



# Ohio Legislative Service Commission

## Bill Analysis

John Rau

### **S.B. 167**

130th General Assembly  
(As Introduced)

**Sens.** Tavares, Schiavoni, Brown, Sawyer

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## **BILL SUMMARY**

- Removes the current requirement that each school district adopt a policy of zero tolerance for violent, disruptive, and inappropriate behavior by students, and requires districts to eliminate their current zero tolerance policies.
- Prohibits school districts from adopting new zero tolerance policies.
- Requires each school district to adopt a policy that allows for many factors to be considered prior to the suspension or expulsion of a student and that establishes alternative strategies, including prevention, intervention, restorative justice, peer mediation, and counseling.

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## **CONTENT AND OPERATION**

### **Zero tolerance polices**

Under current law, each school district must have a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy, and must establish strategies to address such behavior that range from prevention to intervention. The bill removes this requirement and, instead, requires each school district to eliminate its current zero tolerance policy and expressly prohibits a district from readopting that policy or adopting a new one.<sup>1</sup>

The bill further requires each school district to adopt a policy that allows for many factors to be considered prior to the suspension or expulsion of a student. That policy must establish alternative strategies, including prevention, intervention,

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<sup>1</sup> R.C. 3313.534(A).

restorative justice, peer mediation, and counseling, to address discipline for student behavioral problems and to address harassment, intimidation, and bullying.<sup>2</sup>

Finally, the bill states in an uncodified provision that "zero tolerance policies often punish a student with a behavioral problem twice by both expelling that student and preventing that student's education during the expulsion." It then states that it is the General Assembly's intent (in enacting the bill) to provide support for students with behavioral problems and to ensure they remain in school.<sup>3</sup>

## **Background on discipline for violations of a school code of conduct**

Current law, not affected by the bill, provides for the suspension and expulsion of students for disciplinary violations. Under that law, each school district board is required to adopt a student code of conduct and policies for the enforcement of that code.<sup>4</sup> The district superintendent or a school principal may "suspend" a student for up to ten days for minor violations of the district's code. Moreover, the district superintendent (and not a principal) may "expel" a student for up to the greater of 80 days or the remainder of the school term for serious violations of that code. The superintendent *must* expel a student for one full year for *carrying* a firearm to school and, depending upon board policy, *may* expel a student for one full year for possessing a firearm or knife at school or a school-sponsored activity, for causing serious physical harm to persons or property at school or a school-sponsored activity, or making a bomb threat to a school or school-sponsored activity.<sup>5</sup>

Continuing law also provides for due process procedures that must be followed in the case of these disciplinary actions. In general, suspensions and expulsions require notice to the student and student's parent and an opportunity for the student to explain the student's actions, and may be appealed to the district board of education.<sup>6</sup>

Finally, each district must have a policy prohibiting and prescribing procedures for responding to harassment, intimidation, or bullying by students, including acts

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<sup>2</sup> R.C. 3313.534(A).

<sup>3</sup> Section 3.

<sup>4</sup> R.C. 3313.661, not in the bill.

<sup>5</sup> R.C. 3313.66(A) and (B), not in the bill.

<sup>6</sup> R.C. 3313.66(D) and (E), not in the bill.



committed through electronic means (often called cyberbullying) and violence within a dating relationship.<sup>7</sup>

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## HISTORY

| ACTION     | DATE     |
|------------|----------|
| Introduced | 08-01-13 |

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<sup>7</sup> R.C. 3313.666, not in the bill.

