

As Reported by the House Education Committee

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Sub. H. B. No. 276

**Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen,
Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett**

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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
issue the model policy within six months after the effective date
of this section.

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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:

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

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

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(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:

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

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

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(3) A procedure for reporting prohibited incidents;

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(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;

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(5) A requirement that parents or guardians of any student
involved in a prohibited incident be notified and, to the extent

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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; 48
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(6) A procedure for documenting any prohibited incident that is reported; 52
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(7) A procedure for responding to and investigating any reported incident; 54
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(8) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report; 56
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(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying. 59
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(C) Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials. 61
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(D) A school district employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy. 66
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(E) Except as provided in division (D) of this section, nothing in this section prohibits a victim from seeking redress under any other provision of the Revised Code or common law that may apply. 73
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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 82
harassment, intimidation, or bullying policy adopted pursuant to 83
section 3313.666 of the Revised Code to school employees and 84
volunteers who have direct contact with students. Time spent by 85
school employees in the training, workshops, or courses shall 86
apply towards any state- or district-mandated continuing education 87
requirements. 88

(2) Develop a process for educating students about the 89
policy. 90

Sec. 3314.03. A copy of every contract entered into under 91
this section shall be filed with the superintendent of public 92
instruction. 93

(A) Each contract entered into between a sponsor and the 94
governing authority of a community school shall specify the 95
following: 96

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

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

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

(2) The education program of the school, including the 103
school's mission, the characteristics of the students the school 104
is expected to attract, the ages and grades of students, and the 105
focus of the curriculum; 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;	107 108 109
(4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.	110 111 112 113 114
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	115 116
(6)(a) Dismissal procedures;	117
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	118 119 120 121 122 123
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	124 125
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	126 127 128 129 130 131
(9) The facilities to be used and their locations;	132
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to	133 134 135 136

twelve hours per week pursuant to section 3319.301 of the Revised Code; 137
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(11) That the school will comply with the following requirements: 139
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year; 141
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school; 144
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 147
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code; 151
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(e) The school shall comply with Chapter 102. of the Revised Code except that nothing in that chapter shall prohibit a member of the school's governing board from also being an employee of the school and nothing in that chapter or section 2921.42 of the Revised Code shall prohibit a member of the school's governing 163
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board from having an interest in a contract into which the
governing board enters that is not a contract with a for-profit
firm for the operation or management of a school under the
auspices of the governing authority;

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

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

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

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

(14) The governing authority of the school, which shall be

responsible for carrying out the provisions of the contract;	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	203
will be used for purposes of funding calculations under section	204
3314.08 of the Revised Code. This base formula amount for any year	205
shall not exceed the formula amount defined under section 3317.02	206
of the Revised Code. The plan may also specify for any year a	207
percentage figure to be used for reducing the per pupil amount of	208
the subsidy calculated pursuant to section 3317.029 of the Revised	209
Code the school is to receive that year under section 3314.08 of	210
the Revised Code.	211
(16) Requirements and procedures regarding the disposition of	212
employees of the school in the event the contract is terminated or	213
not renewed pursuant to section 3314.07 of the Revised Code;	214
(17) Whether the school is to be created by converting all or	215
part of an existing public school or is to be a new start-up	216
school, and if it is a converted public school, specification of	217
any duties or responsibilities of an employer that the board of	218
education that operated the school before conversion is delegating	219
to the governing board of the community school with respect to all	220
or any specified group of employees provided the delegation is not	221
prohibited by a collective bargaining agreement applicable to such	222
employees;	223
(18) Provisions establishing procedures for resolving	224
disputes or differences of opinion between the sponsor and the	225
governing authority of the community school;	226
(19) A provision requiring the governing authority to adopt a	227
policy regarding the admission of students who reside outside the	228
district in which the school is located. That policy shall comply	229

with the admissions procedures specified in sections 3314.06 and	230
3314.061 of the Revised Code and, at the sole discretion of the	231
authority, shall do one of the following:	232
(a) Prohibit the enrollment of students who reside outside	233
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 264
Revised Code, including division (E) of that section to the extent 265
possible, except that any action required to be taken by a school 266
district pursuant to that section shall be taken by the sponsor of 267
the school. However, the sponsor shall not be required to take any 268
action described in division (F) of that section. 269

(25) Beginning in the 2006-2007 school year, the school will 270
open for operation not later than the thirtieth day of September 271
each school year, unless the mission of the school as specified 272
under division (A)(2) of this section is solely to serve dropouts. 273
In its initial year of operation, if the school fails to open by 274
the thirtieth day of September, or within one year after the 275
adoption of the contract pursuant to division (D) of section 276
3314.02 of the Revised Code if the mission of the school is solely 277
to serve dropouts, the contract shall be void. 278

(B) The community school shall also submit to the sponsor a 279
comprehensive plan for the school. The plan shall specify the 280
following: 281

(1) The process by which the governing authority of the 282
school will be selected in the future; 283

(2) The management and administration of the school; 284

(3) If the community school is a currently existing public 285
school, alternative arrangements for current public school 286
students who choose not to attend the school and teachers who 287
choose not to teach in the school after conversion; 288

(4) The instructional program and educational philosophy of 289

the school;	290
(5) Internal financial controls.	291
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	292 293 294 295 296 297 298 299 300
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	301 302 303 304 305
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	306 307
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	308 309 310
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	311 312 313 314
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	315 316 317
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the	318 319

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