

**As Reported by the Senate Education Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 116**

**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**

**Senators Sawyer, Beagle, Coley, Hite**

**—**

**A B I L L**

To amend sections 3313.666, 3313.667, 3319.073, and 1  
3333.31 of the Revised Code to enact the "Jessica 2  
Logan Act" regarding public schools' policies 3  
prohibiting harassment, intimidation, or bullying 4  
and to qualify certain homeschooled students for 5  
in-state tuition at state institutions of higher 6  
education. 7

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

**Section 1.** That sections 3313.666, 3313.667, 3319.073, and 8  
3333.31 of the Revised Code be amended to read as follows: 9

**Sec. 3313.666.** (A) As used in this section, ~~"harassment:~~ 10

(1) "Electronic act" means an act committed through the use 11  
of a cellular telephone, computer, pager, personal communication 12  
device, or other electronic communication device. 13

(2) "Harassment, intimidation, or bullying" means either of 14

the following: 15

~~(1)~~(a) Any intentional written, verbal, electronic, or 16  
physical act that a student has exhibited toward another 17  
particular student more than once and the behavior both: 18

~~(a)~~(i) Causes mental or physical harm to the other student; 19

~~(b)~~(ii) Is sufficiently severe, persistent, or pervasive that 20  
it creates an intimidating, threatening, or abusive educational 21  
environment for the other student. 22

~~(2)~~(b) Violence within a dating relationship. 23

(B) The board of education of each city, local, exempted 24  
village, and joint vocational school district shall establish a 25  
policy prohibiting harassment, intimidation, or bullying. The 26  
policy shall be developed in consultation with parents, school 27  
employees, school volunteers, students, and community members. The 28  
policy shall include the following: 29

(1) A statement prohibiting harassment, intimidation, or 30  
bullying of any student on school property, on a school bus, or at 31  
school-sponsored events and expressly providing for the 32  
possibility of suspension of a student found responsible for 33  
harassment, intimidation, or bullying by an electronic act; 34

(2) A definition of harassment, intimidation, or bullying 35  
that ~~shall include~~ includes the definition in division (A) of this 36  
section; 37

(3) A procedure for reporting prohibited incidents; 38

(4) A requirement that school personnel report prohibited 39  
incidents of which they are aware to the school principal or other 40  
administrator designated by the principal; 41

(5) A requirement that ~~parents~~ the custodial parent or 42  
~~guardians~~ guardian of any student involved in a prohibited 43  
incident be notified and, to the extent permitted by section 44

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 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;

(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 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. ~~1232e~~  
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. The policy and an

explanation of the seriousness of bullying by electronic means 76  
shall be made available to students in the district and to their 77  
custodial parents or guardians. Information regarding the policy 78  
shall be incorporated into employee training materials. 79

(D)(1) To the extent that state or federal funds are 80  
appropriated for this purpose, each board shall require that all 81  
students enrolled in the district annually be provided with 82  
age-appropriate instruction, as determined by the board, on the 83  
board's policy, including a written or verbal discussion of the 84  
consequences for violations of the policy. 85

(2) Each board shall require that once each school year a 86  
written statement describing the policy and the consequences for 87  
violations of the policy be sent to each student's custodial 88  
parent or guardian. The statement may be sent with regular student 89  
report cards or may be delivered electronically. 90

(E) A school district employee, student, or volunteer shall 91  
be individually immune from liability in a civil action for 92  
damages arising from reporting an incident in accordance with a 93  
policy adopted pursuant to this section if that person reports an 94  
incident of harassment, intimidation, or bullying promptly in good 95  
faith and in compliance with the procedures as specified in the 96  
policy. 97

~~(E)~~(F) Except as provided in division ~~(D)~~(E) of this section, 98  
nothing in this section prohibits a victim from seeking redress 99  
under any other provision of the Revised Code or common law that 100  
may apply. 101

~~(F)~~(G) This section does not create a new cause of action or 102  
a substantive legal right for any person. 103

~~(G) Not later than six months after the effective date of~~ 104  
~~this amendment, each~~ (H) Each board shall update the policy 105  
adopted under this section to include violence within a dating 106

relationship and harassment, intimidation, or bullying by 107  
electronic means. 108

