



Jennifer Stump

Bill Analysis
Legislative Service Commission

S.B. 239

126th General Assembly
(As Introduced)

Sens. **Dann, Fedor**

BILL SUMMARY

- Requires school districts and community schools to adopt an anti-harassment policy concerning harassment performed by students toward other students.
- Requires the State Board of Education to develop a model anti-harassment policy that school districts and community schools may use in developing their own anti-harassment policies.
- Directs the Auditor of State, when conducting an audit of a school district or community school, to determine if the district or school has adopted an anti-harassment policy.
- Requires each school district and community school to report to the Education Management Information System (EMIS) the number of incidents of harassment that violate its anti-harassment policy.

CONTENT AND OPERATION

Development of school anti-harassment policies

(R.C. 3301.41, 3313.21, and 3314.19)

The bill requires school districts and community schools to develop anti-harassment policies concerning harassment performed by students toward other students. The policy must include (1) a definition of harassment that incorporates physical, emotional, and sexual harassment, (2) an explanation of measures the district or school will take to prevent harassment, and (3) an explanation of how the district or school will respond to violations of the policy. The policy must be posted in a central location in each school that is subject to the policy and must be available to the school's students and parents upon request. Each school also must

keep a record of violations of its anti-harassment policy. Details as to what type of information will be recorded, such as the number of incidents and the manner in which they are resolved, are left to the district board of education or the sponsor of the community school to determine.

In a school district, the superintendent must develop the anti-harassment policy with the advice of, and in consultation with, the district's teachers, parents, students, and administrators. The superintendent must present the policy to the board of education for approval. The board may approve the policy as developed by the superintendent, or may modify it and approve the modified policy. Likewise, the governing authority of a community school must develop the policy and present it to the school's sponsor for approval.

Model policy

(R.C. 3301.41)

The bill directs the State Board of Education to develop a model anti-harassment policy that school districts and community schools may use in developing their own anti-harassment policies. In addition, the State Board must provide a list of resources that it believes can assist districts and schools in developing anti-harassment policies. (See **COMMENT**.)

Background--current law

Under continuing law, school districts are authorized to make any rules necessary for the government of their students, employees, and schools.¹ In addition, school districts and community schools must adopt a policy outlining a code of conduct for their schools and procedures for enforcing that code. The policy must specify the types of misconduct for which a student may be suspended, expelled, or removed from school.² Therefore, some districts and schools may already have anti-harassment policies that comply with the bill's provisions.

Identification of anti-harassment policy by Auditor of State

(R.C. 117.53; Section 3)

Continuing law requires the Auditor of State to conduct an audit of each public office, including school districts and community schools, generally every

¹ R.C. 3313.20(A), not in the bill.

² R.C. 3313.661 and 3314.03(A)(11)(d), neither section in the bill.

one or two years.³ Beginning one year after the bill's effective date, the Auditor of State, when conducting an audit of a school district or community school, must identify whether the district or school has adopted an anti-harassment policy. The Auditor must record this determination in the audit report.

EMIS data on violations of anti-harassment policies

(R.C. 3301.0714)

Under continuing law, the Department of Education maintains the Education Management Information System (EMIS), which serves as a database of information on school districts and schools. The data compiled by EMIS includes information on student academic performance, personnel, classroom enrollment, discipline, and fiscal expenditures.

The bill requires a school district or community school to include in its report of data to EMIS the number of incidents of harassment by students against other students that violate the anti-harassment policy adopted by the district or school.

COMMENT

On October 12, 2004, the State Board of Education on its own initiative adopted an "Anti-Harassment and Bullying Policy" in which the Board states, among other things, that it "believes that Ohio schools should provide physically safe and emotionally secure environments for all students and staff." In that policy, the State Board directed the Department of Education to provide schools with model policies and strategies that promote safe and secure learning environments, to disseminate information and provide professional development in regard to the models, and to design a plan and process to evaluate the effects of the State Board's policy.

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 12-14-05 |

s0239-i-126.doc/kl

³ R.C. 117.11, not in the bill.