



**House Primary and Secondary Education Committee  
Sub. HB 310 Interested Party Written Testimony  
Ohio Association Secondary School Administrators  
Ohio Association of Elementary School Administrators  
Ohio School Boards Association  
Buckeye Association of School Administrators  
January 23, 2020**

Chairman Jones, Vice Chair Manchester, Ranking Minority Member Robinson, and members of the House Primary and Secondary Education Committee. Thank you for the opportunity to submit comments to you today regarding Substitute (Sub.) House Bill (HB) 310. Our associations testified as interested parties on Sub. HB 310 on Nov. 12, 2019. Our comments below are in regard to the newest substitute version of the bill, as adopted by this committee on Jan. 21, 2020.

We support and appreciate the substitute version's inclusion of the terms "evidence based," "evidence informed," and "age appropriate" throughout the legislation. We also support the changes that specify the district or school, instead of superintendent or equivalent official, are the actors who will impose disciplinary action as a result of bullying. This change recognizes the important role that building administrators have in disciplinary cases and provides flexibility to districts and buildings by allowing them to select the individual who will make decisions about discipline due to bullying.

There are, however, other areas of the bill we believe need revision. We have shared this feedback with the bill's sponsor and engaged in discussions with him about our suggestions. We greatly appreciate Representative Greenspan's willingness to hear our feedback. We look forward to continuing this effort with the bill's sponsor, and also working with the Senate as it considers the legislation.

First, we have concerns about the bill's requirement for districts to administer specified punishments for instances of bullying, intimidation or harassment. We acknowledge that the bill permits a board of education to adopt guidelines regarding alternative forms of discipline.

However, we prefer that the bill not contain provisions that are overly prescriptive. We recommend removing the specificity from the bill and allow local school districts to select disciplinary procedures of their own choosing, rather than a state law mandating certain punishment.

Second, the bill permits a board of education to subject a guilty student to an age-appropriate community service plan. Current law already provides for such a practice, but the actors are different than prescribed in the legislation. Currently, boards of education authorize the superintendent to subject a guilty student to community service. The decision to impose community service is decided by the superintendent – not the board of education. The bill’s provision would add unnecessary confusion by blurring the lines of authority between superintendent and board responsibilities. Moreover, boards of education are responsible for establishing suspension and expulsion policies, which are then administered by district and building administrators. We recommend amending the bill to conform the community service practices to current law.

Third, the bill requires districts to prohibit a guilty student from participation in extracurricular activities. This would restrict the ability of districts to conduct their own disciplinary procedures, and it would limit flexibility for districts to make alternative decisions in extenuating circumstances. We recommend eliminating this provision.

Fourth, the bill requires districts to permit guilty students to take state assessments and to do so in their *regular school setting*. It is conceivable that, depending on the nature of the offense, the presence of the guilty student might create an uncomfortable environment for other students during important state testing, or the offender might be uncomfortable in the regular school setting. Additionally, it is unclear what constitutes “regular school setting.” Does it mean the classroom or, more generally, the school building? Ultimately, we recommend providing districts flexibility in making decisions that are in the best interest of all students.

Fifth, in our reading of the bill, it appeared that boards of education would be making decisions about alternative discipline methods for individual students. However, through discussions with the bill’s sponsor, it is our understanding that this would be a local policy that would include a menu of locally determined disciplinary options to be selected by district and building administrators. We suggest adding language that would further clarify this provision.

Sixth, the bill states that detentions are subject to the due process procedures similar to those for suspensions. Detentions do not currently have due process procedures like suspensions. Thus, this would signal a stark departure from current law, effectively allowing any student with a detention to file an appeal, request an administrative hearing, and other proceedings for what may have been a mere after-school detention. We recommend removing this provision and reverting to current law.

Finally, much of what the bill intends to do can be accomplished by simply amending and enhancing the main anti-bullying statute – 3313.666 – instead of creating a new statute – 3313.669 – with similarities and differences between the two. This would better allow districts to implement these provisions with fidelity, ensuring the individuals carrying out these laws adequately understand and know what must occur, when, and by whom. Otherwise, creating two separate areas of law that deal with the same issue will likely lead to unnecessary increases in

administrative burdens for district administration, policy staff, and legal counsel to parse out the nuanced differences.

Respectfully submitted,  
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