



# Ohio Legislative Service Commission

## Bill Analysis

Hannah K. Wann

### H.B. 208

129th General Assembly  
(As Introduced)

Reps. Stinziano, Antonio

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## BILL SUMMARY

- Requires that school anti-bullying policies prohibit harassment, intimidation, or bullying that is based on any actual or perceived trait or characteristic of a student.

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## CONTENT AND OPERATION

### Definition of "harassment, intimidation, or bullying"

The bill requires that the anti-bullying policy of each school district, community school, and STEM school prohibit harassment, intimidation, or bullying that is based on any actual or perceived trait or characteristic of a student.<sup>1</sup> Further, the bill defines "trait or characteristic of a student" to include, but not be limited to, age, color, creed, national origin, race, religion, marital status, gender, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.<sup>2</sup>

### Background

Current law requires each school district (including a joint vocational school district), community school, and STEM school to adopt a policy prohibiting student harassment, intimidation, or bullying. Each district's or school's existing anti-harassment policy also must include provisions for dating violence prevention.

Each policy must prohibit the harassment, intimidation, or bullying of any student on school property or at a school-sponsored activity. It also must define the

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<sup>1</sup> R.C. 3313.666(A)(1)(a).

<sup>2</sup> R.C. 3313.667(A)(2).

term "harassment, intimidation, or bullying" in a manner that includes the definition prescribed in statute. That definition specifies that "harassment, intimidation, or bullying" is either:

(1) An 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.

In addition, each policy must include:

(1) A procedure for reporting prohibited incidents;

(2) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;

(3) A requirement that the parents of a student involved in a prohibited incident be notified and, to the extent permitted by state and federal law governing student privacy, have access to any written reports pertaining to the prohibited incident;

(4) Procedures for documenting, investigating, and responding to a reported incident;

(5) A requirement that the district or school administration provide semiannual written summaries of all reported incidents to the president of the district's or school's governing body, and post them on the district's or school's web site;

(6) A strategy for protecting a victim from additional harassment and from retaliation following a report; and

(7) A disciplinary procedure for a student who is guilty of harassment, intimidation, or bullying. (School districts, community schools, and STEM schools also must have student codes of conduct and may suspend or expel or take other disciplinary actions against students who violate those codes of conduct.<sup>3</sup>)

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<sup>3</sup> R.C. 3313.66, 3313.661, 3314.03(A)(11)(d), and 3326.11 (none in the bill).

The policy must be included in student handbooks and in publications that set forth the standards of conduct for schools and students. Employee training materials must also include information on the policy.

Finally, a school employee, student, or volunteer is immune from civil liability for damages that arise from the reporting of an incident of harassment, intimidation, or bullying. A person qualifies for immunity only if the person reports the incident promptly in good faith and in compliance with the procedures specified in the district's or school's policy.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	04-20-11

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<sup>4</sup> R.C. 3313.666.

