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H.B. 147
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Boggs and Lightbody

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SUMMARY

- Requires the Department of Education to develop a process by which a student or a student's parent or guardian may request an investigation of a public school's compliance with its policy prohibiting harassment, intimidation, and bullying.

DETAILED ANALYSIS

Enforcement of school policies on harassment, intimidation, and bullying

The bill requires the Department of Education to develop a process by which a public school student or the student's parent or guardian may request an investigation by the Department of a school's compliance with its policy prohibiting harassment, intimidation, and bullying adopted under continuing law. The bill does not specify a time by which the Department must develop this process.

Under the bill, upon receiving a request, the Department must conduct an investigation according to procedures developed by the Department. As a part of the investigation, the Department must provide the student and the school an opportunity for a hearing. If it determines that the school has not complied with the policy, the Department must order the school to comply "in a specified time and manner."¹

Background

Continuing law requires each school district, community school, and STEM school to adopt a policy in consultation with parents, employees, volunteers, students, and community

¹ R.C. 3313.666(l); applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill.

members prohibiting student harassment, intimidation, or bullying. The policy must prohibit the harassment, intimidation, or bullying of any student on school property or at a school-sponsored activity. It must define “harassment, intimidation, or bullying” (at a minimum) as “an intentional written, verbal, electronic, 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.” The definition also must include violence within a dating relationship.

Among other procedures and requirements, the policy must include (1) incident reporting procedures, (2) a requirement that the parents of a student involved in an incident be notified and, to the extent permitted by state and federal student privacy law, have access to written reports pertaining to the incident, (3) procedures for documenting, investigating, and responding to an incident, (4) a strategy for protecting a victim from additional harassment or retaliation, and (5) disciplinary procedures.²

HISTORY

Action	Date
Introduced	02-23-21

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² R.C. 3313.666.