

As Introduced

**126th General Assembly
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H. B. No. 276

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Taylor, Peterson**

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A B I L L

To amend sections 3301.0714 and 3302.03 and to enact 1
sections 117.53, 3301.41, 3313.666, and 3313.667 2
of the Revised Code with respect to school 3
policies prohibiting harassment, intimidation, or 4
bullying. 5

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

Section 1. That sections 3301.0714 and 3302.03 be amended and 6
sections 117.53, 3301.41, 3313.666, and 3313.667 of the Revised 7
Code be enacted to read as follows: 8

Sec. 117.53. When conducting an audit under section 117.11 of 9
the Revised Code of a city, local, exempted village, or joint 10
vocational school district, the auditor of state shall identify 11
whether the school district has adopted an anti-harassment policy 12
in accordance with section 3313.666 of the Revised Code. This 13
determination shall be recorded in the audit report. 14

Sec. 3301.0714. (A) The state board of education shall adopt 15
rules for a statewide education management information system. The 16
rules shall require the state board to establish guidelines for 17
the establishment and maintenance of the system in accordance with 18

this section and the rules adopted under this section. The 19
guidelines shall include: 20

(1) Standards identifying and defining the types of data in 21
the system in accordance with divisions (B) and (C) of this 22
section; 23

(2) Procedures for annually collecting and reporting the data 24
to the state board in accordance with division (D) of this 25
section; 26

(3) Procedures for annually compiling the data in accordance 27
with division (G) of this section; 28

(4) Procedures for annually reporting the data to the public 29
in accordance with division (H) of this section. 30

(B) The guidelines adopted under this section shall require 31
the data maintained in the education management information system 32
to include at least the following: 33

(1) Student participation and performance data, for each 34
grade in each school district as a whole and for each grade in 35
each school building in each school district, that includes: 36

(a) The numbers of students receiving each category of 37
instructional service offered by the school district, such as 38
regular education instruction, vocational education instruction, 39
specialized instruction programs or enrichment instruction that is 40
part of the educational curriculum, instruction for gifted 41
students, instruction for handicapped students, and remedial 42
instruction. The guidelines shall require instructional services 43
under this division to be divided into discrete categories if an 44
instructional service is limited to a specific subject, a specific 45
type of student, or both, such as regular instructional services 46
in mathematics, remedial reading instructional services, 47
instructional services specifically for students gifted in 48
mathematics or some other subject area, or instructional services 49

for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) The percentage of students receiving corporal punishment;	80
(k) Dropout rates;	81
(l) Rates of retention in grade;	82
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	83 84 85
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	86 87 88 89 90
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	91 92 93 94 95 96 97
<u>(p) The number of incidents of harassment by students against other students that violate the anti-harassment policy adopted by the school district under section 3313.666 of the Revised Code.</u>	98 99 100
(2) Personnel and classroom enrollment data for each school district, including:	101 102
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school	103 104 105 106 107 108 109

district as a whole and, wherever applicable, for each grade in 110
the school district as a whole, for each school building as a 111
whole, and for each grade in each school building. 112

(b) The total number of employees and the number of full-time 113
equivalent employees providing each category of service used 114
pursuant to divisions (C)(4)(a) and (b) of this section, and the 115
total numbers of licensed employees and nonlicensed employees and 116
the numbers of full-time equivalent licensed employees and 117
nonlicensed employees providing each category used pursuant to 118
division (C)(4)(c) of this section. The guidelines adopted under 119
this section shall require these categories of data to be 120
maintained for the school district as a whole and, wherever 121
applicable, for each grade in the school district as a whole, for 122
each school building as a whole, and for each grade in each school 123
building. 124

(c) The total number of regular classroom teachers teaching 125
classes of regular education and the average number of pupils 126
enrolled in each such class, in each of grades kindergarten 127
through five in the district as a whole and in each school 128
building in the school district. 129

(d) The number of master teachers employed by each school 130
district and each school building, once a definition of master 131
teacher has been developed by the educator standards board 132
pursuant to section 3319.61 of the Revised Code. 133

(3)(a) Student demographic data for each school district, 134
including information regarding the gender ratio of the school 135
district's pupils, the racial make-up of the school district's 136
pupils, the number of limited English proficient students in the 137
district, and an appropriate measure of the number of the school 138
district's pupils who reside in economically disadvantaged 139
households. The demographic data shall be collected in a manner to 140

allow correlation with data collected under division (B)(1) of 141
this section. Categories for data collected pursuant to division 142
(B)(3) of this section shall conform, where appropriate, to 143
standard practices of agencies of the federal government. 144

