

PROPONENT TESTIMONY

**S.B. 246
Supporting Alternatives for Education (“SAFE”) ACT**

SENATE FINANCE COMMITTEE

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**Elaine E. Fink
Managing Attorney
Legal Aid Society of Southwest Ohio, LLC
215 E. Ninth Street, Suite 500
Cincinnati, Ohio 45202
Direct Dial: (513) 362-2821
Email: efink@lascinti.org**

**Ashley Richardson Butler
Staff Attorney
Legal Aid Society of Greater Cincinnati
215 E. Ninth Street, Suite 200
Cincinnati, Ohio 45202
Direct Dial: (513) 362-2877
Email: abutler@lascinti.org**

We are Education attorneys at the Legal Aid Society in Cincinnati. The Legal Aid Society seeks to reduce poverty through effective legal assistance. We understand that school stability and success open critical doors to a meaningful future. A child out of school is a powerful predictor of juvenile crime, and a child who fails even one grade is significantly more likely to drop out of school without a diploma. These are among the reasons that we are part of a team of attorneys who represent parents to ensure that their children receive appropriate special education and mental health services, to prevent or mitigate school disciplinary removals, and to ensure that students remain engaged in school and learning.

Legal Aid collaborates with key child-serving systems in our community to promote education success. We developed the *TeamChild* program in partnership with Hamilton County Juvenile Court to help students involved in the juvenile justice system succeed in school and to decrease the likelihood of further involvement with the Court. *Kids in School Rule!* is a collaboration to promote education stability and success for children in custody of Hamilton County who attend Cincinnati Public Schools. A web of interventions promotes school achievement for these students in foster care. The *Cincinnati Child Health-Law Partnership* with Cincinnati Children's Hospital uses legal advocacy to address social determinants of health to improve the health and well-being of children and their families. When physicians discover that their patients are experiencing educational problems, they refer them to Legal Aid for educational advocacy so we can ensure that their children have the opportunity to be successful in school.

On behalf of our clients, we applaud the emphasis that S.B. 246 places on keeping pre-kindergarten through third grade students in school while providing them with the Positive Behavior Intervention and Supports ("PBIS") and mental health services they need. In the 2016-

2017 academic year alone, the Ohio Department of Education reported 34,000 suspensions and expulsions among students in kindergarten through 3rd grade, including 16,400 for disobedient or disruptive behavior. When young students are removed from school, they cannot make academic progress. Time spent out of school during the early years can hinder a student's opportunity to be literate and research has shown that students who do not achieve literacy by the 3rd grade have an increased likelihood of dropping out. Students who miss school lose significant ground in the development of critical pro-social behaviors with adults and peers. Furthermore, many of our clients rely on the school to provide free breakfast and lunch for their children. When those students are removed from school, they are likely to go hungry.

Through our advocacy, we see firsthand the tendency of schools to suspend and expel young children rather than providing special education services or utilizing alternative behavior management strategies that would allow the student to remain in school. We have two stories to share:

- 1) Legal Aid represented a Kindergarten student who was proposed for an 80-day expulsion for bringing to school a foam-based toy gun, known as a "NERF" gun. The child thought he was holding a toy, and the school administrators did not think he posed a threat. After an expulsion hearing and advocacy by Legal Aid, the child was allowed to return to school and had no more disciplinary incidents.
- 2) We represented a third grader who had been suspended for disobedient and disruptive infractions over the course of the school year for a total of 31 days. He was ultimately proposed for expulsion. At the expulsion hearing, we advocated that instead of removal, the student should have been evaluated for special education services. We prevailed, the proposed expulsion was rescinded, the student received the services he needed, and at the end of the year he was promoted to 4th grade. Had he been expelled, he would definitely have been retained in 3rd grade.

As Education attorneys, we support S.B. 246 because this proposed legislation recognizes that young students must be in school to be successful. When they are deprived of educational

services and other supports they receive in school – children are unable to make academic progress or thrive and our communities suffer.

Thank you for the invitation to provide testimony in support of S.B. 246 on behalf of the clients of the Legal Aid Society. We would be happy to provide any additional information that you may need.

Sincerely,

/s/ Elaine E. Fink

Elaine E. Fink
Managing Attorney
Legal Aid Society of Southwest Ohio, LLC
215 E. Ninth Street, Suite 500
Cincinnati, Ohio 45202
Direct Dial: (513) 362-2821
Email: efink@lascinti.org

/s/ Ashley Richardson Butler

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