**Sec. 3313.667.** (A) Any school district may form bullying 109  
prevention task forces, programs, and other initiatives involving 110  
volunteers, parents, law enforcement, and community members. 111

(B) To the extent that state or federal funds are 112  
appropriated for these purposes, each school district shall: 113

~~(1) Provide~~ provide training, workshops, or courses on the 114  
district's harassment, intimidation, or bullying policy adopted 115  
pursuant to section 3313.666 of the Revised Code to school 116  
employees and volunteers who have direct contact with students and 117  
are not subject to section 3319.073 of the Revised Code. Time 118  
spent by school employees in the training, workshops, or courses 119  
shall apply towards any state- or district-mandated continuing 120  
education requirements. 121

~~(2) Develop a process for educating students about the~~ 122  
~~policy.~~ 123

(C) This section does not create a new cause of action or a 124  
substantive legal right for any person. 125

**Sec. 3319.073.** (A) The board of education of each city and 126  
exempted village school district and the governing board of each 127  
educational service center shall adopt or adapt the curriculum 128  
developed by the department of education for, or shall develop in 129  
consultation with public or private agencies or persons involved 130  
in child abuse prevention or intervention programs, a program of 131  
in-service training in the prevention of child abuse, violence, 132  
and substance abuse and the promotion of positive youth 133  
development. Each person employed by any school district or 134  
service center to work in a school as a nurse, teacher, counselor, 135  
school psychologist, or administrator shall complete at least four 136

hours of the in-service training within two years of commencing 137  
employment with the district or center, and every five years 138  
thereafter. A person who is employed by any school district or 139  
service center to work in an elementary school as a nurse, 140  
teacher, counselor, school psychologist, or administrator on March 141  
30, 2007, shall complete at least four hours of the in-service 142  
training not later than March 30, 2009, and every five years 143  
thereafter. A person who is employed by any school district or 144  
service center to work in a middle or high school as a nurse, 145  
teacher, counselor, school psychologist, or administrator on 146  
October 16, 2009, shall complete at least four hours of the 147  
in-service training not later than October 16, 2011, and every 148  
five years thereafter. 149

(B) Each board shall incorporate training in school safety 150  
and violence prevention into the in-service training required by 151  
division (A) of this section. For this purpose, the board shall 152  
adopt or adapt the curriculum developed by the department or shall 153  
develop its own curriculum in consultation with public or private 154  
agencies or persons involved in school safety and violence 155  
prevention programs. 156

(C) Each board shall incorporate training on the board's 157  
harassment, intimidation, or bullying policy adopted under section 158  
3313.666 of the Revised Code into the in-service training required 159  
by division (A) of this section. Each board also shall incorporate 160  
training in the prevention of dating violence into the in-service 161  
training required by that division ~~(A) of this section~~ for middle 162  
and high school employees. The board shall develop its own 163  
~~curriculum~~ curricula for ~~this purpose~~ these purposes. 164

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 165  
purposes, status as a resident of Ohio shall be defined by the 166  
chancellor of the Ohio board of regents by rule promulgated 167

pursuant to Chapter 119. of the Revised Code. No adjudication as 168  
to the status of any person under such rule, however, shall be 169  
required to be made pursuant to Chapter 119. of the Revised Code. 170  
The term "resident" for these purposes shall not be equated with 171  
the definition of that term as it is employed elsewhere under the 172  
laws of this state and other states, and shall not carry with it 173  
any of the legal connotations appurtenant thereto. Rather, except 174  
as provided in divisions (B) and (D) of this section, for such 175  
purposes, the rule promulgated under this section shall have the 176  
objective of excluding from treatment as residents those who are 177  
present in the state primarily for the purpose of attending a 178  
state-supported or state-assisted institution of higher education, 179  
and may prescribe presumptive rules, rebuttable or conclusive, as 180  
to such purpose based upon the source or sources of support of the 181  
student, residence prior to first enrollment, evidence of 182  
intention to remain in the state after completion of studies, or 183  
such other factors as the chancellor deems relevant. 184

(B) The rules of the chancellor for determining student 185  
residency shall grant residency status to a veteran and to the 186  
veteran's spouse and any dependent of the veteran, if both of the 187  
following conditions are met: 188

