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Hearing on HB 410
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Good morning Chair Brenner, Vice Chair Hayes, Ranking Member Fedor and members of the Committee. My name is Erin Davies and I am the Executive Director of the Juvenile Justice Coalition. I am here to testify on HB 410, which addresses Ohio's approach to truancy and school discipline.

How Do Ohio's Current Policies on Truancy and School Discipline Impact Students?

Unfortunately, Ohio's approaches to truancy and school discipline do not focus on keeping youth positively engaged in school and instead often create a path to formal juvenile court processing. These policies include:

- *Truancy:* It is important to note that students miss school for many reasons, such as lack of transportation, having to care for family members or siblings, feeling bullied or unsafe at school, or learning differences that can make school frustrating. Currently, ORC 3321.191 requires schools to develop a policy, including a list of intervention strategies, to deal with student absences. However, under ORC 3321.19, once a student qualifies as a habitual truant, the school can *either* use an intervention(s) *or* file a complaint with the juvenile court. If a student has enough absences to qualify as a chronic truancy, the school *must automatically file* a juvenile court delinquency complaint. This direct delinquency filing for chronic truancy violates the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), which does not allow youth adjudicated for status offenses cannot be considered delinquent unless they have violated a court order.
- *School discipline:* Ohio's current school discipline policy provides that students can be suspended or expelled for "violent, disruptive, or inappropriate behavior, including excessive truancy." This policy has led to more than 200,000 students being suspended or expelled from Ohio's schools each year, the majority of which are for non-violent behavior. In 2013, over 7,000 Ohio students were suspended or expelled for truancy alone.

Why Is Student Engagement So Important?

Research shows that keeping students engaged in school and out of formal juvenile court processing is critical not only to students themselves, but to other students in school and society generally.

Impact on students: Keeping youth positively engaged in school is critical for healthy student development, violence prevention, and safety; the National Crime Prevention Council recognizes that schools are one of the safest places students can be. Alternatively, not attending school can create negative impacts. For individual students, missing school can lead to poorer academic performance and an increased likelihood of out-of-school suspension, expulsion, dropout, and court involvement. For other students, one study found that low attendance rates can decrease academic performance schoolwide. These impacts disproportionately impact certain students, including students who are non-White, have disabilities, and low-income.

Financial impacts: The cost of students who become disengaged from school has a significant financial impact on all Ohioans. As stated above, decreased attendance increases the likelihood that a student will drop out of school. Research estimates that each youth who drops out of school can cost an average of $243,000 to $800,000 over their lifetime due to decreased earnings, lowered tax revenue, and increased involvement with social programs and the criminal justice system. In addition, students who do not attend or drop out of school can decrease funding to Ohio schools. In Fiscal Year 2012, the Ohio Department of Education invested just over $10,000 per student per year. A student who does not come to school or drops out of school can lead to the loss of thousands of dollars invested in that students' education and reduce overall school funding.

In addition, the cost of juvenile justice system involvement is high. Comprehensive juvenile justice system costs – including the costs of courts, judges, prosecuting and defense attorneys – are extremely difficult to calculate.

However, looking only state funding from the Department of Youth Services, the state spends approximately $230 million per year on the over 100,000 youth involved with juvenile courts - an average cost of over $2,000 per youth per year. This is in addition to hundreds of thousands or millions of local funding for juvenile courts.

Juvenile justice system involvement: Juvenile justice system involvement is not only expensive, but can often lead to deeper involvement in the court system at an even higher cost. Data in Ohio has shown that the most effective way to reduce recidivism for youth is to divert them from formal court involvement. This approach has been widely supported, including by the American Legislative Exchange Council, which recognizes that "schools, mental health, child welfare and other systems are best suited to complement and strengthen the family's capacity to address…lower-level behaviors. They should be the first choice in dealing with status offenders and less serious delinquent behaviors when possible, rather than moving juveniles into the juvenile justice system."[1]

How Will HB 410 Improve Outcomes for Ohio's Students, Families, and Taxpayers?

The overarching goal of HB 410 is to keep Ohio' students engaged in school and out of formal juvenile court involvement. It would align Ohio law with best practices to keep students in school and on track for success by:

#1: Creating a new process for schools to reengage students in school and reduce absences. This process involves:

1) Utilizing the interventions listed in the school's policy to attempt to reengage the student in school.
2) If the student continues to miss school, referring the student to an absence intervention team to create a plan and address why the student is missing school. The team will provide additional support and resources to schools and students by engaging non-school entities, including non-profit providers or local agencies.
3) If the absences persist, the school may refer the student to the juvenile court, which must consider placing the youth into a diversion program.

#2: Reexamining Ohio's school discipline policies to keep students in school. HB 410 encourages student engagement by:

- Not allowing students to be suspended or expelled for missing school.
- Developing a model school discipline policy through the State Board of Education to address student behavior that moves away from a punitive discipline approach and towards research-driven preventative strategies and alternatives to suspension or expulsion along with materials and staff training to implement this policy.

#3: Bringing Ohio into compliance with federal law. HB 410 brings Ohio into JJDPA compliance by ensuring that no youth can be charged with a delinquency offense for missing school without violating a valid court order.

#4: Gathering information on youth who miss school in Ohio. Currently there is no public statewide data available on the number of youth who miss school. HB 410 would require data collection to determine how many students miss school, the reasons behind their absences, what interventions work best, and how many youth are referred to the juvenile courts each year. This information will help to guide further efforts to engage students.

Several of these best practices are already being utilized in counties across Ohio. For example, the Delaware County Schools and Juvenile Court have worked with school liaisons, mediators, and attendance officer to divert youth from the court system. In the last school year, only 11 of the 436 youth missing school were formally referred to the juvenile court system. In addition, Mahoning County uses an Early Warning System (EWS), which uses existing data to identify youth who are struggling in school and connect them with community-based programs. The program involves team interventions to increase the student's support in the community and school and has led to an examination of local policies that can be changed to help students stay in school.

In closing, I would like to thank Chair Brenner, Vice Chair Hayes, and Representative Rezebek for their leadership on these issues and work to keep all Ohio students engaged in school and on a path to success. Thank you for this opportunity and I welcome any questions.

[1] American Legislative Exchange Council, *Juvenile Justice Act,* available at http://www.alec.org/model-policy/juvenile-justice-act/.