



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 19

128th General Assembly
(As Reported by H. Education)

Reps. Harwood, Brown, Fende, Okey, B. Williams, Garrison, Bolon, Chandler, Phillips, Boyd, Newcomb, S. Williams, Domenick, Pillich, Harris, Murray, Luckie, DeBose, Driehaus, Garland, Lundy, Pryor, Weddington

BILL SUMMARY

- Requires each school district board of education to adopt a policy to prevent and address incidents of dating violence at school or school events, to provide staff training on dating violence prevention, and to include dating violence prevention education for grades 7 through 12 within the district's health education curriculum.
- Requires the State Board of Education to develop a model dating violence prevention policy and standards for dating violence prevention education curricula.
- Entitles the bill the "Tina Croucher Act."

CONTENT AND OPERATION

School district dating violence prevention policies

(R.C. 3313.668(A) and (B))

The bill requires each school district board of education to adopt a specific policy to prevent and address incidents of dating violence involving students at school. For this purpose, the bill defines "at school" to mean in a classroom, on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event, whether or not it is on school grounds. Each district board must adopt its policy within 180 days after the bill's effective date and must file it with the Department of Education. The policy must include at least the following:

- (1) A statement that dating violence will not be tolerated;

- (2) Dating violence reporting procedures;
- (3) Guidelines for responding to at-school incidents of dating violence; and
- (4) Discipline procedures specific to at-school incidents of dating violence.

"Dating violence" and "dating partner" defined

(R.C. 3313.668(A))

The bill defines "dating violence" as "a pattern of behavior where a person uses or threatens physical, sexual, verbal, or emotional abuse to control the person's dating partner." It defines "dating partner" as "any person, regardless of gender, involved in an intimate relationship with another [person] primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term."

Publication of district policies

(R.C. 3313.668(B) and (D))

The district board must publish its dating violence prevention policy in any district policy and handbook that sets forth the comprehensive rules, procedures, and standards of conduct for students at school. It also must inform each student's parent or guardian of the policy, and, if requested, provide a parent or guardian with a copy of the policy and other relevant information. The bill specifies that a district board also may, but apparently is not required to, provide parent awareness training.

Staff training

(R.C. 3313.668(C))

Under the bill, a school district board, within 90 days after adopting its dating violence prevention policy, must provide dating violence prevention training for all current administrators, teachers, school nurses, and school mental health staff who work in schools serving any of grades 7 through 12.¹ The board also must provide annual training for newly hired staff persons for whom the board determines the training is appropriate. The training must include at least information about basic principles of dating violence and dating violence prevention, warning signs of dating violence, and the district's policy.

¹ In addition, the bill specifies that district board *may* require or permit other staff to attend the dating violence training.

Legal effects

(R.C. 3313.668(E) and (F))

The bill states that its requirements for school district dating violence prevention policies and training do not create a new cause of action or substantive legal right for any person, but that they do not prevent a victim from seeking redress under any other provisions of law.

State model policy

(R.C. 3301.23)

To assist school districts in developing their own dating violence prevention policies, the bill requires the State Board of Education to develop a model dating violence prevention policy within 90 days after the bill's effective date.

Dating violence prevention curricula

(R.C. 3313.60)

Within each school district's health education curriculum, the bill requires "age-appropriate instruction in dating violence prevention education" in grades 7 through 12. This instruction must include defining dating violence, recognizing warning signs, and characteristics of healthy relationships. If the parent or guardian of a student who is less than 18 years old submits to the principal of the student's school a written request to examine the school's dating violence prevention instruction materials, the principal must, within a reasonable period of time, allow the parent or guardian to examine those materials at that school.

State standards

(R.C. 3301.0718 and 3313.60)

In order to assist school districts in developing their dating violence prevention education curricula, the bill requires the State Board to adopt standards for dating violence education in grades 7 through 12. The Department of Education must provide the standards, and any revisions of the standards, to all school districts. The bill specifies that any school district may utilize the standards, but presumably is not required to do so.

Ordinarily, under current law, the State Board may not adopt or revise any health education standards or model curriculum unless they are approved by a concurrent resolution adopted by both houses of the General Assembly. The bill

exempts the dating violence prevention education standards from the requirement for a concurrent resolution.²

COMMENT

Under current law, not changed by the bill, each school district board must adopt a student code of conduct and disciplinary procedures to enforce that code (R.C. 3313.66 and 3313.661, neither section in the bill). Presumably, the act of dating violence at school could violate district policies relating to student conduct. If school officials have sufficient evidence of such an act, they might be able to discipline a student under existing policies.

Depending on circumstances, dating violence also might fall within the parameters of a district's anti-harassment policy adopted under a separate law. Current law, not changed by the bill, requires each school district board, community school governing authority, and STEM school governing body to have a policy prohibiting harassment, intimidation, or bullying of any student on school property or at a school-sponsored event (R.C. 3313.666, 3314.03(A)(11)(d), and 3326.11, none in the bill). "Harassment, intimidation, or bullying" is defined as "any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both: (1) causes mental or physical harm to the other student; [and] (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student" (R.C. 3313.666(A)).

HISTORY

ACTION	DATE
Introduced	02-18-09
Reported, H. Education	05-06-09

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² Sub. H.B. 1 of the 128th General Assembly, As Introduced, the general operating budget bill for the 2009-2011 biennium (now under consideration in the House Finance and Appropriations Committee), proposes to repeal the requirement for a concurrent resolution approving all state health education standards and model curricula.