



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 116

129th General Assembly
(As Introduced)

Reps. Barnes, Patmon, Fedor, Yuko, Letson, Antonio

BILL SUMMARY

- Requires each school district, community school, and STEM school to provide students with age-appropriate instruction on its anti-bullying policy twice a year.
- Requires school district, community school, and STEM school to issue annually a written anti-bullying policy statement, which receipt must be acknowledged through parent signature.
- Entitles the bill the "School Day Security and Anti-Bullying Act."

CONTENT AND OPERATION

Instruction on policy

The bill requires each school district, community school, and STEM school to provide students with instruction on the district's policy prohibiting harassment, intimidation, or bullying twice a year. Instruction must be age-appropriate and include a discussion on the consequences of violating the policy. The instruction must occur near the beginning of the school year and after January 1 of that school year.

Schools must also send home a written statement describing the policy and consequences of violating that policy, along with an acknowledgement of receipt of the statement. Parents must sign and return the acknowledgement to the school. The statement may be sent with regular student report cards.¹

¹ R.C. 3313.666. The provisions will apply to community schools and STEM schools pursuant to R.C. 3314.03(A)(11)(d) and 3326.11 (neither in the bill).

Since the bill stipulates a specific method of educating students on the school's policy on anti-harassment, intimidation, and bullying, the bill also removes language from existing law requiring schools to develop their own processes.²

Background

Current law requires each school district (including a joint vocational school district), community school, and STEM school to adopt a policy prohibiting student harassment, intimidation, or bullying. Each district's or school's existing anti-harassment policy also must include provisions for dating violence prevention.

Each policy must prohibit the harassment, intimidation, or bullying of any student on school property or at a school-sponsored activity. It also must define the term "harassment, intimidation, or bullying" in a manner that includes the definition prescribed in statute. That definition specifies that "harassment, intimidation, or bullying" is either:

(1) An 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, and (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or

(2) Violence within a dating relationship.

In addition, each policy must include:

(1) A procedure for reporting prohibited incidents;

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

(3) A requirement that the parents of a student involved in a prohibited incident be notified and, to the extent permitted by state and federal law governing student privacy, have access to any written reports pertaining to the prohibited incident;

(4) Procedures for documenting, investigating, and responding to a reported incident;

² R.C. 3313.667.

(5) A requirement that the district or school administration provide semiannual written summaries of all reported incidents to the president of the district's or school's governing body, and post them on the district's or school's web site;

(6) A strategy for protecting a victim from additional harassment and from retaliation following a report; and

(7) A disciplinary procedure for a student who is guilty of harassment, intimidation, or bullying. (School districts, community schools, and STEM schools also must have student codes of conduct and may suspend or expel or take other disciplinary actions against students who violate those codes of conduct.³)

The policy must be included in student handbooks and in publications that set forth the standards of conduct for schools and students. Employee training materials must also include information on the policy.

Finally, a school employee, student, or volunteer is immune from civil liability for damages that arise from the reporting of an incident of harassment, intimidation, or bullying. A person qualifies for immunity only if the person reports the incident promptly in good faith and in compliance with the procedures specified in the district's or school's policy.⁴

HISTORY

ACTION	DATE
Introduced	02-22-11

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³ R.C. 3313.66, 3313.661, 3314.03(A)(11)(d), and 3326.11 (none in the bill).

⁴ R.C. 3313.666.