

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 104**

**Senator Tavares**

**Cosponsors: Senators Thomas, Yuko, Skindell, Brown**

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**A BILL**

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

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

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

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**Sec. 3319.46.** (A) The state board of education shall adopt  
rules under Chapter 119. of the Revised Code that establish a  
policy and standards for the implementation of positive behavior  
intervention supports and the use of physical restraint or  
seclusion on students. Not later than ninety days after the  
effective date of this amendment, the state board shall update  
the rules to prohibit the use of seclusion, as defined in this  
section, on students.

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(B) Each school district board of education shall comply  
with the policy and standards adopted by the state board under  
this section.

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(C) (1) For purposes of this section, "seclusion" means a  
procedure that does both of the following:

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(a) Isolates and confines a student in a separate area 19  
until the student is no longer an immediate danger to the 20  
student's self or others; 21

(b) Occurs in a specifically constructed or designated 22  
room or space that is physically isolated from common areas and 23  
from which the student is physically prevented from leaving. 24

(2) Seclusion does not include any of the following: 25

(a) A situation in which a staff member who is trained in 26  
the use of de-escalation techniques or restraint is physically 27  
present in the same unlocked room as the student; 28

(b) A behavioral intervention in which the student is 29  
temporarily removed from the learning activity but in which the 30  
student is not confined; 31

(c) An in-school suspension or detention; 32

(d) A break that is requested by the student and occurs in 33  
a different location in the room or in a separate room. 34

**Section 2.** That existing section 3319.46 of the Revised 35  
Code is hereby repealed. 36