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Interested Party Testimony For HB 310  
Tim Johnson, Policy Advocate  
Ohio Poverty Law Center  
Ohio House Primary & Secondary Education Committee  
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Chairman Jones, Vice Chair Manchester, Ranking Member Robinson and members of the Ohio House Primary & Secondary Education Committee, my name is Tim Johnson and I am a policy advocate for the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. Thank you for allowing me to provide testimony on House Bill 310 the Ohio Anti Bullying & Hazing Act.

Bullying is a scourge that can plague students throughout their school experience. Children who experience bullying often develop issues with their self-esteem, may become depressed, and no longer view their school as a safe learning environment. Bullying may lead to extreme behaviors such as students engaging in self-harm. In the worst-case scenario's students may attempt and even complete suicide. HB 310 represents a good faith effort to try to eliminate bullying and we applaud the sponsor of the bill for his diligent work on the issue. While we are supportive of the bill's overall goals, there are some reservations we have regarding HB 310.

The Ohio Poverty Law Center, through our work with Ohio's legal aid programs know how harmful bullying can be. Many of our legal aid attorneys have worked with families who are affected by bullying. These families turn to legal aid when bullying has gotten out of control and the school does not seem to be effective in ending the troubling behavior. Legal aid attorneys work to file complaints, request safety plans for students, and ultimately come to a resolution for the bullying behavior. Legal aid attorneys also represent families where a student is accused of bullying, making sure the student's due process rights are being upheld. It is through the work of representing students accused of bullying that raise some concerns.

HB 310 would require, after a second incident, that a student who is found to be engaged in bullying behavior either be subjected to:

- a detention to be served before school, after school, or at a time when the school is not normally open, for up to the total number of hours equivalent to ten school days;
- An in-school suspension for up to ten days;
- An out of school suspension for up to ten school days;
- An expulsion.

These punishments are significant and can disrupt a student's life and their ability to learn. If a student is required to serve detention for example, this can put a strain on their family as they try to navigate getting a child to and from school. The total number of hours equivalent to ten school days adds up to a lengthy amount of detention and students serving detention after school will still be at school long after busses have finished dropping off other students. Parents in poverty often work jobs that do not allow

them to simply change their entire schedule to pick up a child who is being held in detention after school. If the parent is not able to arrange alternative transportation, they may be forced to quit their job or be fired, further plunging the family into poverty.

Furthermore, the bill does not consider the entirety of a child's situation when handing down its required punishments. Certainly, there is bullying behavior that absolutely warrants a detention, suspension, or expulsion but HB 310 fails to recognize issues students are dealing with just below the surface. Children who bully often are facing difficulties and the bullying behavior can be a manifestation of a child's inability to deal with situations they find themselves in. A child could be suffering from abuse at home, reacting to various traumatic events, or even be dealing with an intellectual disability. The bill does not require school administrators to take this into account and if a teacher cannot decipher what is happening with a student during the initial incident, then the student will be punished. Legal aid attorneys who have represented students accused of bullying often find out there is much more going on with the child than meets the eye. Allow me to offer two examples:

A legal aid program represented a 5<sup>th</sup> grade student in Meigs county in April of this year. The student was suspended for 10 days and had been recommended for expulsion due to threatening and bullying. It turns out that the student had grown up in extreme poverty and experienced a significant amount of trauma in his childhood. His family informed the legal aid attorney that the student had never attended a school longer than six months due to behavioral issues and had been expelled and transferred to alternative placements his entire school career. Legal aid successfully defended the student from expulsion and requested his school evaluate him for an Individualized Education Program (IEP). The student qualified for an IEP and through a variety of innovative methods, the school began working to remediate the student's behavior. In this current school year, the student is doing much better with no disciplinary actions.

Another legal aid program represented a 1<sup>st</sup> grade student with an intellectual disability. The student had a low IQ in the 50's and comprehension issues due to extreme cognitive defects. The school district did not work to teach the student appropriate social interactions and were instead suspending the student for their behavior. Legal aid worked with the district to create better behavioral and emotional supports within the student's IEP and created a functional behavior assessment and a behavior intervention plan to address the student's behaviors instead of suspending. I will note that the student in the example would be exempt from punishment thanks to the provisions in the sub-bill, and we applaud the sponsor for adding that language, but this situation could happen to any student in Ohio regardless of grade level.

The bill does allow for a small exemption to its punishment provisions, but that exemption is narrow. A school administrator could appeal to the school board to allow for an alternative punishment, but the administrator would have to prove a host of factors about the bullying student. The final say ultimately rests with a majority of the school board instead of with the school administrators who know the student the best.

HB 310 is obviously well intentioned and has a worthy goal. It is unclear however, that HB 310 will be able to end bullying schools because nothing in the bill tackles the underlying cause of why kids bully. The counseling options offered in the bill are optional rather than mandatory. HB 310 merely removes students from the classroom despite evidence showing that a student's greatest predictor of academic success is in being in a classroom. Instead of jumping to detention, suspension, and expulsion on the

second offense, schools should work within the Positive Behavior Intervention and Supports framework and determine if the student is suffering issues that are best addressed with an IEP. We have a responsibility to all of Ohio's children, both the bullied and the bullies, to make sure we are making school a safe and welcoming environment that promotes and encourages learning.

Thank you for allowing me to testify and I'll be happy to take any questions you have.