Erin Davies, Executive Director
Juvenile Justice Coalition
Testimony before the Ohio Senate Education Committee
Hearing on HB 410
December 6, 2016

Good afternoon Chair Lehner, Vice Chair Hite, Ranking Member Sawyer, 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 two potential amendments to HB 410: a tiered discipline amendment and an amendment that would exclude districts that have a truancy rate of less than 10% from the bill.

Tiered Discipline Amendment:

Background: Each year 200,000 students are suspended or expelled from Ohio's schools, the vast majority of which are for non-violent behavior. This Committee heard from students and parents whose children were suspended or expelled for relatively minor infractions, like wearing red to school and "insubordination" by a 10 year old. Their testimonies are attached here. Certain students – students who are non-White, have disabilities, and from low-income families – are more likely to be suspended and expelled.

Being suspended or expelled can lead to poorer academic performance and an increased likelihood of court involvement. Schools with higher suspension rates have a more negative school climate and lower academic achievement, including lower test scores. Students who are suspended or expelled are more likely to drop out, which can result in costs as high as $800,000 per student to taxpayers due to increased involvement in the adult criminal justice system and reliance on social programs, decreased lifetime earnings, and less stable employment.

Summary: Ohio law currently requires school districts to have a zero tolerance for "violent, disruptive, and inappropriate behavior." This amendment would retain the zero tolerance requirement only for violent behavior, but allow for more flexible responses – such as in-school suspension, detention, or restorative justice practices – for less serious infractions. The amendment also encourages out-of-school discipline to be limited to certain circumstances: when the student poses a continuing physical threat to the health and safety of others, including bringing a gun or knife to school, making a bomb threat, or committing a criminal offense that results in physical harm. In all other cases, the amendment calls for out-of-school discipline to be used as a last resort.

Support: The amendment is supported by broad range of stakeholders, including 35 Ohio organizations, two national organizations (including Right on Crime), and representatives of Ohio's faith community, as demonstrated by the letter I have attached to my testimony. Reducing out-of-school discipline also was a high priority of various stakeholders – teachers and education administrators, law enforcement and school resource officers, mental health and criminal justice providers, courts, and state and local officials – who were involved in Governor Kasich's *Ohio's Communities 4 Kids* initiative in 2014.

Given the research and broad support of Ohio and national stakeholders, I urge the Committee to accept the tiered discipline amendment to HB 410, which will help thousands of Ohio students stay connected to school and on a positive path to success.

10% Exclusion Amendment:

Summary: This amendment would exclude school districts that have a less than 10% truancy occurrence from all parts of HB 410.

Student Impact: The adoption of this amendment would significantly decrease the impact of HB 410 by exempting students in over half - 53% - of school districts from the bill. Specifically, we are concerned that the amendment:

- Focuses on district, not school: By focusing at the district level, the amendment ignores that some schools within a district may have a higher truancy rate, but may be balanced out by schools with a lower rate. This

could be particularly true for a district with multiple, smaller elementary schools, where addressing truancy is critical to ensure students get the academic and social support needed in their early years to succeed over the course of their academic career.

- Leaves certain students behind: The amendment moves away from HB 410's core principle of keeping as many students as possible connected to school and out of the juvenile court system by addressing students' individualized needs. Truancy is not just a problem in urban schools. For high-poverty rural and small town districts, the exemption excludes **50% of rural districts and 33% of small town districts with high student poverty levels** from compliance with HB 410, leaving behind many students living in poverty. For students in relatively low poverty districts, the exemption may leave behind students who actually need more individualized assistance to engage in school. These students are missing school even though they live in communities that have a relatively higher level of resources, meaning they may be facing unique or complex barriers to attending school. Finally, having fewer school districts comply with the law results in less collaborative efforts and less overall resources engaged in the work of innovating and exploring "what works" across the state to keep students in school.

- Overestimates the resources needed to comply with HB 410: Districts with relatively low truancy rates will likely not have to make significant changes to come into compliance with HB 410. Under the bill, districts can act immediately to start intervening with a student who is missing school, including contacting the student's parent or guardian and initiating any other intervention. If these interventions work and the student returns to school, the district does not have to create an absence intervention team. Many schools that fall into the less than 10% truancy category likely have effective interventions in place, which they can continue to utilize. If a student continues to miss school and a team needs to be created, it would be tailored for that student, splitting time and costs between school personnel. Finally, for school districts with a less than 10% truancy rate, the number of students – by definition – who miss school will be low, likely requiring fewer teams to be created and less frequent meetings.

At a prior hearing, superintendents raised concerns about the data collection requirements posed by the bill, particularly for districts with low percentages of students who miss school. We believe that data collection is critical for districts to understand which students are missing school, why, and what works to reengage them. However, we are willing to exempt school districts that fall below the 10% threshold from the data collection requirements of the bill as long as they continue to comply with the remainder of the bill's provisions. I urge the Committee to reject this amendment to HB 410 unless this compromise is accepted.

Thank you for this opportunity and I welcome any questions you may have.