

**Cayla Burton, Policy Director, Juvenile Justice Coalition**  
**Testimony on SB 34**  
**Senate Education Committee**  
**May 7, 2019**

Chairwoman Lehner, Ranking Member Fedor, and members of the Senate Education Committee, thank you for the opportunity to testify on SB 34, regarding educator licensure. The Juvenile Justice Coalition (JJC) is an organization that works to ensure that approaches to Ohio youth who are at-risk of involvement or involved in the juvenile court system are research-based and cost-effective. In addition, JJC engages youth leaders to get their perspective on what would be most effective for them and their colleagues.

SB 34 creates an automatic denial or revocation of a teaching license if a juvenile was adjudicated for one of 45 criminal offenses, including violent and sexual offenses, as well as conspiracy. It also prohibits a court from issuing a certificate of qualification for employment, if the State Board of Education denied or revoked an educator's license for one or more of the expressed offenses.

The sponsor of the bill stated during her testimony that she worked with the Ohio Department of Education to align the bill's language with new ESSA standards that were released last summer. The new standards require states to have laws in place that prevent state and local education agencies from assisting school employees from finding a new job if the individual has given the agency probable cause to believe that they have committed sexual misconduct with a minor.

Although we agree with the intent of the legislation, we are concerned that including juvenile adjudications for reasons of a license revocation or denial goes dangerously beyond the ESSA requirements and can lead to unintended consequences. For example, under current law, youth sexting is only addressed through a child pornography lens, which does not adequately address the complexities and nuances of these situations, particularly given youths' unique developmental characteristics. Under this bill, a youth caught and adjudicated for sexting, may be forever barred from becoming a teacher once they're an adult.

Furthermore, SB 34 fails to recognize the fundamental differences between adolescent and adult brain development and decision-making. Adolescents differ from adults in the way they behave, solve problems, and make decisions. There is a biological explanation for this difference. Studies have shown that brains continue to mature and develop throughout childhood and adolescence and well into early adulthood. Based on the stage of their brain development, adolescents are more likely to act on impulse, misread or misinterpret social cues and emotions, get into accidents of all kinds, get involved in fights or engage in dangerous or risky behavior and are less likely to think before they act, pause to consider the consequences of their actions, or change their dangerous or inappropriate behaviors. This is why we have two separate justice systems for juvenile and adult offenders.

The philosophical beginnings of the juvenile justice system rested on the notion that young people who become delinquent were amenable to reform and the system should respond by providing ample rehabilitation services. It was also emphasized that youth should be spared from the stigma of involvement with the adult criminal justice system and not be branded as "criminals." The dangers and stigma of being branded a "criminal" are especially real for juveniles who are adjudicated delinquent for sex related offenses, as evidenced by this bill. Laws, such as what's being proposed under SB 34, often ensnare the very young people in the laws they were established to protect.

Despite the bill's intent to make children and the community safer, it would do the very opposite by including adults who were adjudicated for an offense committed in their adolescence. Young people already face social stigma, branding as predators, housing bans, and exclusion from schools as a result of certain juvenile adjudications and SB 34 only adds to these sanctions by creating another barrier to employment for youth as

they move into adulthood, making it harder for them to move on with their lives and become responsible, law-abiding adults.

The original aim of the juvenile justice system was to create a system whereby delinquent acts would not disrupt the pathway to adulthood by placing barriers in the youth's way that made it difficult or impossible to succeed. Instead, the system's focus on rehabilitation stressed the belief in reformation. Proposals such as SB 34, represent departures from this line of thinking by labeling the young person as a danger to society, a predator, sometimes for the rest of the person's life.

True justice is paying for a mistake one time. True injustice is making a person pay for a mistake more than once. Young people who make mistakes should be held accountable for those mistakes, but they also deserve the chance to change and move forward with their lives afterward.

In closing, I urge members of the committee to amend SB 34 to remove all juvenile adjudication language. Thank you for this opportunity to testify today and I welcome any questions.