

As Introduced

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S. B. No. 127

Senator Schiavoni

Cosponsors: Senators Cafaro, Turner, Tavares, Skindell, Sawyer

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A B I L L

To amend sections 3313.666, 3313.667, and 3319.073 of
the Revised Code to enact the "Jessica Logan Act"
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.

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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:

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

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

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

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~~(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:

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

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

~~(2)(b)~~ Violence within a dating relationship.

(B) The board of education of each city, local, exempted
village, and joint vocational school district shall establish and
annually review 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:

(1) A statement prohibiting harassment, intimidation, or
bullying of any student on school property or a school bus, at
school-sponsored events, 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;

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

(3) A procedure for reporting prohibited incidents;

(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. ~~1232g~~ 1232g, 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. ~~1232e~~ 1232g, as amended.

(C) Each board's policy shall appear in any student handbooks⁷ 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 parents and guardians. Information regarding the policy shall be incorporated into employee training materials.

(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 requirements. 111 112

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

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

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