

As Introduced

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H. B. No. 147

Representatives Boggs, Lightbody

Cosponsors: Representatives Leland, Blackshear, Brown, Weinstein, Lepore-Hagan, Skindell, Crawley, Troy, Miller, A., Sheehy

A BILL

To amend section 3313.666 of the Revised Code to 1
require the Department of Education to develop a 2
process for requesting an investigation of a 3
school's compliance with its policy prohibiting 4
harassment, intimidation, or bullying. 5

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

Section 1. That section 3313.666 of the Revised Code be 6
amended to read as follows: 7

Sec. 3313.666. (A) As used in this section: 8

(1) "Electronic act" means an act committed through the 9
use of a cellular telephone, computer, pager, personal 10
communication device, or other electronic communication device. 11

(2) "Harassment, intimidation, or bullying" means either 12
of the following: 13

(a) Any intentional written, verbal, electronic, or 14
physical act that a student has exhibited toward another 15
particular student more than once and the behavior both: 16

(i) Causes mental or physical harm to the other student;	17
(ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.	18 19 20
(b) Violence within a dating relationship.	21
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:	22 23 24 25 26 27
(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;	28 29 30 31 32
(2) A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;	33 34
(3) A procedure for reporting prohibited incidents;	35
(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;	36 37 38
(5) A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, 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. 1232g, as amended, have access to any written reports pertaining to the prohibited incident;	39 40 41 42 43 44

(6) A procedure for documenting any prohibited incident that is reported;	45 46
(7) A procedure for responding to and investigating any reported incident;	47 48
(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;	49 50 51 52
(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;	53 54 55 56
(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;	57 58 59 60
(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. 1232g, as amended.	61 62 63 64 65 66 67
(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 shall be made available to students in the district and to their	68 69 70 71 72 73

custodial parents or guardians. Information regarding the policy 74
shall be incorporated into employee training materials. 75

(D) (1) To the extent that state or federal funds are 76
appropriated for this purpose, each board shall require that all 77
students enrolled in the district annually be provided with age- 78
appropriate instruction, as determined by the board, on the 79
board's policy, including a written or verbal discussion of the 80
consequences for violations of the policy. 81

(2) Each board shall require that once each school year a 82
written statement describing the policy and the consequences for 83
violations of the policy be sent to each student's custodial 84
parent or guardian. The statement may be sent with regular 85
student report cards or may be delivered electronically. 86

(E) A school district employee, student, or volunteer 87
shall be individually immune from liability in a civil action 88
for damages arising from reporting an incident in accordance 89
with a policy adopted pursuant to this section if that person 90
reports an incident of harassment, intimidation, or bullying 91
promptly in good faith and in compliance with the procedures as 92
specified in the policy. 93

(F) Except as provided in division (E) of this section, 94
nothing in this section prohibits a victim from seeking redress 95
under any other provision of the Revised Code or common law that 96
may apply. 97

(G) This section does not create a new cause of action or 98
a substantive legal right for any person. 99

(H) Each board shall update the policy adopted under this 100
section to include violence within a dating relationship and 101
harassment, intimidation, or bullying by electronic means. 102

(I) The department of education shall develop a process by 103
which a student or a student's parent or guardian may request an 104
investigation by the department of the student's school's 105
compliance with its policy established under division (B) of 106
this section. Upon receiving a request under this division, the 107
department shall conduct an investigation in accordance with 108
procedures developed by the department. As part of its 109
investigation, the department shall provide the student and the 110
school an opportunity for a hearing. If the department 111
determines that the school has not complied with its policy, it 112
shall order the school to comply with its policy in a specified 113
time and manner. 114

Section 2. That existing section 3313.666 of the Revised 115
Code is hereby repealed. 116