



John Rau

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 406**

127th General Assembly  
(As Reported by H. Education)

**Reps. Peterson and B. Williams, Sykes, Chandler, Foley, Harwood, Okey, DeGeeter, Heard, Celeste**

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### **BILL SUMMARY**

- Prohibits corporal punishment in all public schools.
- Retains current law permitting 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.

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### **CONTENT AND OPERATION**

Under current law, corporal punishment is prohibited in schools operated by a school district unless the district board adopts a policy permitting it. Before the board adopts such a policy, it must study a report of a local discipline task force comprised of teachers, administrators, nonlicensed school employees, school psychologists, medical professionals, including pediatricians when available, and representatives of parents' organizations.

The bill prohibits corporal punishment outright in all public schools, including school districts, community schools,<sup>1</sup> and Science, Technology, Engineering, and Mathematics (STEM) schools.<sup>2</sup> (R.C. 3314.03, 3319.088, 3319.41, and 3326.11.)

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<sup>1</sup> Community schools (sometimes called "charter schools") are public schools that operate independently of a school district under a contract with a sponsoring entity.

<sup>2</sup> A subcommittee of the Partnership for Continued Learning may select up to five STEM schools to operate beginning in fiscal year 2009 based on competitive proposals. Each STEM school must be operated under a collaborative consisting of a school district and other public and private entities.

The bill retains a current provision of law specifically permitting public and private school employees (including nonlicensed employees and school bus drivers), within their scope of employment, to use "force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property." (R.C. 3319.41.)

The bill also strikes through language of current law that states that a teacher, principal, or administrator of a nonpublic school may inflict corporal punishment "except as provided by the governing authority of the nonpublic school" (Division (E) of current R.C. 3319.41). Therefore, the bill eliminates the current specific authorization for corporal punishment in private schools subject to restrictions of the schools' governing authorities and does not replace it with some other instruction. (See **COMMENT**.)

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## **COMMENT**

It appears that the bill leaves the law silent as to the status of corporal punishment in private schools. This might create an ambiguity in the law. However, since those schools are private entities, they might have had the authority to inflict corporal punishment even without the statutory statement in current law, absent some other restriction or prohibition. Nevertheless, it is not clear what effect eliminating the current authorization for private schools, without also enacting some other statement, will have on the law.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	12-04-07
Reported, H. Education	05-28-08

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