(b) With respect to each student entering kindergarten, 145
whether the student previously participated in a public preschool 146
program, a private preschool program, or a head start program, and 147
the number of years the student participated in each of these 148
programs. 149

(4) Any data required to be collected pursuant to federal 150
law. 151

(C) The education management information system shall include 152
cost accounting data for each district as a whole and for each 153
school building in each school district. The guidelines adopted 154
under this section shall require the cost data for each school 155
district to be maintained in a system of mutually exclusive cost 156
units and shall require all of the costs of each school district 157
to be divided among the cost units. The guidelines shall require 158
the system of mutually exclusive cost units to include at least 159
the following: 160

(1) Administrative costs for the school district as a whole. 161
The guidelines shall require the cost units under this division 162
(C)(1) to be designed so that each of them may be compiled and 163
reported in terms of average expenditure per pupil in formula ADM 164
in the school district, as determined pursuant to section 3317.03 165
of the Revised Code. 166

(2) Administrative costs for each school building in the 167
school district. The guidelines shall require the cost units under 168
this division (C)(2) to be designed so that each of them may be 169
compiled and reported in terms of average expenditure per 170
full-time equivalent pupil receiving instructional or support 171

services in each building.	172
(3) Instructional services costs for each category of	173
instructional service provided directly to students and required	174
by guidelines adopted pursuant to division (B)(1)(a) of this	175
section. The guidelines shall require the cost units under	176
division (C)(3) of this section to be designed so that each of	177
them may be compiled and reported in terms of average expenditure	178
per pupil receiving the service in the school district as a whole	179
and average expenditure per pupil receiving the service in each	180
building in the school district and in terms of a total cost for	181
each category of service and, as a breakdown of the total cost, a	182
cost for each of the following components:	183
(a) The cost of each instructional services category required	184
by guidelines adopted under division (B)(1)(a) of this section	185
that is provided directly to students by a classroom teacher;	186
(b) The cost of the instructional support services, such as	187
services provided by a speech-language pathologist, classroom	188
aide, multimedia aide, or librarian, provided directly to students	189
in conjunction with each instructional services category;	190
(c) The cost of the administrative support services related	191
to each instructional services category, such as the cost of	192
personnel that develop the curriculum for the instructional	193
services category and the cost of personnel supervising or	194
coordinating the delivery of the instructional services category.	195
(4) Support or extracurricular services costs for each	196
category of service directly provided to students and required by	197
guidelines adopted pursuant to division (B)(1)(b) of this section.	198
The guidelines shall require the cost units under division (C)(4)	199
of this section to be designed so that each of them may be	200
compiled and reported in terms of average expenditure per pupil	201
receiving the service in the school district as a whole and	202

average expenditure per pupil receiving the service in each 203
building in the school district and in terms of a total cost for 204
each category of service and, as a breakdown of the total cost, a 205
cost for each of the following components: 206

(a) The cost of each support or extracurricular services 207
category required by guidelines adopted under division (B)(1)(b) 208
of this section that is provided directly to students by a 209
licensed employee, such as services provided by a guidance 210
counselor or any services provided by a licensed employee under a 211
supplemental contract; 212

(b) The cost of each such services category provided directly 213
to students by a nonlicensed employee, such as janitorial 214
services, cafeteria services, or services of a sports trainer; 215

(c) The cost of the administrative services related to each 216
services category in division (C)(4)(a) or (b) of this section, 217
such as the cost of any licensed or nonlicensed employees that 218
develop, supervise, coordinate, or otherwise are involved in 219
administering or aiding the delivery of each services category. 220

(D)(1) The guidelines adopted under this section shall 221
require school districts to collect information about individual 222
students, staff members, or both in connection with any data 223
required by division (B) or (C) of this section or other reporting 224
requirements established in the Revised Code. The guidelines may 225
also require school districts to report information about 226
individual staff members in connection with any data required by 227
division (B) or (C) of this section or other reporting 228
requirements established in the Revised Code. The guidelines shall 229
not authorize school districts to request social security numbers 230
of individual students. The guidelines shall prohibit the 231
reporting under this section of a student's name, address, and 232
social security number to the state board of education or the 233

department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the data acquisition site operated under section 3301.075 of the Revised Code and is authorized by the district or acquisition site to have access to such information. The guidelines may require school districts to provide the social security numbers of individual staff members.