(1) The veteran either: 189

(a) Served one or more years on active military duty and was 190  
honorably discharged or received a medical discharge that was 191  
related to the military service; 192

(b) Was killed while serving on active military duty or has 193  
been declared to be missing in action or a prisoner of war. 194

(2) If the veteran seeks residency status for tuition 195  
surcharge purposes, the veteran has established domicile in this 196  
state as of the first day of a term of enrollment in an 197  
institution of higher education. If the spouse or a dependent of 198

the veteran seeks residency status for tuition surcharge purposes, 199  
the veteran and the spouse or dependent seeking residency status 200  
have established domicile in this state as of the first day of a 201  
term of enrollment in an institution of higher education, except 202  
that if the veteran was killed while serving on active military 203  
duty or has been declared to be missing in action or a prisoner of 204  
war, only the spouse or dependent seeking residency status shall 205  
be required to have established domicile in accordance with this 206  
division. 207

(C) The rules of the chancellor for determining student 208  
residency shall not deny residency status to a student who is 209  
either a dependent child of a parent, or the spouse of a person 210  
who, as of the first day of a term of enrollment in an institution 211  
of higher education, has accepted full-time employment and 212  
established domicile in this state for reasons other than gaining 213  
the benefit of favorable tuition rates. 214

Documentation of full-time employment and domicile shall 215  
include both of the following documents: 216

(1) A sworn statement from the employer or the employer's 217  
representative on the letterhead of the employer or the employer's 218  
representative certifying that the parent or spouse of the student 219  
is employed full-time in Ohio; 220

(2) A copy of the lease under which the parent or spouse is 221  
the lessee and occupant of rented residential property in the 222  
state, a copy of the closing statement on residential real 223  
property of which the parent or spouse is the owner and occupant 224  
in this state or, if the parent or spouse is not the lessee or 225  
owner of the residence in which the parent or spouse has 226  
established domicile, a letter from the owner of the residence 227  
certifying that the parent or spouse resides at that residence. 228

Residency officers may also evaluate, in accordance with the 229



chancellor's rule, requests for immediate residency status from 230  
dependent students whose parents are not living and whose domicile 231  
follows that of a legal guardian who has accepted full-time 232  
employment and established domicile in the state for reasons other 233  
than gaining the benefit of favorable tuition rates. 234

(D)(1) The rules of the chancellor for determining student 235  
residency shall grant residency status to a person who, while a 236  
resident of this state for state subsidy and tuition surcharge 237  
purposes, graduated from a high school in this state or completed 238  
the final year of instruction at home as authorized under section 239  
3321.04 of the Revised Code, if the person enrolls in an 240  
institution of higher education and establishes domicile in this 241  
state, regardless of the student's residence prior to that 242  
enrollment. 243

(2) The rules of the chancellor for determining student 244  
residency shall not grant residency status to an alien if the 245  
alien is not also an immigrant or a nonimmigrant. 246

(E) As used in this section: 247

(1) "Dependent," "domicile," "institution of higher 248  
education," and "residency officer" have the meanings ascribed in 249  
the chancellor's rules adopted under this section. 250

(2) "Alien" means a person who is not a United States citizen 251  
or a United States national. 252

(3) "Immigrant" means an alien who has been granted the right 253  
by the United States bureau of citizenship and immigration 254  
services to reside permanently in the United States and to work 255  
without restrictions in the United States. 256

(4) "Nonimmigrant" means an alien who has been granted the 257  
right by the United States bureau of citizenship and immigration 258  
services to reside temporarily in the United States. 259

**Section 2.** That existing sections 3313.666, 3313.667, 260  
3319.073, and 3333.31 of the Revised Code are hereby repealed. 261

**Section 3.** The amendments to sections 3313.666, 3313.667, and 262  
3319.073 of the Revised Code by of this act shall take effect six 263  
months after the effective date of this act. 264

**Section 4.** Not later than six months after the effective date 265  
of this section, the State Board of Education shall update its 266  
model policy to prohibit harassment, intimidation, or bullying 267  
adopted under section 3301.22 of the Revised Code to include 268  
harassment, intimidation, or bullying by electronic means. 269

**Section 5.** This act shall be known as the "Jessica Logan 270  
Act." 271