



Ohio Legislative Service Commission

Bill Analysis

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H.B. 520

128th General Assembly
(As Introduced)

Reps. Garland and Harris, Pillich, Domenick, Yuko, Hagan, Stewart, Brown

BILL SUMMARY

- Requires school districts, community schools, and STEM schools to expand their existing student anti-harassment policies to cover incidents of harassment, intimidation, or bullying that occur (1) on school buses or (2) off of school property and materially disrupt the educational environment and discipline of the school.
- Requires the anti-harassment policies to prohibit harassment, intimidation, or bullying by electronic means (cyberbullying).
- Specifies that the anti-harassment policies must include the following: (1) a statement providing for possible suspension of students who engage in cyberbullying, (2) means for making anonymous reports of incidents of harassment, intimidation, or bullying, (3) disciplinary procedures for students who make false reports, and (4) strategies for protecting other persons (in addition to the victim, as in current law) from harassment or retaliation after a report has been made.
- Directs school districts, community schools, and STEM schools to review their anti-harassment policies annually.
- Requires school districts, community schools, STEM schools, and educational service centers to provide training on their anti-harassment policies as a part of the in-service training required for all teachers, administrators, counselors, nurses, and school psychologists.

CONTENT AND OPERATION

School anti-harassment policies

(R.C. 3313.666)

Background--current law

Current law requires each school district, community (charter) school, and STEM school to adopt a policy prohibiting student harassment, intimidation, or bullying on school property or at school-sponsored events.¹ "Harassment, intimidation, or bullying" is defined as:

(1) "Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both: (a) causes mental or physical harm to the other student [and] (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student"; or

(2) "Violence within a dating relationship."²

The anti-harassment policy must include procedures for reporting and responding to prohibited incidents, procedures for notifying parents of students involved in a prohibited incident, strategies for protecting victims from retaliation or additional harassment after a report, and disciplinary procedures for perpetrators.

The bill

The bill makes several changes to the requirements for anti-harassment policies in public schools. First, it expressly adds school buses to the school-related locations where student harassment, intimidation, or bullying must be prohibited under the policy. Moreover, it specifies that prohibited incidents that occur off of school property also are covered by the policy, if the off-site harassment, intimidation, or bullying "materially or substantially" disrupts the educational environment and discipline of the school.³

¹ R.C. 3314.03(A)(11)(d), 3313.666(B), and 3326.11 (first and last sections not in the bill). A STEM school is a public science, technology, engineering, and math school that operates under the direction of its own governing body (see R.C. Chapter 3326.).

² R.C. 3313.666(A).

³ Current law, not changed by the bill, authorizes a district board to include in its student code of conduct discipline for misconduct "that occurs off of property owned or controlled by the district but that is

Second, it expands the definition of "harassment, intimidation, or bullying" to account for cyberbullying techniques by specifically including acts committed through the use of a cell phone, computer, pager, personal communication device, or other electronic communication device. It also requires the anti-harassment policy to contain a statement expressly providing for the possibility of suspension for a student who engages in cyberbullying. Each school district, community school, and STEM school must update its anti-harassment policy to include cyberbullying not later than six months after the bill's effective date.

Third, the bill requires the anti-harassment policy to include the following additional elements:

(1) A means for a person to make an anonymous report of harassment, intimidation, or bullying;

(2) A strategy for protecting other students or persons, not just the victim of the incident, after a report has been made; and

(3) A prohibition against students deliberately making false reports of prohibited incidents and a disciplinary procedure for students who make false reports.

Finally, the bill requires each school district, community school, and STEM school to review its entire anti-harassment policy annually. The district or school also must make its policy and an explanation of the seriousness of cyberbullying available to all students and their parents.

Employee training on anti-harassment policies

(R.C. 3313.667 and 3319.073)

Under current law, to the extent that state or federal funds are appropriated for these purposes, school districts, community schools, and STEM schools must (1) provide training on their anti-harassment policies for school employees and volunteers who have direct contact with students and (2) develop a process for educating students about the policies.⁴

connected to activities or incidents that have occurred on property owned or controlled by that district" and for misconduct "regardless of where it occurs [that is] directed at a district official or employee, or the property of such official or employee" (R.C. 3313.661(A), not in the bill). These provisions also apply to community schools and STEM schools (R.C. 3314.03(A)(11)(d) and 3326.11, neither section in the bill).

⁴ Under continuing law, districts and schools also are authorized to form bullying prevention task forces and other initiatives involving volunteers, parents, law enforcement personnel, and community members. (R.C. 3313.667.)

The bill makes anti-harassment policy training for several categories of school employees mandatory, regardless of available funding. It does so by making it part of a school's existing in-service training on school safety and violence prevention. Specifically, the bill requires school districts, community schools, STEM schools,⁵ and educational service centers to provide training on their anti-harassment policies for all employees who work as teachers, administrators, counselors, nurses, or school psychologists, as part of their mandatory in-service program. Each district, school, and service center must develop its own curriculum for the training.

Background

Under continuing law, the designated employees must receive in-service training in (1) the prevention of child abuse, violence, and substance abuse, (2) school safety, (3) the promotion of positive youth development, and (4) the prevention of dating violence. Employees must complete at least four hours of the in-service training within two years after commencing employment and every five years thereafter.

HISTORY

ACTION	DATE
Introduced	05-18-10

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⁵ Community schools and STEM schools are subject to the training requirement by R.C. 3314.03(A)(11)(d) and 3326.11, neither section in the bill.