



Ohio Legislative Service Commission

Bill Analysis

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H.B. 441

130th General Assembly
(As Introduced)

Reps. Winburn and Fedor, Heard, R. Hagan, O'Brien

BILL SUMMARY

- Removes the current requirement that each school district board 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 district board to instead adopt "other" strategies to address such behavior ranging from prevention to intervention.
- Requires each district to provide training to the district's teachers on the board's disciplinary strategies.
- Requires the school principal (1) to evaluate the actions of any teacher present during an event involving violent, disruptive, or inappropriate behavior from a student, (2) to compare the teacher's actions to the district's training protocol, and (3) to place the evaluation in the teacher's personnel file.
- Requires each district to report to the Department of Education on (1) the effectiveness of the district's disciplinary strategies and training on student discipline, and (2) the relationship between these strategies and achievement amongst student subgroups.
- Requires the Department to include the reasons for, and the duration of, suspensions and expulsions in each district's annual safety and discipline report.

CONTENT AND OPERATION

Student discipline for violent, disruptive, or inappropriate behavior

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 requires each school district board to eliminate its current zero tolerance policy. Furthermore, it expressly prohibits a district from readopting that policy or adopting a new one. Instead, each board must establish "other" strategies to address such behavior that range from prevention to intervention.¹

Training and evaluation on student disciplinary strategies

Under the bill, each school district is also required to provide training to teachers on the board's school safety strategies. Training must include the proper protocol for incidents involving violent, disruptive, or inappropriate behavior from a student.² The bill specifically permits this training to be offered during the in-service training for school employees, which each teacher employed by a school district is currently required to complete, as well as each person employed by a district to work as a nurse, counselor, school psychologist, or administrator.³

Moreover, the bill requires that, if a teacher who is employed by the district is present during any incident involving violent, disruptive, or inappropriate behavior, the principal must evaluate the teacher's actions during the event and compare those actions to the district's training protocol described above. The evaluation must then be placed in the teacher's personnel file and may be considered during the teacher's performance evaluation.⁴

District report on student discipline and subgroup achievement

The bill requires the superintendent of each school district to annually report to the Department of Education, not later than a date prescribed by the Department, on both (1) the district's progress in closing the achievement gap between subgroups of students, and (2) the relationship between student achievement and school discipline within the district. In preparing this report, the superintendent may consult the school

¹ R.C. 3313.534(A).

² R.C. 3313.534(B)(1).

³ See R.C. 3319.073(A), not in the bill.

⁴ R.C. 3313.534(B)(2).

safety and discipline report provided annually by the Department (see "**School safety and discipline report**" below). The report must specifically include both of the following:

(1) The effectiveness of student disciplinary strategies adopted by the district board, as well as the training provided by the district, on disciplinary issues in schools.

(2) The relationship between the effectiveness of these strategies and the district's progress in closing the achievement gap between subgroups of students. Subgroups must include, to the extent possible, (a) students with disabilities, (b) economically disadvantaged students, (c) limited English proficient students, and (d) gifted students.

The Department must submit each district's report to the General Assembly and the President of the State Board of Education.⁵

School safety and discipline report

Currently, the Department of Education is required to annually prepare a report on school safety and discipline for each school district and to make the report available to the superintendent of each school district. The report must include statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated by race and gender.

The bill maintains this requirement but adds that the report must also include the reasons for, and the duration of, the suspensions or expulsions, including the number of instructional days lost. Furthermore, in addition to the current requirement for disaggregation by race and gender, information must also be disaggregated by disability.⁶

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.⁷ 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

⁵ R.C. 3313.534(C).

⁶ R.C. 3302.031(B).

⁷ R.C. 3313.661, not in the bill.



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.⁸

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.⁹

Finally, each district must have a policy prohibiting and prescribing procedures for responding to harassment, intimidation, or bullying by students, including acts committed through electronic means (often called cyberbullying) and violence within a dating relationship.¹⁰

HISTORY

ACTION	DATE
Introduced	02-11-14

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⁸ R.C. 3313.66(A) and (B), not in the bill.

⁹ R.C. 3313.66(D) and (E), not in the bill.

¹⁰ R.C. 3313.666, not in the bill.

