

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 197

Senator Williams

Cosponsor: Senator Brown

A BILL

To amend section 3313.666 and to enact section 1
2903.23 of the Revised Code to require a tiered 2
disciplinary procedure for harassment, 3
intimidation, or bullying in school; to require 4
annual student instruction about preventing such 5
acts; and to create the offense of aggravated 6
bullying as a third-degree misdemeanor. 7

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

Section 1. That section 3313.666 be amended and section 8
2903.23 of the Revised Code be enacted to read as follows: 9

Sec. 2903.23. (A) No person who is a student of a public 10
primary or secondary school shall knowingly cause another person 11
who is a student of a public primary or secondary school to 12
believe that the offender will cause serious emotional harm to 13
the other person or serious physical harm to the person or 14
property of the other person, the other person's unborn, or a 15
member of the other person's immediate family. In addition to 16
any other basis for the other person's belief that the offender 17
will cause serious emotional harm to the other person or serious 18

physical harm to the person or property of the other person, the 19
other person's unborn, or a member of the other person's 20
immediate family, the other person's belief may be based on 21
words or conduct of the offender that are directed at or 22
identify a corporation, association, or other organization that 23
employs the other person or to which the other person belongs. 24

(B) No person who is a student of a public primary or 25
secondary school shall knowingly cause serious emotional harm to 26
another person who is a student of that school. 27

(C) Whoever violates this section is guilty of aggravated 28
bullying, a misdemeanor of the third degree. 29

Sec. 3313.666. (A) As used in this section: 30

(1) "Electronic act" means an act committed through the 31
use of a cellular telephone, computer, pager, personal 32
communication device, or other electronic communication device. 33

(2) "Harassment, intimidation, or bullying" means either 34
of the following: 35

(a) Any intentional written, verbal, electronic, or 36
physical act that a student has exhibited toward another 37
particular student more than once and the behavior both: 38

(i) Causes mental or physical harm to the other student; 39

(ii) Is sufficiently severe, persistent, or pervasive that 40
it creates an intimidating, threatening, or abusive educational 41
environment for the other student. 42

(b) Violence within a dating relationship. 43

(B) The board of education of each city, local, exempted 44
village, and joint vocational school district shall establish a 45

policy prohibiting harassment, intimidation, or bullying. The 46
policy shall be developed in consultation with parents, school 47
employees, school volunteers, students, and community members. 48
The policy shall include the following: 49

(1) A statement prohibiting harassment, intimidation, or 50
bullying of any student on school property, on a school bus, or 51
at school-sponsored events and expressly providing for the 52
possibility of suspension of a student found responsible for 53
harassment, intimidation, or bullying by an electronic act; 54

(2) A definition of harassment, intimidation, or bullying 55
that includes the definition in division (A) of this section; 56

(3) A procedure for reporting prohibited incidents; 57

(4) A requirement that school personnel report prohibited 58
incidents of which they are aware to the school principal or 59
other administrator designated by the principal; 60

(5) A requirement that the custodial parent or guardian of 61
any student involved in a prohibited incident be notified and, 62
to the extent permitted by section 3319.321 of the Revised Code 63
and the "Family Educational Rights and Privacy Act of 1974," 88 64
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 65
written reports pertaining to the prohibited incident; 66

(6) A procedure for documenting any prohibited incident 67
that is reported; 68

(7) A procedure for responding to and investigating any 69
reported incident; 70

(8) A strategy for protecting a victim or other person 71
from new or additional harassment, intimidation, or bullying, 72
and from retaliation following a report, including a means by 73

which a person may report an incident anonymously; 74

(9) A disciplinary procedure for any student guilty of 75
harassment, intimidation, or bullying, which shall not infringe 76
on any student's rights under the first amendment to the 77
Constitution of the United States~~†~~. The disciplinary procedure 78
shall include a tiered series of consequences for the violation 79
of the policy prohibiting harassment, intimidation, or bullying, 80
as follows: 81

(a) For the first violation, a warning; 82

(b) For the second violation, peer mediation. For such 83
purpose, each school district shall establish a diverse peer 84
mediation team in each school building. 85

(c) For the third violation, a parent meeting; 86

(d) For the fourth violation, an in-school suspension; 87

(e) For the fifth violation, an out-of-school suspension; 88

(f) For the sixth violation, the district shall refer the 89
matter of the student's conduct to the appropriate prosecuting 90
attorney for consideration for prosecution of the matter as a 91
misdemeanor of the third degree under section 2903.23 of the 92
Revised Code or for adjudication of the student as a delinquent 93
child under Chapter 2152. of the Revised Code for committing an 94
act that would be a criminal offense if committed by an adult. 95

(10) A statement prohibiting students from deliberately 96
making false reports of harassment, intimidation, or bullying 97
and a disciplinary procedure for any student responsible for 98
deliberately making a false report of that nature; 99

(11) A requirement that the district administration 100
semiannually provide the president of the district board a 101

written summary of all reported incidents and post the summary 102
on its web site, if the district has a web site, to the extent 103
permitted by section 3319.321 of the Revised Code and the 104
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 105
571, 20 U.S.C. 1232g, as amended. 106

(C) Each board's policy shall appear in any student 107
handbooks, and in any of the publications that set forth the 108
comprehensive rules, procedures, and standards of conduct for 109
schools and students in the district. The policy and an 110
explanation of the seriousness of bullying by electronic means 111
shall be made available to students in the district and to their 112
custodial parents or guardians. Information regarding the policy 113
shall be incorporated into employee training materials. 114

(D) (1) ~~To the extent that state or federal funds are~~ 115
~~appropriated for this purpose, each~~ Each board shall require 116
that all students enrolled in the district annually be provided 117
with age-appropriate instruction, as determined by the board, ~~on~~ 118
about the prevention of harassment, intimidation, and bullying 119
in school and about the board's policy, including a written or 120
verbal discussion of the consequences for violations of the 121
policy. 122

(2) Each board shall require that once each school year a 123
written statement describing the policy and the consequences for 124
violations of the policy be sent to each student's custodial 125
parent or guardian. The statement may be sent with regular 126
student report cards or may be delivered electronically. 127

(E) A school district employee, student, or volunteer 128
shall be individually immune from liability in a civil action 129
for damages arising from reporting an incident in accordance 130
with a policy adopted pursuant to this section if that person 131

reports an incident of harassment, intimidation, or bullying 132
promptly in good faith and in compliance with the procedures as 133
specified in the policy. 134

(F) Except as provided in division (E) of this section, 135
nothing in this section prohibits a victim from seeking redress 136
under any other provision of the Revised Code or common law that 137
may apply. 138

(G) This section does not create a new cause of action or 139
a substantive legal right for any person. 140

(H) Each board shall update the policy adopted under this 141
section to include violence within a dating relationship and 142
harassment, intimidation, or bullying by electronic means. 143

Section 2. That existing section 3313.666 of the Revised 144
Code is hereby repealed. 145