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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

S.B. 144  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 144's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. Williams

**Local Impact Statement Procedure Required:** Yes

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### Highlights

- The bill will likely increase costs to school districts, community schools, and STEM schools to implement a tiered series of consequences for harassment, intimidation, or bullying, particularly to implement peer mediation teams and to impose an in-school suspension as an intervention prior to an out-of-school suspension.
- A county's juvenile justice system costs may increase minimally if the bill leads to additional juveniles being charged, adjudicated, and sanctioned. Likewise, there may be a minimal increase in locally collected state court cost revenues deposited in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- School districts, community schools, and STEM schools that currently do not provide age-appropriate instruction in the prevention of harassment, intimidation, or bullying may incur minimal costs to do so under the bill.

### Detailed Analysis

The bill requires the board of each city, local, exempted village, and joint vocational school district to update their disciplinary procedures for students guilty of harassment, intimidation, or bullying to include a tiered series of consequences. The bill also creates the penalty of a third degree misdemeanor for any public primary or secondary school student that knowingly causes serious emotional harm to another student or knowingly causes the other student to believe the offender will cause serious emotional or physical harm.

#### Tiered disciplinary consequences

The bill requires districts to update their disciplinary procedures required under current law to include six tiers of consequences for incidents of harassment, intimidation, or bullying.

The administrative workload of districts and schools will increase to adjust their policies and to implement actions associated with each of the tiers, which are as follows:

1. Warning;
2. Peer mediation (districts are required to establish a diverse peer mediation team in each school building);
3. Parent meeting;
4. In-school suspension;
5. Out-of-school suspension; and
6. Referral to law enforcement for consideration for prosecution.

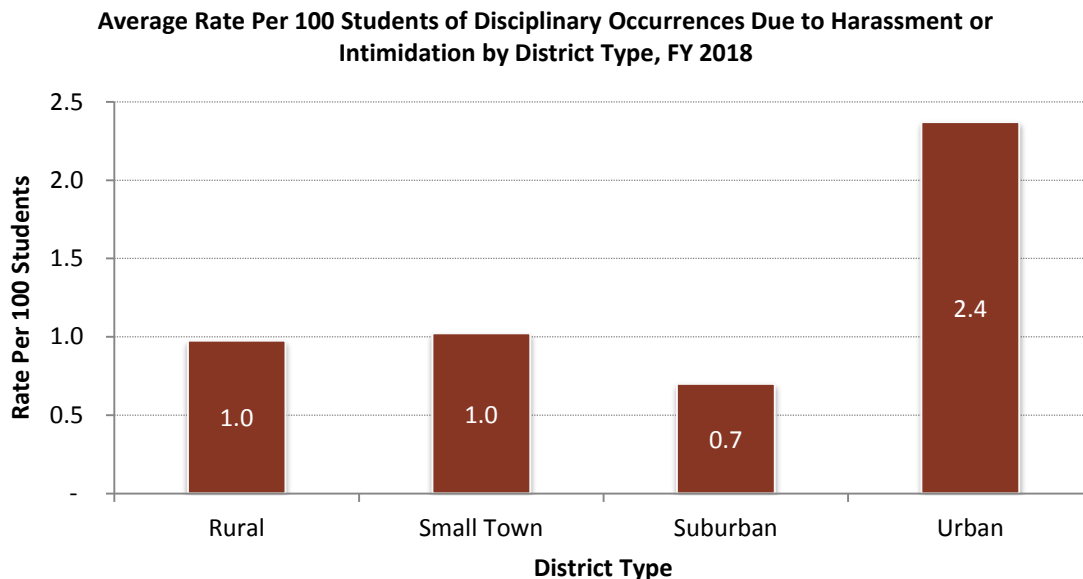
Various components of these tiers are likely to impose costs on districts and schools, particularly peer mediation and in-school suspension. Schools that do not have peer mediation programs will see increased costs to set up such teams. Potential costs associated with implementing a peer mediation program include compensation for a coordinator, training, and materials. Research on other school-level clubs or teams has shown faculty advisors may be compensated anywhere from \$1,000 to \$1,500 for serving as an adult advisor. Ultimately, coordinator costs may be more or less depending on the workload associated with the program and the availability of volunteers to fill that role. Training costs for the coordinator and the students participating in each program may be in the hundreds or thousands of dollars, depending on the training provider, length of the training program, and method of delivery. Some training costs are likely ongoing as new cohorts of students are integrated into the program. Overall, it appears possible that costs for districts and schools to implement a peer mediation program may be more than minimal.