(2) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the data acquisition sites utilizing the code but at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(E) The guidelines adopted under this section may require

school districts to collect and report data, information, or 265
reports other than that described in divisions (A), (B), and (C) 266
of this section for the purpose of complying with other reporting 267
requirements established in the Revised Code. The other data, 268
information, or reports may be maintained in the education 269
management information system but are not required to be compiled 270
as part of the profile formats required under division (G) of this 271
section or the annual statewide report required under division (H) 272
of this section. 273

(F) Beginning with the school year that begins July 1, 1991, 274
the board of education of each school district shall annually 275
collect and report to the state board, in accordance with the 276
guidelines established by the board, the data required pursuant to 277
this section. A school district may collect and report these data 278
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 279

(G) The state board shall, in accordance with the procedures 280
it adopts, annually compile the data reported by each school 281
district pursuant to division (D) of this section. The state board 282
shall design formats for profiling each school district as a whole 283
and each school building within each district and shall compile 284
the data in accordance with these formats. These profile formats 285
shall: 286

(1) Include all of the data gathered under this section in a 287
manner that facilitates comparison among school districts and 288
among school buildings within each school district; 289

(2) Present the data on academic achievement levels as 290
assessed by the testing of student achievement maintained pursuant 291
to division (B)(1)(d) of this section. 292

(H)(1) The state board shall, in accordance with the 293
procedures it adopts, annually prepare a statewide report for all 294
school districts and the general public that includes the profile 295

of each of the school districts developed pursuant to division (G) 296
of this section. Copies of the report shall be sent to each school 297
district. 298

(2) The state board shall, in accordance with the procedures 299
it adopts, annually prepare an individual report for each school 300
district and the general public that includes the profiles of each 301
of the school buildings in that school district developed pursuant 302
to division (G) of this section. Copies of the report shall be 303
sent to the superintendent of the district and to each member of 304
the district board of education. 305

(3) Copies of the reports received from the state board under 306
divisions (H)(1) and (2) of this section shall be made available 307
to the general public at each school district's offices. Each 308
district board of education shall make copies of each report 309
available to any person upon request and payment of a reasonable 310
fee for the cost of reproducing the report. The board shall 311
annually publish in a newspaper of general circulation in the 312
school district, at least twice during the two weeks prior to the 313
week in which the reports will first be available, a notice 314
containing the address where the reports are available and the 315
date on which the reports will be available. 316

(I) Any data that is collected or maintained pursuant to this 317
section and that identifies an individual pupil is not a public 318
record for the purposes of section 149.43 of the Revised Code. 319

(J) As used in this section: 320

(1) "School district" means any city, local, exempted 321
village, or joint vocational school district. 322

(2) "Cost" means any expenditure for operating expenses made 323
by a school district excluding any expenditures for debt 324
retirement except for payments made to any commercial lending 325
institution for any loan approved pursuant to section 3313.483 of 326

the Revised Code. 327

(K) Any person who removes data from the information system 328
established under this section for the purpose of releasing it to 329
any person not entitled under law to have access to such 330
information is subject to section 2913.42 of the Revised Code 331
prohibiting tampering with data. 332

(L) Any time the department of education determines that a 333
school district has taken any of the actions described under 334
division (L)(1), (2), or (3) of this section, it shall make a 335
report of the actions of the district, send a copy of the report 336
to the superintendent of such school district, and maintain a copy 337
of the report in its files: 338

(1) The school district fails to meet any deadline 339
established pursuant to this section for the reporting of any data 340
to the education management information system; 341

(2) The school district fails to meet any deadline 342
established pursuant to this section for the correction of any 343
data reported to the education management information system; 344

(3) The school district reports data to the education 345
management information system in a condition, as determined by the 346
department, that indicates that the district did not make a good 347
faith effort in reporting the data to the system. 348

Any report made under this division shall include 349
recommendations for corrective action by the school district. 350

Upon making a report for the first time in a fiscal year, the 351
department shall withhold ten per cent of the total amount due 352
during that fiscal year under Chapter 3317. of the Revised Code to 353
the school district to which the report applies. Upon making a 354
second report in a fiscal year, the department shall withhold an 355
additional twenty per cent of such total amount due during that 356

fiscal year to the school district to which the report applies. 357
The department shall not release such funds unless it determines 358
that the district has taken corrective action. However, no such 359
release of funds shall occur if the district fails to take 360
corrective action within forty-five days of the date upon which 361
the report was made by the department. 362

