

**As Introduced**

**129th General Assembly  
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**H. B. No. 155**

**Representatives Fedor, Garland**

**Cosponsors: Representatives Pillich, Yuko, Hagan, R., Murray, Milkovich,  
Antonio, Letson, Maag, Patmon, Williams, Schuring, Gerberry, Clyde**

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**A B I L L**

To amend sections 3313.666, 3313.667, and 3319.073 of 1  
the Revised Code to enact the "Jessica Logan Act" 2  
to require that public school bullying policies 3  
prohibit bullying by electronic means and address 4  
certain acts that occur off school property and to 5  
require staff training on the bullying policy. 6

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

**Section 1.** That sections 3313.666, 3313.667, and 3319.073 of 7  
the Revised Code be amended to read as follows: 8

**Sec. 3313.666.** (A) As used in this section, ~~"harassment:~~ 9

(1) "Electronic act" means an act committed through the use 10  
of a cellular telephone, computer, pager, personal communication 11  
device, or other electronic communication device. 12

(2) "Harassment, intimidation, or bullying" means either of 13  
the following: 14

~~(1)~~(a) Any intentional written, verbal, electronic, or 15  
physical act that a student has exhibited toward another 16  
particular student more than once and the behavior both: 17

<del>(a)(i)</del> Causes mental or physical harm to the other student;	18
<del>(b)(ii)</del> Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.	19 20 21
<del>(2)(b)</del> 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 <del>shall include</del> <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. ~~1232e~~ 1232g, 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. ~~1232e~~ 71  
1232g, 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

**Section 4.** This act shall be known as the "Jessica Logan 163  
Act." 164