162

(e) The school shall comply with Chapter 102. of the Revised 163
Code except that nothing in that chapter shall prohibit a member 164
of the school's governing board from also being an employee of the 165
school and nothing in that chapter or section 2921.42 of the 166
Revised Code shall prohibit a member of the school's governing 167
board from having an interest in a contract into which the 168
governing board enters that is not a contract with a for-profit 169
firm for the operation or management of a school under the 170
auspices of the governing authority; 171

(f) The school will comply with sections 3313.61, 3313.611, 172
and 3313.614 of the Revised Code, except that the requirement in 173
sections 3313.61 and 3313.611 of the Revised Code that a person 174
must successfully complete the curriculum in any high school prior 175
to receiving a high school diploma may be met by completing the 176
curriculum adopted by the governing authority of the community 177
school rather than the curriculum specified in Title XXXIII of the 178
Revised Code or any rules of the state board of education; 179

(g) The school governing authority will submit within four 180
months after the end of each school year a report of its 181
activities and progress in meeting the goals and standards of 182
divisions (A) (3) and (4) of this section and its financial status 183
to the sponsor, the parents of all students enrolled in the 184
school, and the legislative office of education oversight. The 185
school will collect and provide any data that the legislative 186
office of education oversight requests in furtherance of any study 187
or research that the general assembly requires the office to 188
conduct, including the studies required under Section 50.39 of Am. 189
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 190
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 191

(12) Arrangements for providing health and other benefits to 192
employees; 193

(13) The length of the contract, which shall begin at the 194
beginning of an academic year. No contract shall exceed five years 195
unless such contract has been renewed pursuant to division (E) of 196
this section. 197

(14) The governing authority of the school, which shall be 198
responsible for carrying out the provisions of the contract; 199

(15) A financial plan detailing an estimated school budget 200
for each year of the period of the contract and specifying the 201
total estimated per pupil expenditure amount for each such year. 202

The plan shall specify for each year the base formula amount that
will be used for purposes of funding calculations under section
3314.08 of the Revised Code. This base formula amount for any year
shall not exceed the formula amount defined under section 3317.02
of the Revised Code. The plan may also specify for any year a
percentage figure to be used for reducing the per pupil amount of
the subsidy calculated pursuant to section 3317.029 of the Revised
Code the school is to receive that year under section 3314.08 of
the Revised Code.

(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 is to be a new start-up
school, and if it is a converted public school, specification of
any duties or responsibilities of an employer that the board of
education that operated the school before conversion is delegating
to the governing board 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; 234

(b) Permit the enrollment of students who reside in districts 235
adjacent to the district in which the school is located; 236

(c) Permit the enrollment of students who reside in any other 237
district in the state. 238

(20) A provision recognizing the authority of the department 239
of education to take over the sponsorship of the school in 240
accordance with the provisions of division (C) of section 3314.015 241
of the Revised Code; 242

(21) A provision recognizing the sponsor's authority to 243
assume the operation of a school under the conditions specified in 244
division (B) of section 3314.073 of the Revised Code; 245

(22) A provision recognizing both of the following: 246

(a) The authority of public health and safety officials to 247
inspect the facilities of the school and to order the facilities 248
closed if those officials find that the facilities are not in 249
compliance with health and safety laws and regulations; 250

(b) The authority of the department of education as the 251
community school oversight body to suspend the operation of the 252
school under section 3314.072 of the Revised Code if the 253
department has evidence of conditions or violations of law at the 254
school that pose an imminent danger to the health and safety of 255
the school's students and employees and the sponsor refuses to 256
take such action; 257

(23) A description of the learning opportunities that will be 258
offered to students including both classroom-based and 259
non-classroom-based learning opportunities that is in compliance 260
with criteria for student participation established by the 261
department under division (L)(2) of section 3314.08 of the Revised 262
Code; 263

(24) The school will comply with section 3302.04 of the Revised Code, including division (E) of that section to the extent possible, except that any action required to be taken by a school district pursuant to that section shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of that section.

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

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

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

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

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

(5) Internal financial controls.

(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 294
authority to make payments to the sponsor, which is hereby 295
authorized to receive such payments as set forth in the contract 296
between the governing authority and the sponsor. The total amount 297
of such payments for oversight and monitoring of the school shall 298
not exceed three per cent of the total amount of payments for 299
operating expenses that the school receives from the state. 300

(D) The contract shall specify the duties of the sponsor 301
which shall be in accordance with the written agreement entered 302
into with the department of education under division (B) of 303
section 3314.015 of the Revised Code and shall include the 304
following: 305

(1) Monitor the community school's compliance with all laws 306
applicable to the school and with the terms of the contract; 307

(2) Monitor and evaluate the academic and fiscal performance 308
and the organization and operation of the community school on at 309
least an annual basis; 310

(3) Report on an annual basis the results of the evaluation 311
conducted under division (D)(2) of this section to the department 312
of education and to the parents of students enrolled in the 313
community school; 314

(4) Provide technical assistance to the community school in 315
complying with laws applicable to the school and terms of the 316
contract; 317

(5) Take steps to intervene in the school's operation to 318
correct problems in the school's overall performance, declare the 319
school to be on probationary status pursuant to section 3314.073 320
of the Revised Code, suspend the operation of the school pursuant 321
to section 3314.072 of the Revised Code, or terminate the contract 322
of the school pursuant to section 3314.07 of the Revised Code as 323
determined necessary by the sponsor; 324

(6) Have in place a plan of action to be undertaken in the 325
event the community school experiences financial difficulties or 326
closes prior to the end of a school year. 327

(E) Upon the expiration of a contract entered into under this 328
section, the sponsor of a community school may, with the approval 329
of the governing authority of the school, renew that contract for 330
a period of time determined by the sponsor, but not ending earlier 331
than the end of any school year, if the sponsor finds that the 332
school's compliance with applicable laws and terms of the contract 333
and the school's progress in meeting the academic goals prescribed 334
in the contract have been satisfactory. Any contract that is 335
renewed under this division remains subject to the provisions of 336
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 337

(F) If a community school fails to open for operation within 338
one year after the contract entered into under this section is 339
adopted pursuant to division (D) of section 3314.02 of the Revised 340
Code or permanently closes prior to the expiration of the 341
contract, the contract shall be void and the school shall not 342
enter into a contract with any other sponsor. A school shall not 343
be considered permanently closed because the operations of the 344
school have been suspended pursuant to section 3314.072 of the 345
Revised Code. Any contract that becomes void under this division 346
shall not count toward any statewide limit on the number of such 347
contracts prescribed by section 3314.013 of the Revised Code. 348

Section 2. That existing section 3314.03 of the Revised Code 349
is hereby repealed. 350

Section 3. Section 117.53 of the Revised Code, as enacted by 351
this act, shall take effect one year after the effective date of 352
this act. 353