



We have the legal right of way.

Michael Kirkman, Executive Director of Disability Rights Ohio
Interested Party Testimony on House Bill 318
House Finance Committee
April 10, 2018

Chair Smith, Vice Chair Ryan, Ranking Member Cera, and members of the House Finance Committee, thank you for the opportunity to provide written testimony as an interested party in consideration of House Bill 318 ("HB 318"). My name is Michael Kirkman and I am the Executive Director of Disability Rights Ohio ("DRO"). As many of you are aware, DRO is designated under federal law as the protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio, including students with disabilities. Our work includes helping students with disabilities and their families know their rights and navigate through the educational system. Our work gives DRO a unique and essential perspective on HB 318.

As you know, HB 318 establishes qualifications and training requirements for school resource officers ("SRO") and designates an SRO to be trained in "providing assistance on topics such as classroom management tools to provide law-related education to students and methods for managing the behaviors sometimes associated with educating children with special needs." Notably, the additional request for a funding component establishes a non-competitive grant process that would help fund provisions like safety equipment, training equipment, the training of SROs, and educational resources.

DRO understands the need to protect our students and schools. But we also recognize that consideration should be made to make appropriate investments into school-based mental health services in addition to SROs. This investment would also help to ensure that schools are meeting federal and state special education law requirements that students with disabilities, who need mental health services, receive those services.

Studies have demonstrated that students who do not receive appropriate mental health services are more likely to "experience academic failure, become involved with the criminal justice system, abuse substances, or fall victim to suicide."¹ Through our work, DRO has found that rather than providing students with disabilities with mental health services such as counseling, social work, and positive behavior interventions and supports to address adverse disability-related behaviors, school districts are disproportionately removing students with disabilities from their classrooms and schools using disciplinary measures like in- and out-of-

National Education Association, *The Importance of School-based Mental Health Services*. Available at: <http://healthyfutures.nea.org/importance-school-based-mental-health-services/>



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school suspensions and expulsions. This lack of mental health services violates the law, and deprives students of the skills necessary to manage disability-related behavior that may give rise to disciplinary action and results in poor outcomes for students and our school systems.

DRO works directly with families and students with disabilities in schools and sees firsthand what a difference providing the right services and supports can do for these students and the school districts. This is highlighted in many cases that we see, but a particular example is around a student with disabilities who never had the appropriate mental health services he needed. “Jaden” is now 13 years old and the lack of service to support his disabilities has unfortunately escalated into suspensions, jumping from school to school, and even multiple juvenile charges - all stemming from behaviors in school. The most concerning incident involved an SRO using a Taser when Jaden was trying to call his mother from the main office after another student had spit on him. He was never able to call his mother, but instead was handcuffed and removed from the school. After DRO stepped in, we worked to find a school environment with no SRO where Jaden receives positive behavioral supports to address incidents that arise. As a result, Jaden has not been suspended from school, and he has no significant behaviors.

Children with disabilities like Jaden can learn to control behaviors that may lead to discipline if they are provided with the necessary mental health and behavioral services. Certainly, not every SRO will resort to using Tasers on children, but increasing funding for SROs alone is not enough to solve the problems that HB 318 is trying to address. Finally, data from recent research demonstrates that individuals who pose a risk of harm to other students or to themselves, including gun related violence, can be helped by appropriate mental health services. These children may be bullied or been otherwise traumatized. Bringing a gun to school may be seen by the individual as necessary for self-defense, or acting out to seek retribution. Additional resources, including school-based counselors, social workers, and mental health providers, are necessary to equip school districts to address the needs of these students, and are a critical component of planning for school safety.

DRO is available to work with the House and other interested parties to consider additional provisions for the legislation that would address the establishment of mental health services in schools which would improve the quality of education services for students with disabilities in Ohio.

Thank you again for the opportunity to provide testimony as an interested party on HB 318 and to offer vital information the implications the bill could have on students with disabilities. If you have any questions or wish to discuss the matter further please reach out to me or Jordan Ballinger, Policy Analyst, at (614) 466-7264 x 135 or jballinger@disabilityrightsohio.org.

