

As Introduced

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S. B. No. 126

Senator Fedor

**Cosponsors: Senators Turner, Cafaro, Schiavoni, Morano, Kearney, Sawyer,
Miller, D.**

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A B I L L

To amend sections 2921.22, 3313.666, and 3313.667 of	1
the Revised Code to prohibit school administrators	2
from knowingly failing to report to law	3
enforcement authorities menacing by stalking or	4
telecommunications harassment that occurs on	5
school grounds, to require a board of education to	6
adopt a policy that prohibits bullying by	7
electronic means, to require a school district's	8
harassment policy to address acts that occur off	9
school property but materially disrupt the	10
educational environment of the school, to require	11
a school district annually to provide training on	12
the district's bullying policy for district	13
employees and volunteers, and to require a school	14
district to notify parents or guardians of	15
students if the annual training is not completed.	16

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

Section 1. That sections 2921.22, 3313.666, and 3313.667 of	17
the Revised Code be amended to read as follows:	18

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 19
this section, no person, knowing that a felony has been or is 20
being committed, shall knowingly fail to report such information 21
to law enforcement authorities. 22

(2) No person, knowing that a violation of division (B) of 23
section 2913.04 of the Revised Code has been, or is being 24
committed or that the person has received information derived from 25
such a violation, shall knowingly fail to report the violation to 26
law enforcement authorities. 27

(3) No person who holds an administrator license issued under 28
the authority of section 3319.22 of the Revised Code and is 29
employed as an administrator by a city, local, exempted village, 30
or joint vocational school district, knowing that a violation of 31
section 2903.211 or 2917.21 of the Revised Code has been or is 32
being committed on school premises, as defined in section 2925.01 33
of the Revised Code, of the school district or a school bus 34
operated by the school district or at a school-sponsored event of 35
the school district shall knowingly fail to report the violation 36
to law enforcement authorities. 37

(B) Except for conditions that are within the scope of 38
division (E) of this section, no physician, limited practitioner, 39
nurse, or other person giving aid to a sick or injured person 40
shall negligently fail to report to law enforcement authorities 41
any gunshot or stab wound treated or observed by the physician, 42
limited practitioner, nurse, or person, or any serious physical 43
harm to persons that the physician, limited practitioner, nurse, 44
or person knows or has reasonable cause to believe resulted from 45
an offense of violence. 46

(C) No person who discovers the body or acquires the first 47
knowledge of the death of a person shall fail to report the death 48
immediately to a physician whom the person knows to be treating 49

the deceased for a condition from which death at such time would 50
not be unexpected, or to a law enforcement officer, an ambulance 51
service, an emergency squad, or the coroner in a political 52
subdivision in which the body is discovered, the death is believed 53
to have occurred, or knowledge concerning the death is obtained. 54

(D) No person shall fail to provide upon request of the 55
person to whom a report required by division (C) of this section 56
was made, or to any law enforcement officer who has reasonable 57
cause to assert the authority to investigate the circumstances 58
surrounding the death, any facts within the person's knowledge 59
that may have a bearing on the investigation of the death. 60

(E)(1) As used in this division, "burn injury" means any of 61
the following: 62

(a) Second or third degree burns; 63

(b) Any burns to the upper respiratory tract or laryngeal 64
edema due to the inhalation of superheated air; 65

(c) Any burn injury or wound that may result in death; 66

(d) Any physical harm to persons caused by or as the result 67
of the use of fireworks, novelties and trick noisemakers, and wire 68
sparklers, as each is defined by section 3743.01 of the Revised 69
Code. 70

(2) No physician, nurse, or limited practitioner who, outside 71
a hospital, sanitarium, or other medical facility, attends or 72
treats a person who has sustained a burn injury that is inflicted 73
by an explosion or other incendiary device or that shows evidence 74
of having been inflicted in a violent, malicious, or criminal 75
manner shall fail to report the burn injury immediately to the 76
local arson, or fire and explosion investigation, bureau, if there 77
is a bureau of this type in the jurisdiction in which the person 78
is attended or treated, or otherwise to local law enforcement 79
authorities. 80

(3) No manager, superintendent, or other person in charge of 81
a hospital, sanitarium, or other medical facility in which a 82
person is attended or treated for any burn injury that is 83
inflicted by an explosion or other incendiary device or that shows 84
evidence of having been inflicted in a violent, malicious, or 85
criminal manner shall fail to report the burn injury immediately 86
to the local arson, or fire and explosion investigation, bureau, 87
if there is a bureau of this type in the jurisdiction in which the 88
person is attended or treated, or otherwise to local law 89
enforcement authorities. 90