(M) No data acquisition site or school district shall 363
acquire, change, or update its student administration software 364
package to manage and report data required to be reported to the 365
department unless it converts to a student software package that 366
is certified by the department. 367

(N) The state board of education, in accordance with sections 368
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 369
license as defined under division (A) of section 3319.31 of the 370
Revised Code that has been issued to any school district employee 371
found to have willfully reported erroneous, inaccurate, or 372
incomplete data to the education management information system. 373

(O) No person shall release or maintain any information about 374
any student in violation of this section. Whoever violates this 375
division is guilty of a misdemeanor of the fourth degree. 376

(P) The department shall disaggregate the data collected 377
under division (B)(1)(o) of this section according to the race and 378
socioeconomic status of the students assessed. No data collected 379
under that division shall be included on the report cards required 380
by section 3302.03 of the Revised Code. 381

(Q) If the department cannot compile any of the information 382
required by division (C)(5) of section 3302.03 of the Revised Code 383
based upon the data collected under this section, the department 384
shall develop a plan and a reasonable timeline for the collection 385
of any data necessary to comply with that division. 386

Sec. 3301.41. The department of education shall develop a 387
model policy to prohibit harassment, intimidation, or bullying in 388
order to assist school districts in developing their own policies 389
under section 3313.666 of the Revised Code. The department shall 390
issue the model policy within six months after the effective date 391
of this section. 392

Sec. 3302.03. (A) Annually the department of education shall 393
report for each school district and each school building in a 394
district all of the following: 395

(1) The extent to which the school district or building meets 396
each of the applicable performance indicators created by the state 397
board of education under section 3302.02 of the Revised Code and 398
the number of applicable performance indicators that have been 399
achieved; 400

(2) The performance index score of the school district or 401
building; 402

(3) Whether the school district or building has made adequate 403
yearly progress; 404

(4) Whether the school district or building is excellent, 405
effective, needs continuous improvement, is under an academic 406
watch, or is in a state of academic emergency. 407

(B)(1) A school district or building shall be declared 408
excellent if it fulfills one of the following requirements: 409

(a) It makes adequate yearly progress and either meets at 410
least ninety-four per cent of the applicable state performance 411
indicators or has a performance index score established by the 412
department. 413

(b) It has failed to make adequate yearly progress for not 414
more than two consecutive years and either meets at least 415

ninety-four per cent of the applicable state performance 416
indicators or has a performance index score established by the 417
department. 418

(2) A school district or building shall be declared effective 419
if it fulfills one of the following requirements: 420

(a) It makes adequate yearly progress and either meets at 421
least seventy-five per cent but less than ninety-four per cent of 422
the applicable state performance indicators or has a performance 423
index score established by the department. 424

(b) It does not make adequate yearly progress and either 425
meets at least seventy-five per cent of the applicable state 426
performance indicators or has a performance index score 427
established by the department, except that if it does not make 428
adequate yearly progress for three consecutive years, it shall be 429
declared in need of continuous improvement. 430

(3) A school district or building shall be declared to be in 431
need of continuous improvement if it fulfills one of the following 432
requirements: 433

(a) It makes adequate yearly progress, meets less than 434
seventy-five per cent of the applicable state performance 435
indicators, and has a performance index score established by the 436
department. 437

(b) It does not make adequate yearly progress and either 438
meets at least fifty per cent but less than seventy-five per cent 439
of the applicable state performance indicators or has a 440
performance index score established by the department. 441

(4) A school district or building shall be declared to be 442
under an academic watch if it does not make adequate yearly 443
progress and either meets at least thirty-one per cent but less 444
than fifty per cent of the applicable state performance indicators 445

or has a performance index score established by the department. 446

(5) A school district or building shall be declared to be in 447
a state of academic emergency if it does not make adequate yearly 448
progress, does not meet at least thirty-one per cent of the 449
applicable state performance indicators, and has a performance 450
index score established by the department. 451

(C)(1) The department shall issue annual report cards for 452
each school district, each building within each district, and for 453
the state as a whole reflecting performance on the indicators 454
created by the state board under section 3302.02 of the Revised 455
Code, the performance index score, and adequate yearly progress. 456

(2) The department shall include on the report card for each 457
district information pertaining to any change from the previous 458
year made by the school district or school buildings within the 459
district on any performance indicator. 460

