



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 155

129th General Assembly
(As Introduced)

Reps. Fedor and Garland, Pillich, Yuko, R. Hagan, Murray, Milkovich, Antonio, Letson, Maag, Patmon, Williams, Schuring, Gerberry, Clyde

BILL SUMMARY

- Requires school districts, community schools, and STEM schools to expand their existing student anti-bullying 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-bullying policies to prohibit harassment, intimidation, or bullying by electronic means (cyberbullying).
- Specifies that anti-bullying policies must include: (1) a statement providing for possible suspension of students who engage in cyberbullying, (2) means for making anonymous reports of incidents, (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-bullying policies annually.
- Requires school districts, community schools, and STEM schools to make available to students and parents an explanation of the seriousness of cyberbullying.
- Requires school districts, community schools, STEM schools, and educational service centers to provide training on their anti-bullying policies as a part of the in-service training required for all teachers, administrators, counselors, nurses, and school psychologists.
- Entitles the bill the "Jessica Logan Act."

CONTENT AND OPERATION

School anti-bullying policies

The bill makes several changes to the requirements for anti-bullying 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.¹

Second, it specifies that prohibited incidents that occur off of school property also must be covered by the policy, if the off-site harassment, intimidation, or bullying "materially or substantially" disrupts the educational environment and discipline of the school.²

Third, 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-bullying 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-bullying policy to include cyberbullying not later than six months after the bill's effective date.³

Fourth, the bill requires the anti-bullying 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.⁴

¹ R.C. 3313.666(B)(1).

² R.C. 3313.666(B)(1).

³ R.C. 3313.666(A)(1) and (2)(a), (B)(1), and (G).

⁴ R.C. 3313.666(B)(8) and (10).

Finally, the bill requires each school district, community school, and STEM school to review its entire anti-bullying 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.⁵

State model policy

Not later than six months after the bill's effective date, the State Board of Education must update its model anti-bullying policy to address cyberbullying.⁶

Employee training

The bill makes anti-bullying policy training for several categories of school employees mandatory, by requiring it to be 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, and educational service centers to provide training on their anti-bullying 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. And the training of these employees is removed from the current stipulation that anti-bullying training is mandatory only to the extent that state and federal funds have been appropriated for it.⁷

Background – current law

Anti-bullying policies

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.⁸ "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

⁵ R.C. 3313.666(B), first paragraph, and (C).

⁶ Section 3 of the bill. The model policy is mandated by R.C. 3301.22, not in the bill, and is available through the Department of Education's web site, www.education.ohio.gov. Click on "Learning Supports" and then on "Safe and Supportive Learning."

⁷ R.C. 3313.667(B)(1) and 3319.073. Community schools and STEM schools are subject to the in-service training requirement by R.C. 3314.03(A)(11)(d) and 3326.11, neither section in the bill.

⁸ R.C. 3313.666(B), 3314.03(A)(11)(d), and 3326.11 (last two sections not in the bill).

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."⁹

The 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.

Student misconduct outside of school

Current law, not changed by the bill, authorizes a school district, community school, or STEM school 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 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."¹⁰

Employee training on anti-bullying policies

The provision of training to school employees in anti-bullying policies is currently mandatory only to the extent that state or federal funds are appropriated for that purpose.¹¹

In-service training on school safety and violence prevention

The in-service training, into which the bill incorporates training in the school's anti-bullying policy, currently must be provided by districts, community schools, and STEM schools to their teachers, administrators, counselors, nurses, and school psychologists. These 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) in the case of middle school and high school employees, 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.

⁹ R.C. 3313.666(A).

¹⁰ R.C. 3313.661(A), 3314.03(A)(11)(d), and 3326.11, none in the bill.

¹¹ R.C. 3313.667(B)(1).

HISTORY

ACTION

DATE

Introduced

03-15-11

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