(4) No person who is required to report any burn injury under 91
division (E)(2) or (3) of this section shall fail to file, within 92
three working days after attending or treating the victim, a 93
written report of the burn injury with the office of the state 94
fire marshal. The report shall comply with the uniform standard 95
developed by the state fire marshal pursuant to division (A)(15) 96
of section 3737.22 of the Revised Code. 97

(5) Anyone participating in the making of reports under 98
division (E) of this section or anyone participating in a judicial 99
proceeding resulting from the reports is immune from any civil or 100
criminal liability that otherwise might be incurred or imposed as 101
a result of such actions. Notwithstanding section 4731.22 of the 102
Revised Code, the physician-patient relationship is not a ground 103
for excluding evidence regarding a person's burn injury or the 104
cause of the burn injury in any judicial proceeding resulting from 105
a report submitted under division (E) of this section. 106

(F)(1) Any doctor of medicine or osteopathic medicine, 107
hospital intern or resident, registered or licensed practical 108
nurse, psychologist, social worker, independent social worker, 109
social work assistant, professional clinical counselor, or 110
professional counselor who knows or has reasonable cause to 111
believe that a patient or client has been the victim of domestic 112

violence, as defined in section 3113.31 of the Revised Code, shall 113
note that knowledge or belief and the basis for it in the 114
patient's or client's records. 115

(2) Notwithstanding section 4731.22 of the Revised Code, the 116
doctor-patient privilege shall not be a ground for excluding any 117
information regarding the report containing the knowledge or 118
belief noted under division (F)(1) of this section, and the 119
information may be admitted as evidence in accordance with the 120
Rules of Evidence. 121

(G) Divisions (A) and (D) of this section do not require 122
disclosure of information, when any of the following applies: 123

(1) The information is privileged by reason of the 124
relationship between attorney and client; doctor and patient; 125
licensed psychologist or licensed school psychologist and client; 126
member of the clergy, rabbi, minister, or priest and any person 127
communicating information confidentially to the member of the 128
clergy, rabbi, minister, or priest for a religious counseling 129
purpose of a professional character; husband and wife; or a 130
communications assistant and those who are a party to a 131
telecommunications relay service call. 132

(2) The information would tend to incriminate a member of the 133
actor's immediate family. 134

(3) Disclosure of the information would amount to revealing a 135
news source, privileged under section 2739.04 or 2739.12 of the 136
Revised Code. 137

(4) Disclosure of the information would amount to disclosure 138
by a member of the ordained clergy of an organized religious body 139
of a confidential communication made to that member of the clergy 140
in that member's capacity as a member of the clergy by a person 141
seeking the aid or counsel of that member of the clergy. 142

(5) Disclosure would amount to revealing information acquired 143

by the actor in the course of the actor's duties in connection 144
with a bona fide program of treatment or services for drug 145
dependent persons or persons in danger of drug dependence, which 146
program is maintained or conducted by a hospital, clinic, person, 147
agency, or organization certified pursuant to section 3793.06 of 148
the Revised Code. 149

(6) Disclosure would amount to revealing information acquired 150
by the actor in the course of the actor's duties in connection 151
with a bona fide program for providing counseling services to 152
victims of crimes that are violations of section 2907.02 or 153
2907.05 of the Revised Code or to victims of felonious sexual 154
penetration in violation of former section 2907.12 of the Revised 155
Code. As used in this division, "counseling services" include 156
services provided in an informal setting by a person who, by 157
education or experience, is competent to provide those services. 158

(H) No disclosure of information pursuant to this section 159
gives rise to any liability or recrimination for a breach of 160
privilege or confidence. 161

(I) Whoever violates division (A) or (B) of this section is 162
guilty of failure to report a crime. Violation of division (A)(1) 163
of this section is a misdemeanor of the fourth degree. Violation 164
of division (A)(2) or (B) of this section is a misdemeanor of the 165
second degree. 166

(J) Whoever violates division (C) or (D) of this section is 167
guilty of failure to report knowledge of a death, a misdemeanor of 168
the fourth degree. 169

(K)(1) Whoever negligently violates division (E) of this 170
section is guilty of a minor misdemeanor. 171

(2) Whoever knowingly violates division (E) of this section 172
is guilty of a misdemeanor of the second degree. 173

Sec. 3313.666. (A) As used in this section, ~~"harassment:~~ 174

(1) "Electronic act" means an act committed through the use 175
of a cellular telephone, computer, pager, personal communication 176
device, or other electronic communication device. 177

(2) "Harassment, intimidation, or bullying" means any 178
intentional written, verbal, electronic, or physical act that a 179
student has exhibited toward another particular student more than 180
once and the behavior both: 181

