

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 197**

**Senator Williams  
Cosponsor: Senator Brown**

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**A BILL**

To amend section 3313.666 and to enact section 1  
2903.23 of the Revised Code to require a tiered 2  
disciplinary procedure for harassment, 3  
intimidation, or bullying in school; to require 4  
annual student instruction about preventing such 5  
acts; and to create the offense of aggravated 6  
bullying as a third-degree misdemeanor. 7

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

**Section 1.** That section 3313.666 be amended and section 8  
2903.23 of the Revised Code be enacted to read as follows: 9

**Sec. 2903.23.** (A) No person who is a student of a public 10  
primary or secondary school shall knowingly cause another person 11  
who is a student of a public primary or secondary school to 12  
believe that the offender will cause serious emotional harm to 13  
the other person or serious physical harm to the person or 14  
property of the other person, the other person's unborn, or a 15  
member of the other person's immediate family. In addition to 16  
any other basis for the other person's belief that the offender 17  
will cause serious emotional harm to the other person or serious 18

physical harm to the person or property of the other person, the 19  
other person's unborn, or a member of the other person's 20  
immediate family, the other person's belief may be based on 21  
words or conduct of the offender that are directed at or 22  
identify a corporation, association, or other organization that 23  
employs the other person or to which the other person belongs. 24

(B) No person who is a student of a public primary or 25  
secondary school shall knowingly cause serious emotional harm to 26  
another person who is a student of that school. 27

(C) Whoever violates this section is guilty of aggravated 28  
bullying, a misdemeanor of the third degree. 29

**Sec. 3313.666.** (A) As used in this section: 30

(1) "Electronic act" means an act committed through the 31  
use of a cellular telephone, computer, pager, personal 32  
communication device, or other electronic communication device. 33

(2) "Harassment, intimidation, or bullying" means either 34  
of the following: 35

(a) Any intentional written, verbal, electronic, or 36  
physical act that a student has exhibited toward another 37  
particular student more than once and the behavior both: 38

(i) Causes mental or physical harm to the other student; 39

(ii) Is sufficiently severe, persistent, or pervasive that 40  
it creates an intimidating, threatening, or abusive educational 41  
environment for the other student. 42

(b) Violence within a dating relationship. 43

(B) The board of education of each city, local, exempted 44  
village, and joint vocational school district shall establish a 45

policy prohibiting harassment, intimidation, or bullying. The 46  
policy shall be developed in consultation with parents, school 47  
employees, school volunteers, students, and community members. 48  
The policy shall include the following: 49

(1) A statement prohibiting harassment, intimidation, or 50  
bullying of any student on school property, on a school bus, or 51  
at school-sponsored events and expressly providing for the 52  
possibility of suspension of a student found responsible for 53  
harassment, intimidation, or bullying by an electronic act; 54

(2) A definition of harassment, intimidation, or bullying 55  
that includes the definition in division (A) of this section; 56

(3) A procedure for reporting prohibited incidents; 57

(4) A requirement that school personnel report prohibited 58  
incidents of which they are aware to the school principal or 59  
other administrator designated by the principal; 60

(5) A requirement that the custodial parent or guardian of 61  
any student involved in a prohibited incident be notified and, 62  
to the extent permitted by section 3319.321 of the Revised Code 63  
and the "Family Educational Rights and Privacy Act of 1974," 88 64  
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 65  
written reports pertaining to the prohibited incident; 66

(6) A procedure for documenting any prohibited incident 67  
that is reported; 68

(7) A procedure for responding to and investigating any 69  
reported incident; 70

(8) A strategy for protecting a victim or other person 71  
from new or additional harassment, intimidation, or bullying, 72  
and from retaliation following a report, including a means by 73

which a person may report an incident anonymously; 74

(9) A disciplinary procedure for any student guilty of 75  
harassment, intimidation, or bullying, which shall not infringe 76  
on any student's rights under the first amendment to the 77  
Constitution of the United States~~†~~. The disciplinary procedure 78  
shall include a tiered series of consequences for the violation 79  
of the policy prohibiting harassment, intimidation, or bullying, 80  
as follows: 81

(a) For the first violation, a warning; 82

(b) For the second violation, peer mediation. For such 83  
purpose, each school district shall establish a diverse peer 84  
mediation team in each school building. 85

(c) For the third violation, a parent meeting; 86

(d) For the fourth violation, an in-school suspension; 87

(e) For the fifth violation, an out-of-school suspension; 88

(f) For the sixth violation, the district shall refer the 89  
matter of the student's conduct to the appropriate prosecuting 90  
attorney for consideration for prosecution of the matter as a 91  
misdemeanor of the third degree under section 2903.23 of the 92  
Revised Code or for adjudication of the student as a delinquent 93  
child under Chapter 2152. of the Revised Code for committing an 94  
act that would be a criminal offense if committed by an adult. 95

(10) A statement prohibiting students from deliberately 96  
making false reports of harassment, intimidation, or bullying 97  
and a disciplinary procedure for any student responsible for 98  
deliberately making a false report of that nature; 99

(11) A requirement that the district administration 100  
semiannually provide the president of the district board a 101

written summary of all reported incidents and post the summary 102  
on its web site, if the district has a web site, to the extent 103  
permitted by section 3319.321 of the Revised Code and the 104  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 105  
571, 20 U.S.C. 1232g, as amended. 106

(C) Each board's policy shall appear in any student 107  
handbooks, and in any of the publications that set forth the 108  
comprehensive rules, procedures, and standards of conduct for 109  
schools and students in the district. The policy and an 110  
explanation of the seriousness of bullying by electronic means 111  
shall be made available to students in the district and to their 112  
custodial parents or guardians. Information regarding the policy 113  
shall be incorporated into employee training materials. 114

(D) (1) ~~To the extent that state or federal funds are~~ 115  
~~appropriated for this purpose, each~~ Each board shall require 116  
that all students enrolled in the district annually be provided 117  
with age-appropriate instruction, as determined by the board, ~~on~~ 118  
about the prevention of harassment, intimidation, and bullying 119  
in school and about the board's policy, including a written or 120  
verbal discussion of the consequences for violations of the 121  
policy. 122

(2) Each board shall require that once each school year a 123  
written statement describing the policy and the consequences for 124  
violations of the policy be sent to each student's custodial 125  
parent or guardian. The statement may be sent with regular 126  
student report cards or may be delivered electronically. 127

(E) A school district employee, student, or volunteer 128  
shall be individually immune from liability in a civil action 129  
for damages arising from reporting an incident in accordance 130  
with a policy adopted pursuant to this section if that person 131

reports an incident of harassment, intimidation, or bullying 132  
promptly in good faith and in compliance with the procedures as 133  
specified in the policy. 134

(F) Except as provided in division (E) of this section, 135  
nothing in this section prohibits a victim from seeking redress 136  
under any other provision of the Revised Code or common law that 137  
may apply. 138

(G) This section does not create a new cause of action or 139  
a substantive legal right for any person. 140

(H) Each board shall update the policy adopted under this 141  
section to include violence within a dating relationship and 142  
harassment, intimidation, or bullying by electronic means. 143

**Section 2.** That existing section 3313.666 of the Revised 144  
Code is hereby repealed. 145