

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 81

Senator Maharath

A BILL

To amend section 3319.46 of the Revised Code to 1
prohibit the use of seclusion in public schools. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3319.46 of the Revised Code be 3
amended to read as follows: 4

Sec. 3319.46. (A) (1) The state board of education shall 5
adopt rules under Chapter 119. of the Revised Code that 6
establish ~~both~~ all of the following: 7

(a) A policy and standards for the implementation of 8
positive behavior intervention and supports framework; 9

(b) A policy and standards for the use of physical 10
restraint ~~or seclusion~~ on students; 11

(c) A prohibition on the use of seclusion, as defined in 12
this section, on students. 13

~~(2) Within ninety days after the effective date of this~~ 14
~~amendment~~ (a) Not later than January 31, 2019, the state board 15
shall amend or update rule 3301-35-15 of the Administrative Code 16
to reflect the requirements of division (A) (1) (a) of this 17
section. 18

(b) Within ninety days after the effective date of this amendment, the state board shall amend or update rule 3301-35-15 of the Administrative Code to reflect the prohibition on seclusion prescribed by division (A) (1) (c) of this section.

(B) (1) Each school district board of education shall do all of the following:

(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;

(b) Comply with any policy and standards adopted, amended, or updated by the state board under this section;

(c) Submit any reports required by the department of education or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.

(2) Each school district's positive behavior intervention and supports framework may focus on the following:

(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;

(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;

(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of

positive and proactive communication and staff recognition. 47

(C) For purposes of this section, ~~"positive :~~ 48

(1) "Positive behavior intervention and supports 49
framework" or "positive behavior intervention and supports" 50
means a multi-tiered, school-wide, behavioral framework 51
developed and implemented for the purpose of improving academic 52
and social outcomes and increasing learning for all students; 53

(2) (a) "Seclusion" means a procedure that does both of the 54
following: 55

(i) Isolates and confines a student in a separate area 56
until the student is no longer an immediate danger to the 57
student's self or others; 58

(ii) Occurs in a specifically constructed or designated 59
room or space that is physically isolated from common areas and 60
from which the student is physically prevented from leaving. 61

(b) "Seclusion" does not include any of the following: 62

(i) A situation in which a staff member who is trained in 63
the use of de-escalation techniques or restraint is physically 64
present in the same unlocked room as the student; 65

(ii) A behavioral intervention in which the student is 66
temporarily removed from the learning activity but in which the 67
student is not confined; 68

(iii) An in-school suspension or detention; 69

(iv) A break that is requested by the student and occurs 70
in a different location in the room or in a separate room. 71

(D) The department of education shall oversee each school 72
district's and school's compliance with this section. 73

Section 2. That existing section 3319.46 of the Revised Code is hereby repealed. 74
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