(3) When reporting data on student performance, the 461
department shall disaggregate that data according to the following 462
categories: 463

(a) Performance of students by age group; 464

(b) Performance of students by race and ethnic group; 465

(c) Performance of students by gender; 466

(d) Performance of students grouped by those who have been 467
enrolled in a district or school for three or more years; 468

(e) Performance of students grouped by those who have been 469
enrolled in a district or school for more than one year and less 470
than three years; 471

(f) Performance of students grouped by those who have been 472
enrolled in a district or school for one year or less; 473

(g) Performance of students grouped by those who are 474

economically disadvantaged;	475
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	476 477 478
(i) Performance of students grouped by those who are classified as limited English proficient;	479 480
(j) Performance of students grouped by those who have disabilities;	481 482
(k) Performance of students grouped by those who are classified as migrants;	483 484
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	485 486 487
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	488 489 490 491 492 493
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	494 495 496 497 498 499 500
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	501 502 503
(5) The department shall include on each report card a list	504

of additional information collected by the department that is 505
available regarding the district or building for which the report 506
card is issued. When available, such additional information shall 507
include student mobility data disaggregated by race and 508
socioeconomic status, college enrollment data, and the reports 509
prepared under section 3302.031 of the Revised Code. 510

The department shall maintain a site on the world wide web. 511
The report card shall include the address of the site and shall 512
specify that such additional information is available to the 513
public at that site. The department shall also provide a copy of 514
each item on the list to the superintendent of each school 515
district. The district superintendent shall provide a copy of any 516
item on the list to anyone who requests it. 517

(6) For any district that sponsors a conversion community 518
school under Chapter 3314. of the Revised Code, the department 519
shall combine data regarding the academic performance of students 520
enrolled in the community school with comparable data from the 521
schools of the district for the purpose of calculating the 522
performance of the district as a whole on the report card issued 523
for the district. 524

(7) The department shall include on each report card the 525
percentage of teachers in the district or building who are highly 526
qualified, as defined by the "No Child Left Behind Act of 2001," 527
and a comparison of that percentage with the percentages of such 528
teachers in similar districts and buildings. 529

(8) The department shall include on the report card the 530
number of master teachers employed by each district and each 531
building once the data is available from the education management 532
information system established under section 3301.0714 of the 533
Revised Code. 534

(9) The department shall include on the report card the 535

number of incidents of harassment by students against other 536
students that violate the anti-harassment policy adopted by the 537
school district under section 3313.666 of the Revised Code by each 538
district and each building once the data is available from the 539
education management information system established under section 540
3301.0714 of the Revised Code. 541

(D)(1) In calculating reading, writing, mathematics, social 542
studies, or science proficiency or achievement test passage rates 543
used to determine school district or building performance under 544
this section, the department shall include all students taking a 545
test with accommodation or to whom an alternate assessment is 546
administered pursuant to division (C)(1) or (3) of section 547
3301.0711 of the Revised Code. 548

(2) In calculating performance index scores, rates of 549
achievement on the performance indicators established by the state 550
board under section 3302.02 of the Revised Code, and adequate 551
yearly progress for school districts and buildings under this 552
section, the department shall do all of the following: 553

(a) Include for each district or building only those students 554
who are included in the ADM certified for the first full school 555
week of October and are continuously enrolled in the district or 556
building through the time of the spring administration of any test 557
prescribed by section 3301.0710 of the Revised Code that is 558
administered to the student's grade level; 559

(b) Include cumulative totals from both the fall and spring 560
administrations of the third grade reading achievement test; 561

(c) Except as required by the "No Child Left Behind Act of 562
2001" for the calculation of adequate yearly progress, exclude for 563
each district or building any limited English proficient student 564
who has been enrolled in United States schools for less than one 565
full school year. 566

