A BILL

To amend section 3313.666 and to enact section 2903.23 of the Revised Code to require a tiered disciplinary procedure for and student instruction on preventing harassment, intimidation, or bullying in school and to create the offense of aggravated bullying as a third-degree misdemeanor.

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

Section 1. That section 3313.666 be amended and section 2903.23 of the Revised Code be enacted to read as follows:

Sec. 2903.23. (A) No person who is a student of a public primary or secondary school shall knowingly cause another person who is a student of a public primary or secondary school to believe that the offender will cause serious emotional harm to the other person or serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause serious emotional harm to the other person or serious
physical harm to the person or property of the other person, the
other person's unborn, or a member of the other person's
immediate family, the other person's belief may be based on
words or conduct of the offender that are directed at or
identify a corporation, association, or other organization that
employs the other person or to which the other person belongs.

(B) No person who is a student of a public primary or
secondary school shall knowingly cause serious emotional harm to
another person who is a student of that school.

(C) Whoever violates this section is guilty of aggravated
bullying, a misdemeanor of the third degree.

Sec. 3313.666. (A) As used in this section:

(1) "Electronic act" means an act committed through the
use of a cellular telephone, computer, pager, personal
communication device, or other electronic communication device.

(2) "Harassment, intimidation, or bullying" means either of the following:

(a) Any intentional written, verbal, electronic, or
physical act that a student has exhibited toward another
particular student more than once and the behavior both:

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

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

(b) Violence within a dating relationship.

(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 the following:

(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;

(2) A definition of harassment, intimidation, or bullying that includes 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 the custodial parent or guardian 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 is reported;

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

(8) A strategy for protecting a victim or other person from new or additional harassment, intimidation, or bullying, and from retaliation following a report, including a means by
which a person may report an incident anonymously;

(9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States. The disciplinary procedure shall include a tiered series of consequences for the violation of the policy prohibiting harassment, intimidation, or bullying, as follows:

(a) For the first violation, a warning;

(b) For the second violation, peer mediation. For such purpose, each school district shall establish a diverse peer mediation team in each school building.

(c) For the third violation, a parent meeting;

(d) For the fourth violation, an in-school suspension;

(e) For the fifth violation, an out-of-school suspension;

(f) For the sixth violation, the district shall refer the matter of the student's conduct to the appropriate prosecuting attorney for consideration for prosecution of the matter as a misdemeanor of the third degree under section 2903.23 of the Revised Code or for adjudication of the student as a delinquent child under Chapter 2152. of the Revised Code for committing an act that would be a criminal offense if committed by an adult.

(10) A statement prohibiting students from deliberately making false reports of harassment, intimidation, or bullying and a disciplinary procedure for any student responsible for deliberately making a false report of that nature;

(11) A requirement that the district administration semiannually provide the president of the district board a

(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. The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the district and to their custodial parents or guardians. Information regarding the policy shall be incorporated into employee training materials.

(D)(1) To the extent that state or federal funds are appropriated for this purpose, each board shall require that all students enrolled in the district annually be provided with age-appropriate instruction, as determined by the board, about the prevention of harassment, intimidation, and bullying in school and about the board's policy, including a written or verbal discussion of the consequences for violations of the policy.

(2) Each board shall require that once each school year a written statement describing the policy and the consequences for violations of the policy be sent to each student's custodial parent or guardian. The statement may be sent with regular student report cards or may be delivered electronically.

(E) 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.

(F) Except as provided in division (E) 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.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H) Each board shall update the policy adopted under this section to include violence within a dating relationship and harassment, intimidation, or bullying by electronic means.

Section 2. That existing section 3313.666 of the Revised Code is hereby repealed.