~~(1)~~(a) Causes mental or physical harm to the other student; 182

~~(2)~~(b) Is sufficiently severe, persistent, or pervasive that 183
it creates an intimidating, threatening, or abusive educational 184
environment for the other student. 185

(B) The board of education of each city, local, exempted 186
village, and joint vocational school district shall establish and 187
annually review a policy prohibiting harassment, intimidation, or 188
bullying. The policy shall be developed in consultation with 189
parents, school employees, school volunteers, students, and 190
community members. The policy shall include the following: 191

(1) A statement prohibiting harassment, intimidation, or 192
bullying of any student on school property or a school bus, at 193
school-sponsored events, or, if the harassment, intimidation, or 194
bullying materially or substantially disrupts the educational 195
environment and discipline of the school, off school property and 196
expressly providing for the possibility of suspension of a student 197
found guilty of harassment, intimidation, or bullying by an 198
electronic act; 199

(2) A definition of harassment, intimidation, or bullying 200
that ~~shall include~~ includes the definition in division (A) of this 201
section; 202

(3) A procedure for reporting prohibited incidents; 203

(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;

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

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

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

(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;

(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;

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

(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. 1232q, as

amended. 235

(C) Each board's policy shall appear in any student 236
handbooks, and in any of the publications that set forth the 237
comprehensive rules, procedures, and standards of conduct for 238
schools and students in the district. The policy and an 239
explanation of the seriousness of bullying by electronic means 240
shall be made available to students in the district and to their 241
parents and guardians. Information regarding the policy shall be 242
incorporated into employee training materials. 243

(D) A school district employee, student, or volunteer shall 244
be individually immune from liability in a civil action for 245
damages arising from reporting an incident in accordance with a 246
policy adopted pursuant to this section if that person reports an 247
incident of harassment, intimidation, or bullying promptly in good 248
faith and in compliance with the procedures as specified in the 249
policy. 250

(E) Except as provided in division (D) of this section, 251
nothing in this section prohibits a victim from seeking redress 252
under any other provision of the Revised Code or common law that 253
may apply. 254

(F) Any school district may form bullying prevention task 255
forces, programs, and other initiatives involving volunteers, 256
parents, law enforcement, and community members. 257

(G) This section does not create a new cause of action or a 258
substantive legal right for any person. 259

Sec. 3313.667. (A) ~~Any school district may form bullying~~ 260
~~prevention task forces, programs, and other initiatives involving~~ 261
~~volunteers, parents, law enforcement, and community members~~ As 262
used in this section, "school year" means the year beginning on 263
the first day of July and ending on the thirtieth day of June. 264

(B) ~~To the extent that state or federal funds are~~ 265
~~appropriated for these purposes, each~~ Each school district shall: 266

(1) Provide training, ~~workshops, or courses~~ each school year 267
on the district's harassment, intimidation, or bullying policy 268
adopted pursuant to section 3313.666 of the Revised Code to school 269
employees and volunteers who have direct contact with students and 270
complete the training for each school year by the thirty-first day 271
of December of that school year. ~~Time spent by school employees in~~ 272
~~the training, workshops, or courses shall apply towards any state-~~ 273
~~or district mandated continuing education requirements.~~ 274

(2) Develop a process for educating students about the 275
policy. 276

(C) ~~This~~ If a school district fails to conduct for any school 277
year the annual training required by division (B) of this section 278
by the thirty-first day of December of that school year, the 279
district, not later than the thirtieth day of January of the 280
school year, shall send a notice by ordinary mail to the parents 281
or guardians of each student enrolled in a school in the district 282
for which the district has not completed the training. The notice 283
shall include a statement that the district did not complete the 284
training required by section 3313.667 of the Revised Code and 285
shall be clearly distinguishable from other information sent to 286
parents or guardians. 287

(D) If a school district fails to comply with both division 288
(B) and division (C) of this section, a parent or guardian of any 289
student enrolled in a school in the district may apply to a court 290
of common pleas having territorial jurisdiction over any portion 291
of the district for an order compelling the district to comply 292
with division (B) or (C) of this section or granting other 293
equitable relief. 294

(E) Except as provided in division (D) of this section, this 295

section does not create a new cause of action or a substantive 296
legal right for any person. 297

(F) Time spent by school employees in training provided 298
pursuant to division (B)(1) of this section shall apply towards 299
any state-mandated or district-mandated continuing education 300
requirements. 301

Section 2. That existing sections 2921.22, 3313.666, and 302
3313.667 of the Revised Code are hereby repealed. 303