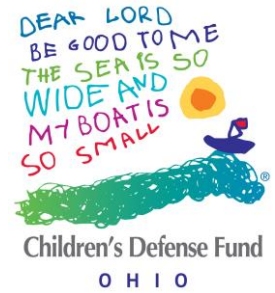


**Senate Bill 246  
Proponent Testimony**

**Children's Defense Fund-Ohio  
Ashon McKenzie  
Policy Director  
Senate Finance Committee  
March 20, 2018**



Chair Oelslager, Vice Chair Manning, Ranking Minority Member Skindell and Senate Finance Committee members, thank you for the opportunity to speak to you today in support of Senate Bill 246.

My name is Ashon McKenzie; I am the Policy Director for the Children's Defense Fund-Ohio. The Children's Defense Fund is a national non-profit advocacy organization with a mission to ensure every child a *Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start* in life and successful passage to adulthood with the help of caring families and communities. We work to provide a strong, effective and independent voice for all of Ohio's children. Our organization encourages policies, like those of the SAFE Act, which focus on a positive and nurturing school climate for academic excellence and appropriate social-emotional development as well as positive, preventive discipline practices that improve school culture and create a safe environment for students and staff.

There is a tremendous need for this legislation. There were 36,000 suspensions given to Ohio's 540,000 Pre-K through third grade students in 2015-16 and 34,000 in the 2016-17 school year. The great deal of these punishments were given to our economically distressed students to address nonviolent behavior. While our zero tolerance provisions and the resulting school culture and climate were intended to improve the quality and safety of our schools, today's better research and data showing that those approaches are counterproductive. And today's research supports the approaches found in SB 246.

### **Positive Behavior Intervention and Supports (PBIS)**

PBIS is a research-based, school-wide systems approach to improve school climate and create safer and more effective schools. PBIS is a process that focuses on improving a school's ability to teach expectations and support positive behavior for all students. It provides systems for schools to design, implement, and evaluate effective school-wide, classroom, non-classroom, and student-specific discipline plans. The results of PBIS implementation demonstrate significant success, resulting in positive student outcomes and significant cost-savings. Following implementation of PBIS, schools have repeatedly demonstrated significantly fewer office referrals, lower suspension and expulsion rates, greater attendance rates, lower school dropout rates, increased instructional time, greater academic achievement, and greater student engagement. Schools that have implemented PBIS have also reported that school staff are more satisfied with their work and have more time for teaching, while administrators report more time available to provide support to the most at-risk students.

This bill is the right next step for our state. The bill will improve the nature and quality of our schools by requiring that our schools implement a PBIS framework and by requiring that our teachers be trained to use the PBIS framework.

## **Expulsion and Suspension**

According to a joint policy statement of the U.S. Departments of Health and Human Service and the U.S. Department of Education, expulsions and suspensions in early childhood settings are “two stressful and negative experiences young children and their families may encounter in early childhood programs” and “should be prevented, severely limited, and eventually eliminated.”<sup>1</sup> Why? Academically, expulsion and suspension in early education is associated with expulsion and suspension in later grades. Furthermore, “[y]oung students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not.”<sup>2</sup> Physically and developmentally, these exclusionary discipline practices can stunt social-emotional and behavioral development and pull children out of the very cognitively enriching experiences that will serve them throughout childhood and as they transition to adulthood.

This bill is a step in the right direction, and we applaud its limitation on suspensions and expulsions for this young segment of students. While we believe the bill’s exceptions for removal for the “immediate health and safety of the student, the student’s fellow classmates, or the classroom staff and teachers;” or “an ongoing threat of disrupting the academic process” may leave too much room for interpretation, SB 246’s approach largely reserves out-of-school suspension and expulsion for serious issues that could truly result in harm to an individual or the community. It is a strong starting point for our state, and we hope to revisit the issue for grades 4-12 in the years to come.

Other key provisions like permitting suspended students to complete missed assignments and making sure knife suspensions are reserved for knives capable of carrying out physical harm are common sense approaches that address the unintended consequences of today’s policies.

For example, in Cincinnati, a seven-year-old first grader named Derik brought a small plastic sword to school. The sword had been a party favor from his cousin’s pirate-themed birthday party over the weekend. When asked why he had brought the toy, Derik said “I had thought about bringing a car, but then decided to bring the pirate sword to show my friends.” Derik had no understanding that he had done anything wrong and saw the object as nothing more than a toy with which he could play pretend pirates after school. At Derik’s expulsion hearing, the school principal acknowledged that the item was nothing more than a toy, could never have hurt anyone, and was not being used to threaten anyone. If it were up to him, he would not have proposed expulsion. The principal said, however, that he had no choice because under the district’s zero tolerance policy, he was required to propose Derik for expulsion.

Limits on suspension and expulsion like those of this bill are picking up steam around the country and have been passed in a number of states. Similar laws were enacted in 2017 in Arkansas, Maryland, and Tennessee; and New Jersey, Connecticut, Louisiana, and Oregon enacted similar laws in 2015-16 with different discipline limit ranges from Pre-K to fifth grade. In addition, the Ohio Department of Education is undergoing steps to develop social-emotional learning standards for students in grades 4-12.

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<sup>1</sup> Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, U.S. Department of Health and Human Services and U.S. Department of Education, <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>

<sup>2</sup> *Id.*

This is also a great opportunity to highlight that the challenges our state faces, especially for children, do not exist in silos. Children do not come in pieces. Developmental challenges of preterm and low birth weight births are showing up in our preschools in the form of classroom disruptions. Childhood trauma or adverse childhood experiences like abuse, neglect, and exposure to violence—challenges traditionally reserved for child welfare agencies—are presenting in our classrooms as defiant behavior. The way we handle discipline for our most vulnerable children will have long-term consequences creating a pipeline from our cradles to our juvenile justice facilities and prisons or leading our children on the pathway to resilience, achievement, and preparation to contribute to our state and our economy.

The Children's Defense Fund-Ohio strongly supports SB 246. We feel that this bill is a strong step forward for our children. Thank you for the opportunity to testify. I welcome any questions you may have.