

**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

Ohio educators developed by the state board of education. 47

(C) The chief administrative officer of any qualifying 48  
school may afford any student enrolled in a school district, any 49  
student enrolled in a different qualifying school, or any home- 50  
educated student the opportunity to participate in 51  
interscholastic athletics at the chief administrative officer's 52  
school, if the student was subject to any of the following by a 53  
school official, employee, or volunteer or another student from 54  
the district or school in which the student is enrolled or the 55  
district in which the student is participating in 56  
interscholastic athletics under section 3313.537, 3313.5311, or 57  
3313.5312 of the Revised Code: 58

(1) Harassment, intimidation, or bullying; 59

(2) A qualifying offense, for which the school official, 60  
employee, or volunteer or another student has been either of the 61  
following: 62

(a) Charged with, indicted for, convicted of, or pled 63  
guilty to committing; 64

(b) Alleged to be or is adjudicated a delinquent child for 65  
committing. 66

(3) Conduct by a school official, employee, or volunteer 67  
that violates the licensure code of professional conduct for 68  
Ohio educators developed by the state board of education. 69

(D) To participate in interscholastic athletics under this 70  
section, a student who is not a home-educated student shall be 71  
of the appropriate age and grade level, as determined by the 72  
superintendent of the district or the chief administrative 73  
officer of the qualifying school, for the school at which the 74  
student participates in interscholastic athletics and shall 75

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  
under this section. 104