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Testimony in support of House Bill 410

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Chairwoman Lehner, Vice Chairman Hite, and Ranking Member Sawyer, my name is Janet Hales and I am the Director of the Ohio Poverty Law Center ("OPLC"). Before becoming Director of OPLC, I practiced law in the private and nonprofit sectors. Prior to attending law school, I was a special education teacher and appreciate the many challenges that teachers and schools face. Thank you for the opportunity to appear and testify before this committee to express support for House Bill 410 and its proposed amendments on behalf of OPLC.

OPLC pursues evidence-based policies aimed at reducing poverty and increasing access to opportunities and justice for all Ohioans. OPLC also provides assistance to and collaborates with the Ohio Legal Aid community as the legal aid state support center for Ohio. The legal aid community provides direct legal assistance to Ohio's poorest citizens, those living at or below 125% of the Federal Poverty Level.[1] In Ohio, one in four children lives in poverty. Your support of House Bill 410 will have a profound impact on these children.

The direct correlation between education and reducing poverty was underlined in a powerful publication released by The American Enterprise Institute and Brookings Institution Working Group on Poverty and Opportunity in December of 2015. Entitled OPPORTUNITY, RESPONSIBILITY, AND SECURITY: A CONSENSUS PLAN FOR REDUCING POVERTY AND RESTORING THE AMERICAN DREAM in December of 2015. This report and plan was the result of 14 months of grueling discussions between the traditionally at-odds organizations and a study group comprised of policy experts known for widely different opinions and perspectives. After reviewing data and literature on practices proven to reduce poverty by increasing economic mobility, they reached consensus that education is one of three main domains needing great improvement and investment if we are to reduce poverty in our nation. These experts also found that "gaps in academic achievement (test scores) and schooling attainment (years completed) between children from higher- and lower-income families are rising over time."[2]

I would like to briefly explain why House Bill 410 and its proposed amendments promote not only sound and evidenced-based education policy – but also the opportunity to reduce poverty in Ohio.

If we acknowledge that education is a key to reducing poverty here in Ohio, we must commit to keeping children in their schools. In their POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS, the U.S. Department of Health and Human Services and U.S. Department of Education noted, "a child's early years set the trajectory for the relationships

[1] In 2015, that meant an income of $25,113 per year for a family of three.

[2] OPPORTUNITY, RESPONSIBILITY, AND SECURITY: A CONSENSUS PLAN FOR REDUCING POVERTY AND RESTORING THE AMERICAN DREAM, 28.

and successes they will experience for the rest of their lives, making it crucial that the children's earliest experiences truly foster – and never harm – their development. As such, expulsion and suspension practices in early childhood settings, two stressful and negative experiences . . . should be prevented, severely limited, and eventually eliminated."[3] The same statement also highlights evidence that expulsion or suspension early in a child's education is associated with expulsion or suspension in later school grades, noting that such practices "remove children from early learning environments and the corresponding cognitively enriching experiences that contribute to healthy development and academic success later in life."[4]

School absences caused by truancy and discipline policies that remove children from schools are counterproductive because school absences, regardless of their causes, are harmful to school success. Studies show that missing 10 percent or more of school days – whether excused, unexcused, or due to suspension – is predictive of lower levels of learning and skills by third grade, failing classes in middle school, higher levels of suspension, higher likelihood of dropping out of high school, and a lower levels of finishing college.[5] The academic impact of absenteeism is greatest for children living in poverty whose families typically have fewer — and less access to — resources to make up for the lost school learning opportunities.

Addressing truancy children in schools and learning

Under current Ohio law, a student with chronic absences can be referred to the juvenile court before a determination is made about why a student is missing or late to his or her classes. However, truancy can be the result of issues related to life in poverty including, lack of transportation; caring for a younger sibling while parents are working; not having the proper clothing or supplies, chronic illness due to poor housing or hunger, or the stress of having already fallen behind in school.

As a proven vehicle for economic mobility, education should not be taken out of the lives of children who have missed school. Punishing absence from school with suspensions, expulsions, and referrals to juvenile court only results in more absence from school. Rather than keeping young people in learning institutions and on the path of education, these measures thrust young people into the juvenile criminal justice system and raise the odds that they will become incarcerated in the future. HB 410 addresses the problem in a way that is geared to increased school attendance, not additional school absence through suspensions and juvenile court proceedings.

Discipline that keeps children in school

Currently, Ohio school districts are required to have zero-tolerance policies for violent, disruptive, or inappropriate behavior, resulting in large numbers suspensions and expulsions for non-violent behavior. If suspension and expulsion become the last resort for discipline, school absences will be reduced, along with the known effects of missing school – the likelihood of falling behind and

[3] U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES & U.S. DEPARTMENT OF EDUCATION, POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS, (Dec. 10, 2014) available at https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf.
[4] *Id*. at 3.
[5] *Preventing Missed Opportunity: Taking Collective Action to Confront Chronic Absence*, Attendance Works and Everyone Graduates Center, September 2016.

eventually leaving school without an education and without being prepared for a job or further education or training.

As an advocate for low-income Ohioans, I also must point out that passing HB 410 and its amendments will have a meaningful, positive impact on the population that I serve. According to the Ohio Department of Education website, suspensions and expulsions affect children living in low-income families, children with disabilities, and African-American children at rates far out-pacing children not in these groups.[6] Using suspensions and expulsions instead of classroom management and discipline that avoids time away from school is at odds with reducing poverty through education – which requires being present in school. If students are kicked out of school for nonviolent behavior, we are essentially depriving them of the chance to move out of poverty through education. For these reasons, I encourage you to support the tiered discipline policies amendment.

Conclusion

The Brookings/American Enterprise Institute plan focuses on education policies as a main driver for reducing poverty. While it does not promote specific discipline policies, the report and plan expresses great concern about the gaps in education that are growing between people of economic means and people living in poverty. The report also emphasizes that to reduce poverty, it is imperative to increase educational achievement, beginning with early childhood education and using evidence-based practices and increased accountability for outcomes − rather than continuing to do what does not work. House Bill 410 and its amendments are based on evidence-based practices shown to increase school attendance and improve school discipline without out-of-school suspensions and expulsions whenever possible. These practices may cause short-term changes and challenges, but we should not be short-sighted. House Bill 410 is necessary to ensure that students will become educated and capable members of Ohio's workforce, ready to embrace further education, careers, or both. These efforts will support Ohio's current and potential employers who need a well-prepared workforce, which, in turn, will reduce poverty through good-paying employment.

This committee has heard a good deal of testimony, mainly in support of House Bill 410 and its amendments. I did not repeat the extensive research cited in prior testimony but hope that it is at the base of this committees' review of the bill and amendments. Thank you again for the opportunity to provide a slightly different viewpoint on how educational policies that focus on keeping children in school promote longer-term economic goals of reducing poverty in Ohio.

Respectfully,

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[6] http://bireports.education.ohio.gov.