



Ohio Legislative Service Commission

Bill Analysis

John Rau

H.B. 26

128th General Assembly
(As Introduced)

Reps. B. Williams, Newcomb, Harris, Foley, Fende, Celeste, Okey, Brown, Murray, Yuko, Skindell, Boyd, DeBose, Hagan, Stebelton

BILL SUMMARY

- Prohibits corporal punishment in all public and chartered nonpublic schools, but retains current law permitting school employees to use force or restraint as reasonable or necessary to quell a disturbance, to obtain possession of a weapon, for self-defense, or to protect persons or property.

CONTENT AND OPERATION

The bill prohibits all public schools (school districts, educational service centers, community schools, and STEM schools) and chartered nonpublic schools from using corporal punishment as a means of discipline. The bill retains current law that allows public and private school employees to use force or restraint as reasonable and necessary to quell a disturbance, to obtain possession of a weapon, for self-defense, or to protect persons or property. (R.C. 3319.41; conforming changes in R.C. 3314.03(A)(11)(d), 3319.088, and 3326.11.)

Background

Under current law, a public school may use corporal punishment as a means of discipline only if the school district board has adopted a resolution to permit it and does not adopt a resolution prohibiting it. Before adopting a resolution to permit corporal punishment, district boards must appoint a local discipline task force, comprised of teachers, administrators, nonlicensed school employees, school psychologists, members of the medical profession, pediatricians when available, and representatives of parents' organizations, and receive and study the report from such task force. If a school district board has prohibited corporal punishment, but then later decides to reinstate it, the

board must appoint a second local discipline task force to conduct a study of effective discipline measures for that school district.

If a district allows corporal punishment, only a teacher, principal, or administrator may inflict it and only when the punishment is "reasonably necessary" to preserve discipline. Parents, guardians, and custodians may request that corporal punishment not be used on their child and alternate disciplinary measures must be devised and used for those students. (R.C. 3319.41(E).)

HISTORY

ACTION	DATE
Introduced	02-18-09

h0026-i-128.docx/kl

