



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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S.B. 104

132nd General Assembly
(As Introduced)

Sens. Tavares, Thomas, Yuko, Skindell, Brown

BILL SUMMARY

- Requires the State Board of Education, not later than 90 days after the bill's effective date, to update its policy and standards for student behavioral interventions and the use of physical restraint and seclusion to prohibit the use of seclusion on students.
 - Specifies procedures that qualify as seclusion for purposes of this provision, as well as situations and interventions that do not qualify as seclusion.
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CONTENT AND OPERATION

Prohibition on the use of seclusion on students

Under current law, the State Board of Education is required to adopt rules establishing a policy and standards for (1) the implementation of positive behavior intervention supports and (2) the use of physical restraint or seclusion on students. Each school district, community school, STEM school, or college-preparatory boarding school must comply with the policy and standards.¹

The bill requires the State Board, not later than 90 days after the bill's effective date, to update these rules to prohibit the use of seclusion on students.

What is seclusion

For the purpose of this provision, the bill specifies that "seclusion" *includes* procedures that:

¹ R.C. 3319.46(A) and (B). See R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

(1) Isolate and confine a student in a separate area until the student is no longer an immediate danger to a student's self or others; and

(2) Occur 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.²

What is not seclusion

Conversely, the bill also specifies certain situations and interventions that do *not* qualify as seclusion for the purpose of this provision, including all of the following:

(1) 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;

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

(3) An in-school suspension or detention; or

(4) A break that is requested by the student and occurs in a different location in the room or in a separate room.³

Background

As mentioned above, current law requires the State Board to adopt rules establishing a policy and standards for the use of seclusion on students. The State Board adopted such rules in 2013. These rules define seclusion as "the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier."⁴ The rules also specify when seclusion may and may not be used,⁵ the reporting and notification requirements if seclusion is used,⁶ and various policies and procedures that district boards must develop and incorporate with regard to the use of seclusion.⁷

² R.C. 3319.46(C)(1).

³ R.C. 3319.46(C)(2).

⁴ O.A.C. 3301-35-15(A)(10).

⁵ O.A.C. 3301-35-15(E).

⁶ O.A.C. 3301-35-15(F).

⁷ O.A.C. 3301-35-15(H), (I), and (J).

HISTORY

ACTION

DATE

Introduced

03-21-17

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