



House Bill 310

Collins Law: The Ohio Anti-Bullying and Hazing Act

STATE REPRESENTATIVE DAVE GREENSPAN



Bullying Definition

Lines 207-221

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:

- (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.



Investigation & Notice

Lines 381-389

- (E) 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.



Discipline

Lines 320-338

- (A) The board of education of each city, exempted village, or local school district shall adopt a resolution establishing an evidence-based or evidence-informed policy under section 3313.661 of the Revised Code that requires the district to take a 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 a pupil as determined appropriate under the circumstances:
- (1) A **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 number of hours equivalent to ten school days** to complete supervised learning activities or a community service plan prescribed under division
- (B) (1) of this section;
- (2) An **in-school suspension of up to ten school days**;
- (3) An **out-of-school suspension of up to ten school days**;
- (4) An **alternative form of discipline** aligned with guidelines adopted under division (F) of this section.



Discipline – continued

Lines 342-360

- (B) (1) The board **may develop an age-appropriate community service plan** for any pupil subject to detention or suspension 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 or suspension 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 or suspension 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 or suspension under this section.
- (C) (1) During the period of a pupil's detention or suspension 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 pupil.**



Discipline – continued

Lines 363-374

(b) Take any required state assessment. For this purpose, the pupil shall be permitted to take the assessment in the pupil's regular school setting.

(2) The district may provide counseling or intervention services for a pupil subject to detention, suspension, or an alternative form of discipline under this section, so long as the pupil's parent, guardian, or custodian 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 provide counseling or intervention services and help identify counseling or intervention resources.

Lines 390-394

(F) A board may adopt guidelines regarding the issuance of an alternative form of discipline to a pupil who commits an offense of harassment, intimidation, or bullying in lieu of a detention or suspension under this section.



Transitioning Back

Lines 375-380

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



Victim Services

Lines 417-424

- (H)(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 267-270

- (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 154-156

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 250-253

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 799-805

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 86-97

- (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.

Lines 232

...and shall apply to grades four through twelve.



Hazing Definition

Lines 13-20

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, , including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.



Higher Education

Lines 836-838

Each state institution of higher education shall adopt a policy, including rules, regarding harassment, intimidation, or bullying and hazing.



Hazing Penalties

Lines 47-51

(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)(2) or (3) of this section is a felony of the third degree .

Lines 29-32

(C)(1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.

Questions