<u>Sec. 3313.666. (A) As used in this section, "harassment,</u>	567
<u>intimidation, or bullying" means any intentional gesture, or any</u>	568
<u>intentional written, verbal, or physical act or threat that a</u>	569
<u>student has exhibited toward other students more than once and the</u>	570
<u>behavior both:</u>	571
<u>(1) Has one or more of the following effects:</u>	572
<u>(a) Harming a student;</u>	573
<u>(b) Damaging a student's property;</u>	574
<u>(c) Placing a student in reasonable fear of harm to the</u>	575
<u>student's person;</u>	576
<u>(d) Placing a student in reasonable fear of damage to the</u>	577
<u>student's property.</u>	578
<u>(2) Is sufficiently severe, persistent, or pervasive that it</u>	579
<u>creates an intimidating, threatening, or abusive educational</u>	580
<u>environment for a student.</u>	581
<u>(B) The board of education of each city, local, exempted</u>	582
<u>village, and joint vocational school district shall establish a</u>	583
<u>policy prohibiting harassment, intimidation, or bullying. The</u>	584
<u>policy shall be developed in consultation with parents, school</u>	585
<u>employees, school volunteers, students, and community members. The</u>	586
<u>policy shall include, but need not be limited to, the following:</u>	587
<u>(1) A statement prohibiting harassment, intimidation, or</u>	588
<u>bullying of any student on school property or at school-sponsored</u>	589
<u>events;</u>	590
<u>(2) A definition of harassment, intimidation, or bullying</u>	591
<u>that shall include, at a minimum, the definition in division (A)</u>	592
<u>of this section;</u>	593
<u>(3) A procedure for reporting prohibited incidents;</u>	594
<u>(4) A requirement that school personnel report prohibited</u>	595

<u>incidents of which they are aware;</u>	596
<u>(5) A requirement that parents or guardians of any student</u>	597
<u>involved in a prohibited incident be notified and, to the extent</u>	598
<u>permitted by section 3319.321 of the Revised Code and the "Family</u>	599
<u>Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20</u>	600
<u>U.S.C. 1232g, as amended, have access to any written reports</u>	601
<u>pertaining to the prohibited incident;</u>	602
<u>(6) A procedure for documenting any prohibited incident that</u>	603
<u>is reported;</u>	604
<u>(7) A procedure for responding to and investigating any</u>	605
<u>reported incident;</u>	606
<u>(8) A strategy for protecting a victim from additional</u>	607
<u>harassment, intimidation, or bullying, and from retaliation</u>	608
<u>following a report;</u>	609
<u>(9) A disciplinary procedure for any student guilty of</u>	610
<u>harassment, intimidation, or bullying.</u>	611
<u>(C) Each district board shall adopt its policy and submit a</u>	612
<u>copy of the policy to the state superintendent of public</u>	613
<u>instruction within nine months after the effective date of this</u>	614
<u>section.</u>	615
<u>(D) Each board's policy shall appear in any student</u>	616
<u>handbooks, and in any of the publications that set forth the</u>	617
<u>comprehensive rules, procedures, and standards of conduct for</u>	618
<u>schools and students in the district. Information regarding the</u>	619
<u>policy shall be incorporated into employee training materials.</u>	620
<u>(E) Except as provided in division (B)(5) of this section,</u>	621
<u>and except for aggregate data reported under sections 3301.0714</u>	622
<u>and 3302.03 of the Revised Code, any data that is collected or</u>	623
<u>maintained relating to an incident reported pursuant to this</u>	624
<u>section is confidential and is not a public record for the</u>	625

purposes of section 149.43 of the Revised Code. 626

(F) A school district employee, student, or volunteer shall 627
be individually immune from liability in a civil action for 628
damages arising from reporting an incident in accordance with a 629
policy adopted pursuant to this section if that person reports an 630
incident of harassment, intimidation, or bullying promptly in good 631
faith and in compliance with the procedures as specified in the 632
policy. 633

(G) Except as provided in division (F) of this section, 634
nothing in this section prohibits a victim from seeking redress 635
under any other provision of the Revised Code or common law that 636
may apply. 637

Sec. 3313.667. (A) Any school district may form bullying 638
prevention task forces, programs, and other initiatives involving 639
volunteers, parents, law enforcement, and community members. 640

(B) To the extent that state or federal funds are 641
appropriated for these purposes, each school district shall: 642

(1) Provide training, workshops, or courses on the district's 643
harassment, intimidation, or bullying policy adopted pursuant to 644
section 3313.666 of the Revised Code to school employees and 645
volunteers who have direct contact with students. Time spent by 646
school employees in the training, workshops, or courses shall 647
apply towards any state- or district-mandated continuing education 648
requirements. 649

(2) Develop a process for educating students about the 650
policy. 651

Section 2. That existing sections 3301.0714 and 3302.03 of 652
the Revised Code are hereby repealed. 653

Section 3. Section 117.53 of the Revised Code, as enacted by 654

this act, shall take effect one year after the effective date of
this act.

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