

As Introduced

129th General Assembly
Regular Session
2011-2012

H. B. No. 116

Representative Barnes

Cosponsors: Representatives Patmon, Fedor, Yuko, Letson, Antonio

—

A B I L L

To amend sections 3313.666 and 3313.667 of the
Revised Code to enact the School Day Security and
Anti-Bullying Act to require age-appropriate
instruction on and parental notification of public
schools' policies prohibiting harassment,
intimidation, or bullying.

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

Section 1. That sections 3313.666 and 3313.667 of the Revised
Code be amended to read as follows:

Sec. 3313.666. (A) As used in this section, "harassment,
intimidation, or bullying" means either of the following:

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

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

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

(2) 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 or at school-sponsored events;

(2) A definition of harassment, intimidation, or bullying that shall include 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. ~~1232e~~ 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 from additional harassment, intimidation, or bullying, and from retaliation following a report;

(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;

(10) A requirement that the district administration
semiannually provide the president of the district board a written
summary of all reported incidents and post the summary on its web
site, if the district has a web site, 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~~
1232g, as amended.

(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.

(D) Each board shall require that twice in each school year
each student enrolled in the district be provided with
age-appropriate instruction on the board's policy, including a
discussion of the consequences for violations of the policy. The
first instruction shall be presented near the beginning of the
school year and the second instruction shall be presented after
the first day of January of that school year.

Each board also 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 parent along
with an acknowledgement of receipt of the statement to be signed
by the parent and returned to the student's school. The statement
may be sent with regular student report cards.

(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 80
faith and in compliance with the procedures as specified in the 81
policy. 82

~~(E)~~(F) Except as provided in division ~~(D)~~(E) of this section, 83
nothing in this section prohibits a victim from seeking redress 84
under any other provision of the Revised Code or common law that 85
may apply. 86

~~(F)~~(G) This section does not create a new cause of action or 87
a substantive legal right for any person. 88

~~(G)~~(H) Not later than ~~six months after the effective date of~~ 89
~~this amendment~~ September 29, 2010, each board shall update the 90
policy adopted under this section to include violence within a 91
dating relationship. 92

Sec. 3313.667. (A) Any school district may form bullying 93
prevention task forces, programs, and other initiatives involving 94
volunteers, parents, law enforcement, and community members. 95

(B) To the extent that state or federal funds are 96
appropriated for these purposes, each school district shall: 97

~~(1) Provide~~ provide training, workshops, or courses on the 98
district's harassment, intimidation, or bullying policy adopted 99
pursuant to section 3313.666 of the Revised Code to school 100
employees and volunteers who have direct contact with students. 101
Time spent by school employees in the training, workshops, or 102
courses shall apply towards any state- or district-mandated 103
continuing education requirements. 104

~~(2) Develop a process for educating students about the~~ 105
~~policy.~~ 106

(C) This section does not create a new cause of action or a 107
substantive legal right for any person. 108

Section 2. That existing sections 3313.666 and 3313.667 of 109
the Revised Code are hereby repealed. 110

Section 3. This act shall be known as the "School Day 111
Security and Anti-Bullying Act." The purpose of this act is to 112
provide a positive school day for each student and a school 113
environment where every student feels safe. 114