



December 2, 2016

The Honorable Andy Brenner, Chair
House Education Committee
Ohio House of Representatives
Riffe Center – 13th Floor
Columbus, OH 43215

Dear Representative Brenner:

On behalf of our organizations, we are writing to express our support for a substitute House Bill 498, as it appears as L-131-2379-2, relating to the expulsion of a student from a school district, community school, or STEM school for communicating a threat of violence to occur on school grounds.

We wish to acknowledge the efforts of the sponsor in reaching out to so many stakeholders in addressing what has become a mounting problem.

The coverage on violent acts in our nation's schools has been extensive. From Columbine High School to Sandy Hook Elementary School, the images are only too vivid.

However, what are less reported on a national level are the numerous threats that come in the form of bomb threats, hit lists posted on restroom walls, and electronic media postings.

Even when such threats are never executed, they still result in negative consequences. Students and teachers experience lost instructional time. The anxiety for parents and for students heightens. First responders are diverted from other potentially lifesaving duties.

We believe that HB 498 offers a reasonable response at the local level to what seems to be an epidemic of these threats against students, staff, and public property.

First of all, this is permissive legislation. The elected Board of Education may adopt a resolution to authorize the authority of a Superintendent to implement the provisions of this proposed legislation. This authority would provide for the Superintendent to expel a student for up to sixty school days for communicating a threat to kill or do physical harm to persons or property not only at school but also at any activity sponsored by the school.

Second, it considers threats in all of their various forms: verbal, written, and forms of electronic communication, as well as the targets of those threats.

Third, it grants to a Superintendent, in consultation with law enforcement, the authority to determine if the student making the threat engaged in conduct representing a substantial step toward committing the act described in the threat.

Fourth, law enforcement agencies would be specifically permitted to proceed with juvenile or criminal action against a student expelled under this law, if enacted.

Finally, there are financial issues which, while less significant, are very real. Closing one school in a district results in additional costs for overtime, and local law enforcement agencies experience the same kinds of additional expenses when they must call out additional first responders. The law would specifically authorize local political subdivisions to seek restitution by civil action for the costs associated with the student's conduct that gave rise to the expulsion.

However, there are also some protections for the student making such threats.

First of all, all due process provisions currently provided for expulsions under Ohio law are maintained.

Second, the school district must continue to provide for the education of the expelled students.

Third, all existing procedural safeguards with regard to students with disabilities are maintained.

Fourth, a key component of this legislation is specific authority for a Board of Education to require, as a condition of reinstatement, an assessment of the student to determine if that student is a danger to himself or herself or to other students or staff. If the student does not comply with the assessment, the Superintendent may extend the expulsion up to one year. We believe that the intent here is treatment and not just punishment.

Chair Brenner, because we believe that this is an appropriate response to the increasing numbers of threats and potential acts of violence, we believe that House Bill 498 is a balanced approach between punishment and the treatment/education of students. We urge the committee to favorably report the bill.

Respectfully submitted,



Thomas P. Ash
BASA Director of Governmental Relations



Damon Asbury
OSBA Director of Legislative Services

The Honorable Andy Brennerr

December 2, 2016

Page 2

A handwritten signature in cursive script, appearing to read "Barbara Shaner".

Barbara Shaner

OASBO Associate Executive Director