



Ohio Legislative Service Commission

Bill Analysis

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H.B. 83

128th General Assembly
(As Introduced)

Reps. Boyd, Hagan, Yuko, B. Williams, Harris, Mallory

BILL SUMMARY

- Requires public school employees and private school bus operators to report to school principals or chief administrative officers known assaults at school or school events or on school buses.
- Requires school district principals to notify the district superintendent of reported assaults.
- Requires school district superintendents and community school or STEM school principals or chief administrative officers to notify law enforcement authorities of reported assaults.
- Grants immunity from civil liability for a district or community school or STEM school employee, principal, chief administrative officer, superintendent, or private school bus operator who makes a good faith report or other notification of an assault.
- Exempts from the criminal offenses of not reporting a felony and of not providing information surrounding a death for an employee of a school district, community school, STEM school, or private school bus operator in the case of an assault that the employee is required to make to a school principal or chief administrative officer.

CONTENT AND OPERATION

Reporting assaults

(R.C. 3313.668, 3314.39, and 3326.26)

The bill requires an employee of a school district, community school, or STEM school,¹ or a "private school bus operator"² to report to a school principal or chief administrative officer "any assault" known to that person on a student, district or school employee, or private school bus operator and that occurs in or on the premises of a school operated by the district, community school, or STEM school, during a school-sponsored event held off school property, or on a school bus transporting students.³

In the case of reports by a school district employee or a "private school bus operator," the bill report must be made as follows:

(1) If the victim of the assault is a student enrolled in a district-operated school, to the principal of the school at which the assault occurred or, if the assault occurred off district property or on a school bus, to the principal of the school the student attends;

(2) If the victim of the assault is a student enrolled in a community school, a STEM school, or a nonpublic school, to the principal of any school in the district. A student from a community school, STEM school, or nonpublic school might be at a district-operated school for interscholastic events. Also a school district is required by statute to provide transportation to and from school for some students who reside in the district but who attend community schools, STEM schools, and nonpublic schools.⁴

¹ "STEM" is an acronym for "science, technology, engineering, and mathematics." Current law provides for the establishment of separate public STEM schools to provide rigorous, integrated, project-based curricula for any of grades 6 to 12 emphasizing STEM disciplines. Each STEM school is operated through a collaborative agreement among public and private entities including at least one school district. (R.C. Chapter 3326.)

² The bill defines a "private school bus operator" as a school bus operator employed by a private entity to provide transportation services for a school district pursuant to a contract with the district (R.C. 3313.668).

³ Under the Criminal Code, simple "assault" is knowingly causing or attempting to cause physical harm, or recklessly causing serious physical harm, to another person or to another's unborn. It is generally a first degree misdemeanor, but if the victim is a school teacher, administrator, or bus driver and the assault occurs at school, on a school bus, or at an official school function, it is a fifth degree felony (R.C. 2903.13(A) and (C)(1) and (2)(e), not in the bill). More serious assault offenses recognized in the Criminal Code are "felonious assault" and "aggravated assault" (R.C. 2903.11 and 2903.12, neither in the bill).

⁴⁴ R.C. 3314.09, 3326.20, and 3327.01, none in the bill.

(3) If the victim of the assault is an employee of the district, to the principal of the school at which the assault occurred or, if the assault occurred off district property or on a school bus, to the principal of the school to which the employee is assigned;

(4) If the victim of the assault is a private school bus operator, to the principal of any district-operated school.

In the case of reports by an employee working at a community school, the requirement applies equally to persons employed directly by the school or those employed by the school's operator, if it has one. Many community schools contract with private nonprofit or for-profit entities to manage daily operations. These operators often employ their own staff.⁵

When a school district principal receives a report of an assault under the bill, within 24 hours of receiving that report, the principal must provide a written summary of the incident to the district superintendent. The superintendent, then, must immediately notify law enforcement authorities. When a community school or STEM school principal or chief administrative officer receives a report of an assault, that principal or officer must immediately notify law enforcement authorities.

If the alleged perpetrator is a student enrolled in the district, community school, or STEM school, the district superintendent, community school principal or chief administrative officer, or STEM school chief administrative officer must initiate disciplinary actions against the student.⁶ Also, within seven school days after receiving the written summary or report, the superintendent must notify the district board of education, the community school principal or chief administrative officer must notify the school's governing authority, and the STEM school chief administrative officer must notify the school's governing body of the incident. That notice must include notation of whether law enforcement authorities are conducting an investigation and of any school disciplinary actions that are being taken against the student.

⁵ See R.C. 3314.014(A), not in the bill.

⁶ Each school district, community school, and STEM school must have a student code of conduct (R.C. 3313.661, not in the bill). Violators of the code of conduct may be subject to in-school discipline or suspension for up to ten days or longer-term expulsions. Suspensions and expulsions require prior notice, an opportunity to be heard on the matter, and a right to appeal to the district board or school governing authority (R.C. 3313.66, not in the bill). (R.C. 3313.66 and 3313.661 apply to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill.)

Discipline for failing to report

The bill provides that if a school district employee fails to report an assault or a principal fails to provide a written summary of an assault to the district superintendent, the superintendent and the district board jointly must determine any disciplinary actions that should be taken against the employee or principal. Also, if a superintendent fails to notify law enforcement authorities of an assault, the district board must determine any disciplinary actions that should be taken against the superintendent. Similarly, if an employee of a community school or of its operator fails to report an assault or a principal or chief administrative officer fails to notify law enforcement authorities of an assault, the governing authority of the school must determine any disciplinary actions that should be taken against the employee, principal, or chief administrative officer. Finally, if a STEM school employee fails to report an assault or a chief administrative officer fails to notify law enforcement authorities, the governing body of the school must determine any disciplinary actions that should be taken against the employee or chief administrative officer.

Civil immunity

The bill specifies that any district or community school or STEM school employee, principal, chief administrative officer, superintendent, or private school bus operator, who makes a good faith report or other notification of an assault, as required under the bill, is individually immune from liability in a civil action for damages arising from the report or notification.

Exemption from the criminal penalty for not reporting a crime or death

(R.C. 2921.22)

Current law requires a person who knows that a felony has been or is being committed to report that information to law enforcement authorities. Current law also generally requires someone who has knowledge of facts surrounding the death of another person, upon request, to provide that information to a law enforcement officer or other investigator. In either case, it is a fourth degree misdemeanor to fail to comply with the law.

The law also provides numerous exceptions to the general requirements to report a crime or a death. The bill adds an exemption for an employee of a school district, community school, STEM school, or private school bus operator for the report of any assault that the employee is required to make to a school principal or chief administrative officer under the bill. In other words, because the employee must report the assault to the principal or chief administrative officer, the employee does not have to report the assault directly to law enforcement authorities as otherwise provided. It is

then the responsibility of the district superintendent or the community school or STEM school principal or chief administrative officer, as described above, to report the assault to law enforcement authorities.

HISTORY

ACTION	DATE
Introduced	03-18-09

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