

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 155

**Senator Maharath
Cosponsors: Senators Fedor, Antonio, Thomas**

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, 2022, 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 19
amendment, the state board shall amend or update rule 3301-35-15 20
of the Administrative Code to reflect the prohibition on 21
seclusion prescribed by division (A)(1)(c) of this section. 22

(B) (1) Each school district board of education shall do 23
all of the following: 24

(a) Implement a positive behavior intervention and 25
supports framework on a system-wide basis that complies with 26
this section; 27

(b) Comply with any policy and standards adopted, amended, 28
or updated by the state board under this section; 29

(c) Submit any reports required by the department of 30
education or the general assembly with respect to the 31
implementation of a positive behavior intervention and supports 32
framework or suspension and expulsion of students in any of 33
grades pre-kindergarten through three. 34

(2) Each school district's positive behavior intervention 35
and supports framework may focus on the following: 36

(a) Comprehensive, school-wide data systems that enable 37
monitoring of academic progress, behavioral incidents, 38
attendance, and other critical indicators across classrooms; 39

(b) School-wide investment in evidence-based curricula and 40
effective instructional strategies, matched to students' needs, 41
and data to support teachers' academic instruction; 42

(c) An expectation by school administrators that classroom 43
practices be linked to and aligned with the school-wide system; 44

(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.

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

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

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

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

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

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

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

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

(iii) An in-school suspension or detention;

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

(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	74
Code is hereby repealed.	75