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Representative Barnes

**Cosponsors: Representatives Patmon, Fedor, Yuko, Letson, Antonio,
Luckie, Beck, Buchy, Carney, Driehaus, Duffey, Foley, Garland, Goyal,
Mallory, Milkovich, O'Brien, Ramos, Reece, Weddington, Winburn**

Speaker Batchelder

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A B I L L

To amend sections 3313.666 and 3313.667 of the 1
Revised Code to enact the School Day Security and 2
Anti-Bullying Act to require age-appropriate 3
instruction, to the extent that federal or state 4
funds are appropriated for this purpose, and 5
parental notification of public schools' policies 6
prohibiting harassment, intimidation, or bullying. 7

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

Section 1. That sections 3313.666 and 3313.667 of the Revised 8
Code be amended to read as follows: 9

Sec. 3313.666. (A) As used in this section, "harassment, 10
intimidation, or bullying" means either of the following: 11

(1) Any intentional written, verbal, or physical act that a 12
student has exhibited toward another particular student more than 13
once and the behavior both: 14

(a) Causes mental or physical harm to the other student; 15

(b) Is sufficiently severe, persistent, or pervasive that it 16
creates an intimidating, threatening, or abusive educational 17
environment for the other student. 18

(2) Violence within a dating relationship. 19

(B) The board of education of each city, local, exempted 20
village, and joint vocational school district shall establish a 21
policy prohibiting harassment, intimidation, or bullying. The 22
policy shall be developed in consultation with parents, school 23
employees, school volunteers, students, and community members. The 24
policy shall include the following: 25

(1) A statement prohibiting harassment, intimidation, or 26
bullying of any student on school property or at school-sponsored 27
events; 28

(2) A definition of harassment, intimidation, or bullying 29
that shall include the definition in division (A) of this section; 30

(3) A procedure for reporting prohibited incidents; 31

(4) A requirement that school personnel report prohibited 32
incidents of which they are aware to the school principal or other 33
administrator designated by the principal; 34

(5) A requirement that ~~parents~~ the custodial parent or 35
~~guardians~~ guardian of any student involved in a prohibited 36
incident be notified and, to the extent permitted by section 37
3319.321 of the Revised Code and the "Family Educational Rights 38
and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. ~~1232g~~ 1232g, as 39
amended, have access to any written reports pertaining to the 40
prohibited incident; 41

(6) A procedure for documenting any prohibited incident that 42
is reported; 43

(7) A procedure for responding to and investigating any 44
reported incident; 45

(8) A strategy for protecting a victim from additional 46
harassment, intimidation, or bullying, and from retaliation 47
following a report; 48

(9) A disciplinary procedure for any student guilty of 49
harassment, intimidation, or bullying, which shall not infringe on 50
any student's rights under the first amendment to the Constitution 51
of the United States; 52

(10) A requirement that the district administration 53
semiannually provide the president of the district board a written 54
summary of all reported incidents and post the summary on its web 55
site, if the district has a web site, to the extent permitted by 56
section 3319.321 of the Revised Code and the "Family Educational 57
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. ~~1232e~~ 58
1232g, as amended. 59

(C) Each board's policy shall appear in any student 60
handbooks, and in any of the publications that set forth the 61
comprehensive rules, procedures, and standards of conduct for 62
schools and students in the district. Information regarding the 63
policy shall be incorporated into employee training materials. 64

(D) (1) To the extent that state or federal funds are 65
appropriated for this purpose, each board shall require that all 66
students enrolled in the district annually be provided with 67
age-appropriate instruction, as determined by the board on the 68
board's policy, including a discussion of the consequences for 69
violations of the policy. 70

(2) Each board shall require that once each school year a 71
written statement describing the policy and the consequences for 72
violations of the policy be sent to each student's custodial 73
parent or guardian. The statement may be sent with regular student 74
report cards. 75

(E) A school district employee, student, or volunteer shall 76

be individually immune from liability in a civil action for 77
damages arising from reporting an incident in accordance with a 78
policy adopted pursuant to this section if that person reports an 79
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 substantive legal right for any person.

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

Section 3. Sections 1 and 2 of this act shall take effect six months after the effective date of this section.

Section 4. This act shall be known as the "School Day Security and Anti-Bullying Act." The purpose of this act is to provide a positive school day for each student and a school environment where every student feels safe.