



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 116

129th General Assembly
(As Passed by the House)

Reps. Barnes, Patmon, Fedor, Yuko, Letson, Antonio, Luckie, Beck, Buchy, Carney, Driehaus, Duffey, Foley, Garland, Goyal, Mallory, Milkovich, O'Brien, Ramos, Reece, Weddington, Winburn, Batchelder

BILL SUMMARY

- Specifies that the process a school district, community school, or STEM school must develop for educating students about its anti-bullying policy, if state or federal funds are appropriated for that purpose, must consist of annual, age-appropriate instruction that includes a discussion of consequences for violating the policy.
- Requires school districts, community schools, and STEM schools annually to issue a written anti-bullying policy statement to be sent home to parents.
- Specifies that it is a student's "custodial" parent or guardian who must be notified of and have access to reports of a bullying incident.
- Entitles the bill the "School Day Security and Anti-Bullying Act."

CONTENT AND OPERATION

Instruction on bullying policy

The bill requires each school district, community school, and STEM school annually to provide students with instruction on the district's or school's policy prohibiting harassment, intimidation, or bullying, to the extent that state or federal funds are appropriated for this purpose. Under the bill, the instruction must be age-appropriate and include the consequences for violations of the policy.¹ Current law requires each school district, community school, and STEM school to develop a process

¹ R.C. 3313.666(D)(1). The requirements are applied to community schools and STEM schools by R.C. 3314.03(A)(11)(d) and 3326.11 (neither in the bill).

for educating students about the policy to the extent that state or federal funds are appropriated for that purpose, but does not specify the content of the instruction on the policy.² Since the bill stipulates a specific method of educating students on the school's anti-bullying policy, the bill removes that language from existing law.

Parental notification

The bill also requires schools to send home a written statement describing the policy and consequences of violating that policy to each student's custodial parent or guardian. Statements must be distributed to parents annually and may be sent with regular student report cards.³

Finally, the bill specifies that it is a student's "custodial" parent or guardian who must be notified of the student's involvement in a bullying incident and have access to the incident reports, to the extent allowed under state and federal privacy laws. Current law simply states that "parents or guardians" be notified of and have access to the reports.⁴

Effective date

(Section 3)

The bill's provisions take effect six months after the normal 90-day effective date.

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 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 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:

² R.C. 3313.667.

³ R.C. 3313.666(D)(2).

⁴ R.C. 3313.666(B)(5).

(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.⁵)

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

⁵ R.C. 3313.66, 3313.661, 3314.03(A)(11)(d), and 3326.11 (none in the bill).

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.⁶

HISTORY

ACTION	DATE
Introduced	02-22-11
Reported, H. Education	06-09-11
Passed House (84-12)	06-21-11

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⁶ R.C. 3313.666.

