



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 294
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Denson and Miller

Allison Schoeppner, Research Associate

SUMMARY

- Modifies the definition of school harassment, intimidation, or bullying.

DETAILED ANALYSIS

School policies on harassment, intimidation, or bullying

The bill modifies the definition of school harassment, intimidation, or bullying for the policies on that issue that public schools must have in place. Under the bill, harassment, intimidation, or bullying is any incident that involves an intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once that the behavior *either*, rather than *both* under current law:

1. Causes mental or physical harm to the other student; or
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.¹

Background

Continuing 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 on school property or at a school-sponsored activity. Each policy 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:

¹ R.C. 3313.666(A)(2)(a).

1. An intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior meets the criteria described above; or
2. Violence within a dating relationship.

Each 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.

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 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.²

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 06-19-19 |

H0294-I-133/ar

² R.C. 3313.666. The requirements are applied to community schools and STEM schools by references in R.C. 3314.03(A)(11)(d) and 3326.11, neither section in the bill.