Under the bill, in-school suspensions must occur before any out-of-school suspensions under the tiered proposal. Discipline data from the Ohio Department of Education (ODE) show that out-of-school suspensions are more prevalent than in-school suspensions for harassment and intimidation offenses (see table below). Thus, the bill may increase costs to districts and schools to adjust disciplinary measures to account for students who are onsite and require additional supervision, to the extent earlier interventions are unsuccessful at stopping the behavior.

<b>Discipline Imposed by Districts and Schools for Harassment or Intimidation, 2017-2018 School Year</b>		
<b>Discipline Imposed</b>	<b>Occurrences</b>	<b>Percentage</b>
Out-of-school suspension	13,856	65.1%
In-school suspension	4,680	22.0%
In-school alternative discipline	1,477	6.9%
Emergency or other removal	1,010	4.7%
Expulsion	263	1.2%
<b>Total</b>	<b>21,286</b>	<b>100%</b>

On the other hand, it is also possible that the bill's tiered consequences reduce workload or costs associated with the due process requirements, including written notices and informal hearings that must be carried out when issuing an out-of-school suspension or expulsion if fewer such measures are necessary.

The provision's effects will most likely be concentrated in urban districts. As the chart below shows, these districts tend to have the highest rates of discipline for harassment and intimidation, averaging 2.4 occurrences per 100 students, while other district types average between 0.7 and 1.0 occurrences per 100 students during the 2017-2018 school year.



## Criminal penalties

A sixth violation of a board of education's disciplinary policy requires referral to law enforcement for consideration for prosecution. The bill also establishes a third degree misdemeanor for any public primary or secondary student that knowingly causes serious emotional harm to another student or knowingly causes the other student to believe the offender will cause serious emotional or physical harm. In the case of a third degree misdemeanor, an offender may be subject to fines of up to \$500 and/or no more than 60 days in jail. Please see [LSC's bill analysis](#) for a more detailed description of the bill's criminal provisions.

As a result of the bill's provisions, additional juveniles may be charged, adjudicated, and sanctioned. However, the bill's tiered series of consequences make it unlikely that a large number of new harassment and intimidation offenses will be prosecuted. This means that any new costs for a county's juvenile justice system appear to be minimal, but will also depend on the particular sanctioning option chosen by a juvenile court. Counties may gain a minimal amount of additional court cost and fine revenues; the state also potentially gains locally collected court costs that are credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). Fines paid for offenses codified in law generally go to the county in which the trial court is located. If a misdemeanor offense makes it to court, the state court cost is \$29, with \$20 of that amount being credited to Fund 5DY0 and \$9 to Fund 4020.

## School instruction

Current law requires that each district board of education and community or STEM school annually provide all students with age-appropriate instruction about the district or school's policy prohibiting harassment, intimidation, and bullying; however, this instruction is contingent upon appropriations of state or federal funding for this purpose. The bill removes that contingency and, thus, requires districts and schools to provide the instruction (including information about prevention) regardless of funding. Districts and schools that do not currently provide this instruction may incur minimal costs to incorporate it into curriculum. However, there are free resources available to districts and schools for this purpose. For example, PACER's National Bullying Prevention Center offers various curriculum materials to schools for students in both an elementary and middle/high school setting.<sup>1</sup>

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<sup>1</sup> "Classroom Toolkits and Activities." PACER's National Bullying Prevention Center, accessible online at <https://www.pacer.org/bullying/classroom/>.