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Senator Stephanie Kunze
Senate Bill 289
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Senate Education Committee
Sponsor Testimony

Chairwoman Lehner, Vice Chair Huffman, Ranking Member Sykes and members of the Senate Education committee. Thank you for allowing me to present sponsor testimony on Senate Bill 289.

Keeping our school districts and students safe is a priority for all of us in the Ohio Senate. I am sure most of you have been reading about, or experiencing in your district, the numerous bomb threats and threatened acts of violence in our school buildings throughout the state. These threats disrupt all school activities and place families and communities on edge in the impacted areas.

With my testimony, you will find several articles from across the state that this is a problem that is plaguing school districts and communities across Ohio. In fact, when Bucyrus City Schools had to close earlier this year due to a bomb threat, it was estimated that the closure cost the school district about \$30,000 in lost salaries and other expenses.¹

I have spoken to school officials and parents who are becoming increasingly frustrated with students who continue to make verbal and social media threats that close schools or disrupt the education of the students who want to be there. Quite frankly, their parents are tired that society seems more concerned about the rights of the trouble making students who are making these violent threats instead of focusing their attention on the thousands of other students who are just trying to focus on their studies. Doesn't the state have a viable interest in allowing these students to attend school without interruption? Shouldn't we add another tool to the local school district's toolbox to help them deal with the students who make the choice to threaten their peers?

What Senate Bill 289 would do, if enacted into law, is provide local school districts another option to deal with these situations, but more importantly, it is our responsibility to help students secure a mental health evaluation if an undiagnosed mental illness is truly the underlying root cause of these repeated threats of violence.

I want to point out that this legislation **is permissive** in nature and is **not mandated**. Specifically, Senate Bill 289 specifies:

1. The board of education of any city, exempted village, or local school district **may** adopt a resolution that authorizes the superintendent of schools to expel a pupil from school for a

¹ <https://www.bucyrustelegraphforum.com/story/news/2018/01/04/bucyrus-city-school-district-closes-due-bomb-threat/1002896001/>

period not to exceed sixty school days for communicating a threat to kill or do physical harm to persons or property;

2. Defines the threat to the school district as being communicated verbally or in writing in person or via telephone, cellular telephone, computer, pager, personal communication device, or other electronic communication device;
3. The threat is made against persons or property at a school operated by the district board, on a school bus, at any other property owned or controlled by the district board, or at an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the school district or in which the district is a participant;
4. The pupil who made the threat engaged in conduct that constitutes a substantial step in a course intended to culminate in the commission of the threatened act. The definition of "substantial step" will be determined by the local superintendent and law enforcement to determine what this means-this will give every local district the flexibility to determine what is substantial and will not mandate a one-size fits all approach;
5. The board of education of any city, exempted village, or local school district **may** require the pupil, as a condition of reinstatement from an expulsion to undergo an assessment to determine whether the pupil poses a danger to the pupil's self or to other pupils or school employees;
6. The district shall develop a plan for the continued education of the pupil expelled under the enactment of this legislation, which may include education by the district in an alternative setting;
7. The superintendent may extend the expulsion up to one year if the student fails to undergo the required assessment (the expulsion may extend into the following school year if necessary);
8. If at the end of the expulsion period or the extended period the superintendent, after consulting with mental health professionals and representatives from the school district and local law enforcement, determines that the pupil has shown sufficient rehabilitation, the superintendent may reinstate the pupil;
9. If a student is expelled for directing a threat against a specific teacher or student, the superintendent may choose to provide educational services to the expelled pupil in an alternative setting instead of returning that pupil to the school in which that pupil was enrolled at the time of the expulsion;
10. The superintendent, in consultation with the district's legal counsel, may choose to redact from a pupil's school record any documentation related to an expulsion;
11. Any pupil who communicates a threat to kill or do physical harm to persons or property may be subject to a school safety risk assessment. Under a school safety risk assessment, if a pupil is believed to be a mentally ill person subject to court order that pupil may be taken into custody and transported to a hospital or general hospital (if the student is found by the chief clinical officer of the hospital to be mentally ill, the superintendent cannot expel the student but must provide educational services to the pupil in an alternative setting);

12. Within thirty days of the pupil's removal from school, a review panel shall determine if the pupil is able to return to the school in which the pupil was enrolled. The review panel shall include mental health professionals and representatives from the school district and the law enforcement agency of a municipal corporation, township, or county (if it is determined that the student should not return to school, educational services must still be provided to the student and the panel must re-review the situation every 30 days until the student is readmitted);
13. The above mentioned provision also has an appeals process in the legislation in which the parents or guardians of the pupil in question can notify via telephone within 48 hours of the panel's decision to not readmit the student that they want an appeal on the decision—this hearing will take place at the next scheduled regular meeting—this hearing shall be in an executive session and the decision of the school board is final;
14. Any documentation used by the review panel to make their determination is not a public record and members of the review panel, superintendent and district school board are not liable in damages in any civil action that may arise as a result of performing their duties unless there is willful and wanton misconduct;
11. The board of education of any school district or any law enforcement agency of a municipal corporation, township, or county may file a civil action in the appropriate court of common pleas to seek recovery for restitution from the parent, guardian, or custodian of a pupil who is expelled under the provisions of Senate Bill 289 for the costs to the district or agency associated with the pupil's conduct that gave rise to the expulsion.

Senate Bill 289 also has specific language included that no provisions of this legislation shall affect a district's obligation to provide a free and appropriate education to children with disabilities under federal law or nothing shall be construed to limit or prohibit bringing a juvenile or criminal action against a student who is expelled.

If this legislation sounds familiar to you, it is a reintroduction of Senate Bill 297 and House Bill 498 that were discussed during the 131st Ohio General Assembly. The version that is before you today encompasses more student protections for the individual making the threats to ensure that they have due process and appeal rights throughout the process. I have enclosed a comp doc that shows these changes. Again, I want to reiterate: this legislation **is permissive** in nature and is **not a blanket mandate**.

You will hear from proponents and officials on the frontlines that are dealing with this issue in our communities as to why Senate Bill 289 is another tool in their box to help them keep their schools safe.

Chairwoman Lehner and members of the Senate Education committee. Thank you for allowing me to present sponsor testimony on Senate Bill 289. I am happy to answer any questions that the committee might have.