

As Introduced

128th General Assembly
Regular Session
2009-2010

H. B. No. 520

Representatives Garland, Harris

Cosponsors: Representatives Pillich, Domenick, Yuko, Hagan, Stewart,
Brown

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A BILL

To amend sections 3313.666, 3313.667, and 3319.073 of
the Revised Code to require that public school
bullying policies prohibit bullying by electronic
means and address certain acts that occur off
school property and to require staff training on
the bullying policy.

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

Section 1. That sections 3313.666, 3313.667, and 3319.073 of
the Revised Code be amended to read as follows:

Sec. 3313.666. (A) As used in this section, ~~"harassment":~~

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

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

~~(1)~~(a) Any intentional written, verbal, electronic, or
physical act that a student has exhibited toward another
particular student more than once and the behavior both:

(a)(i) Causes mental or physical harm to the other student;	18
(b)(ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.	19 20 21
(2)(b) Violence within a dating relationship.	22
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish <u>and annually review</u> 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:	23 24 25 26 27 28
(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or <u>a school bus</u> , at school-sponsored events, <u>or, if the harassment, intimidation, or bullying materially or substantially disrupts the educational environment and discipline of the school, off school property and expressly providing for the possibility of suspension of a student found guilty of harassment, intimidation, or bullying by an electronic act;</u>	29 30 31 32 33 34 35 36
(2) A definition of harassment, intimidation, or bullying that shall include <u>includes</u> the definition in division (A) of this section;	37 38 39
(3) A procedure for reporting prohibited incidents;	40
(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;	41 42 43
(5) A requirement that parents or guardians 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	44 45 46 47

U.S.C. 1232q, as amended, have access to any written reports 48
pertaining to the prohibited incident; 49

(6) A procedure for documenting any prohibited incident that 50
is reported; 51

(7) A procedure for responding to and investigating any 52
reported incident; 53

(8) A strategy for protecting a victim or other person from 54
new or additional harassment, intimidation, or bullying, and from 55
retaliation following a report, including a means by which a 56
person may report an incident anonymously; 57

(9) A disciplinary procedure for any student guilty of 58
harassment, intimidation, or bullying, which shall not infringe on 59
any student's rights under the first amendment to the Constitution 60
of the United States; 61

(10) A statement prohibiting students from deliberately 62
making false reports of harassment, intimidation, or bullying and 63
a disciplinary procedure for any student guilty of deliberately 64
making a false report of that nature; 65

(11) A requirement that the district administration 66
semiannually provide the president of the district board a written 67
summary of all reported incidents and post the summary on its web 68
site, if the district has a web site, to the extent permitted by 69
section 3319.321 of the Revised Code and the "Family Educational 70
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. ~~1232q~~ 71
1232q, as amended. 72

(C) Each board's policy shall appear in any student 73
handbooks, and in any of the publications that set forth the 74
comprehensive rules, procedures, and standards of conduct for 75
schools and students in the district. The policy and an 76
explanation of the seriousness of bullying by electronic means 77
shall be made available to students in the district and to their 78

parents and guardians. Information regarding the policy shall be 79
incorporated into employee training materials. 80

(D) A school district employee, student, or volunteer shall 81
be individually immune from liability in a civil action for 82
damages arising from reporting an incident in accordance with a 83
policy adopted pursuant to this section if that person reports an 84
incident of harassment, intimidation, or bullying promptly in good 85
faith and in compliance with the procedures as specified in the 86
policy. 87

(E) Except as provided in division (D) of this section, 88
nothing in this section prohibits a victim from seeking redress 89
under any other provision of the Revised Code or common law that 90
may apply. 91

(F) This section does not create a new cause of action or a 92
substantive legal right for any person. 93

(G) Not later than ~~six months after the effective date of~~ 94
~~this amendment~~ September 29, 2010, each board shall update the 95
policy adopted under this section to include violence within a 96
dating relationship. Not later than six months after the effective 97
date of this amendment, each board shall update the policy to 98
include harassment, intimidation, or bullying by electronic means. 99

Sec. 3313.667. (A) Any school district may form bullying 100
prevention task forces, programs, and other initiatives involving 101
volunteers, parents, law enforcement, and community members. 102

(B) To the extent that state or federal funds are 103
appropriated for these purposes, each school district shall: 104

(1) Provide training, workshops, or courses on the district's 105
harassment, intimidation, or bullying policy adopted pursuant to 106
section 3313.666 of the Revised Code to school employees and 107
volunteers who have direct contact with students and are not 108

subject to section 3319.073 of the Revised Code. Time spent by 109
school employees in the training, workshops, or courses shall 110
apply towards any state- or district-mandated continuing education 111
requirements. 112

(2) Develop a process for educating students about the 113
policy. 114

(C) This section does not create a new cause of action or a 115
substantive legal right for any person. 116

Sec. 3319.073. (A) The board of education of each city and 117
exempted village school district and the governing board of each 118
educational service center shall adopt or adapt the curriculum 119
developed by the department of education for, or shall develop in 120
consultation with public or private agencies or persons involved 121
in child abuse prevention or intervention programs, a program of 122
in-service training in the prevention of child abuse, violence, 123
and substance abuse and the promotion of positive youth 124
development. Each person employed by any school district or 125
service center to work in a school as a nurse, teacher, counselor, 126
school psychologist, or administrator shall complete at least four 127
hours of the in-service training within two years of commencing 128
employment with the district or center, and every five years 129
thereafter. A person who is employed by any school district or 130
service center to work in an elementary school as a nurse, 131
teacher, counselor, school psychologist, or administrator on March 132
30, 2007, shall complete at least four hours of the in-service 133
training not later than March 30, 2009, and every five years 134
thereafter. A person who is employed by any school district or 135
service center to work in a middle or high school as a nurse, 136
teacher, counselor, school psychologist, or administrator on 137
October 16, 2009, shall complete at least four hours of the 138
in-service training not later than October 16, 2011, and every 139

five years thereafter. 140

(B) Each board shall incorporate training in school safety 141
and violence prevention into the in-service training required by 142
division (A) of this section. For this purpose, the board shall 143
adopt or adapt the curriculum developed by the department or shall 144
develop its own curriculum in consultation with public or private 145
agencies or persons involved in school safety and violence 146
prevention programs. 147

(C) Each board shall incorporate training on the board's 148
harassment, intimidation, or bullying policy adopted under section 149
3313.666 of the Revised Code into the in-service training required 150
by division (A) of this section. Each board also shall incorporate 151
training in the prevention of dating violence into the in-service 152
training required by that ~~division (A) of this section~~ for middle 153
and high school employees. The board shall develop its own 154
~~curriculum~~ curricula for ~~this purpose~~ these purposes. 155

Section 2. That existing sections 3313.666, 3313.667, and 156
3319.073 of the Revised Code are hereby repealed. 157

Section 3. Not later than six months after the effective date 158
of this section, the State Board of Education shall update its 159
model policy to prohibit harassment, intimidation, or bullying 160
adopted under section 3301.22 of the Revised Code to include 161
harassment, intimidation, or bullying by electronic means. 162