

Chairman Brenner, Vice-chairman Slaby , Ranking Member Fedor, and members of the Education Committee, thank you for the opportunity to provide written testimony to you today in opposition to House Bill 498. I am the Managing Attorney for the Education Practice Group at Advocates for Basic Legal Equality, Inc., and the Co-chairman of the Legal Aid Statewide Task Force on Education.

I am writing to you to express my opposition to HB 498 and to provide you with information as to why this bill should not be supported.

Students who make substantiated threats must be held accountable and school districts must take actions to keep all of their students safe. However, the approach taken by HB 498 is problematic for the following reasons:

1. Inappropriate student behavior and violation of school rules, including threats, can have many causes, including an undetected disability, lack of challenging class work, peer conflicts, bullying, emotional problems and a stressful home or community environment.
2. In most instances, corrective remedial measures and intervention strategies, such as parent conferences, school-based counseling, peer mediation, conflict resolution, referral to appropriate social services, and positive behavioral supports (which may include a behavior modification plan) could help correct inappropriate behavior before suspension and expulsion become an issue.
3. In addition, schools should provide professional development opportunities for teachers to learn skills and strategies to manage the classroom and reduce inappropriate behaviors and conflict, well before the conduct escalates to threats. Because the right to a public education is grounded in both federal and state law, corrective intervention and prevention strategies should be every school district's first responses to a violation of school rules, including threats.
4. Students who are expelled or suspended must learn outside of the educational setting, do not have access to the supports and teachers who understand their disability or difficulties they are having in school and often have a harder time catching up with the curriculum.
5. Students who have learning challenges and are struggling cannot afford to miss school because of suspensions and become even more discouraged about school following a long suspension or expulsion.
6. Students with disabilities that include behavior issues may use provocative behaviors as a means of getting suspended because they find school so frustrating. They may then spend unsupervised time at home or in petty criminal behavior.

Although school responses to student misconduct typically are distinct to the individual jurisdiction, and even the individual school campus, the past two decades have witnessed a widespread reliance on suspension and expulsion as swift sanctions to expediently address disruptive classroom behavior, including being impulsive and making statements in the heat of the moment. We are concerned about the subject nature of H.B. 498. Rest assured, we are not opposed to school discipline. However, our experience at Advocates for Basic Legal Equality (ABLE) has been that many issues related to a child's behavior, such as being bullied, dealing with unaddressed mental health issues and conditions at home can escalate to the point where a child acts impulsively. When given the choice between addressing the needs of children with

behavioral issues (often relating to a disability) or simply removing them from class, some teachers and building administrators will choose removal, criminalizing the behavior by having a child who violates school rules arrested and referring the incident to juvenile court, rather than taking the time and effort to work with the child to resolve the issue at an early onset.

We represented an 11 year old, African American girl, who was a student in the Toledo Public School system. She was under medical and psychological care for a number of mental health issues and was diagnosed with Oppositional Defiance Disorder. Our client was arrested, handcuffed and physically removed from her elementary school on 3 separate occasions. In the past, all of these incidents would have been viewed as school behavioral issues, especially given this child's disabilities, and yet in the current climate, the assistant principal chose to have this young girl arrested. One of these arrests occurred because this young child refused to put her books on the floor after being told to do so. This child would become impulsively make threats and would require intervention based services to calm down.

We also represented a young African American student who was determined to be disabled. He received numerous out of school suspensions, and faced expulsions relating to being late for school and, on occasion, fighting. The fights were due to bullying that he suffered because of his disabilities. During these situations, this student would get so upset about being bullied, because of his disability, that he would make threats that given the expansive nature of the use of expulsion in H.B. 498, would have excluded this child from school for a long period of time. Our experiences is that instances of bullying continue to go unaddressed by many school districts.

Like the children in the examples above, the children, who would most frequently be subjected to this expanded use of suspensions and expulsions will be children of color, living in poverty and frequently those who have a disability. We should be focusing on supporting teachers and school staff with resources that will create a positive educational environment so that they are empowered to address behavioral issues within the classroom, by establishing clear rules, consistent expectations regarding compliance and a discipline system that will keep at risk children and children with behavioral issues in school rather than taking them away from their chance to become educated through the use school suspensions and expulsions.

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