



House Bill 310

Ohio Anti-Bullying and Hazing Act

STATE REPRESENTATIVE DAVE GREENSPAN



Bullying Definition

Lines 166-180

2) "Harassment, intimidation, or bullying" means ~~either~~ any of the following:

(a) Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student or an administrator, employee, faculty member, teacher, consultant, or volunteer of the district more than once and the behavior both (either):

- (i) Causes mental or physical harm to the other student or the administrator, employee, faculty member, teacher, consultant, or volunteer of the district;
- (ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or the administrator, employee, faculty member, teacher, consultant, or volunteer of the district.



Due Process - Investigation

Lines 337-362

- (E)(1) Upon receiving a report or being notified of a potential incident of harassment, intimidation, or bullying at school or on school grounds, the principal or other administrator, shall conduct an investigation to determine if harassment, intimidation, or bullying has occurred. The principal or another administrator shall notify the parent, guardian, or custodian of the pupil involved in a potential incident of harassment, intimidation, or bullying of an investigation conducted under this division.
- (2) No pupil shall be subject to detention, suspension or expulsion under this section if the board of education has approved an alternative form of discipline as prescribed in division (F) of this section.
 - (3) No pupil shall be issued a detention, suspension or expulsion under this section unless, prior to the pupil's detention, suspension or expulsion, the superintendent does both of the following:
 - (a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to issue at detention, suspension or expulsion under this section;
 - (b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended detention, suspension or expulsion under this section or otherwise to explain the pupil's actions.



Appeal

Lines 409-418

In accordance with the policy adopted by the board under this section, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or custodian's intent to appeal the detention, suspension or expulsion under this section to the board or its designee.

(H) A pupil or the pupil's parent, guardian, or custodian may appeal the pupil's detention, suspension or expulsion under this section to the board of education or to its designee.



Discipline

Lines 279-296

Except as provided in division (F) of this section, the board of education of each city, exempted village, or local school district shall adopt a resolution establishing a policy under section 3313.661 of the Revised Code that requires the district superintendent to take disciplinary action against any pupil who commits an offense of harassment, intimidation, or bullying. The policy shall authorize the imposition of any of the following actions for each offense by an pupil as determined appropriate under the circumstances.

- (1) Detention requiring the pupil to be present in school before or after the instructional day, or on days the school is not normally open for instruction, for up to the total of number of hours equivalent to ten school days to complete supervised learning activities or a community service plan...
- (2) An in-school suspension for up to ten school days;
- (3) An out-of-school suspension for up to ten school days;
- (4) An expulsion



Discipline – Provisions *(All)*

Lines 297-312

- (B)(1) The board of education **may** develop a **community service plan** for any pupil subject to detention, suspension, or expulsion under this section and require that the pupil complete the plan. The plan shall include specific goals and timelines under which the pupil shall perform community service during the term of the pupil's detention, suspension or expulsion under this section. The board shall determine the duration of the community service performed under the plan. The community service plan may continue beyond the date upon which a pupil returns to school.
- (2) The district **shall prohibit** a pupil from participating in any **extracurricular activity** during the period of a pupil's detention, suspension or expulsion under this section.
- (3) As determined appropriate by the board, the district **may impose additional measures**, other than those prescribed under this division, on a pupil subject to detention, suspension or expulsion under this section.

Lines 321-329

- (C) (2) The district **may provide counseling or intervention services** for a pupil subject to detention, suspension or expulsion under this section, so long as the parent, guardian, or custodian of the pupil gives permission for the pupil to undergo such counseling or intervention services. If the district does not offer counseling or intervention services, the district may coordinate with community organizations that can provide counseling or intervention services and help identify counseling or intervention resources.



Discipline – Provisions (Suspension/Expulsion)

Lines 313-320

- (C)(1) During the period of a pupil's suspension or expulsion under this section, the district shall permit the pupil to do both of the following:
- (a) Complete all missed schoolwork. For this purpose, the district may offer tutoring and academic support to the student.
 - (b) Take any required state assessment. For this purpose, the pupil shall be permitted to take the assessment in the student's regular school setting.



Transitioning Back

Lines 330-336

As a condition of returning to school, a pupil who is suspended or expelled under this section shall complete all missed schoolwork , as determined by the superintendent. If the pupil does not complete this requirement , the pupil may be permitted to return to school provided the superintendent determines that the pupil has made sufficient progress towards completing the requirement .



Victim Services

Lines 442-449

- (1)(1) The board **may offer counseling** services to the victim of the harassment, intimidation or bullying. However, the victim is not required to participate in the counseling.
- (2) The board **shall permit a victim** of harassment, intimidation or bullying **to complete all missed schoolwork** due to harassment, intimidation or bullying. For this purpose, the district **may offer tutoring and academic support** to the victim.



Whistleblower

Lines 226-229

- (10) A disciplinary procedure for any student guilty of retaliation against a student, administrator, employee, faculty member, teacher, consultant, or volunteer of the district who reports an incident of harassment, intimidation, or bullying;



Other Noteworthy Provisions

Policy Posting

Lines 113-115

A copy of the policy shall be posted on the district's web site, if the district has one, and in a central location in the school and shall be made available to pupils upon request.

Notification

Lines 209-212

For each prohibited incident, the district or school shall maintain a record verifying that the custodial parent or guardian was notified of the incident.



Reports of a Non-Student

Lines 824-830

The superintendent of a school district, or the superintendent's designee, shall investigate any report of harassment, intimidation, or bullying by an administrator, employee, faculty member, teacher, consultant, or volunteer of a school district against a student and shall determine the proper course of action pursuant to Chapter 3319 of the Revised Code.



Other Noteworthy Provisions (Continued)

Chartered Nonpublic School

Lines 48-59

- (B) The governing authority of each chartered nonpublic school shall adopt a policy that addresses harassment, intimidation or bullying. The governing authority shall review the policy adopted under this section at least once every three years and update it as necessary based on the review.
- (C) The governing authority shall submit to the department of education the policy adopted under division (B) of this section in a form and manner determined by the department.
- (D) If the school has a web site and has publically posted its code of conduct on that web site, the governing authority also shall post the policy adopted under division (B) of this section on that web site.



Higher Education

Lines 861-867

Each state institution of higher education shall adopt a policy, including rules, regarding harassment, intimidation, or bullying and hazing. The policy shall include penalties for harassment, intimidation, or bullying and hazing, including sanctions, fines, the withholding of a diploma or transcript, probation, suspension, and expulsion.



Hazing Definition

Lines 12-18

As used in this section, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to affirm, continue, or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.



Hazing Penalties

Lines 35-38

(D) Whoever violates this section is guilty of hazing, . A violation of division (B)(1) or (2) of this section is a misdemeanor of the ~~fourth~~ *second* degree. A violation of division (C)(1) or (2) of this section is a felony of the fourth degree .

Lines 26-28

(C)(1) No person shall knowingly participate in the hazing of another when the hazing causes serious physical harm to the other person.



Recklessly Permit Hazing

Lines 29-39

- (2) No administrator, employee, ~~or~~ faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or ~~of~~ any other educational institution, public or private, shall knowingly permit the hazing of any person when the hazing causes serious physical harm to any person.

- (3) No parent or guardian whose child is a student at any primary, secondary, or post-secondary school or any other educational institution public or private, shall knowingly permit hazing of any person when the hazing causes serious physical harm to any person.

Questions

