



1108 City Park Avenue, Suite 200
Columbus, OH 43206
614.827.0549
ohiopoveritylawcenter.org

Testimony in Opposition to HB 310
Tim Johnson, Policy Advocate
Ohio Poverty Law Center
Ohio Senate Education Committee
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Good Morning Chair Lehner, Vice-Chair Brenner, Ranking Member Fedor and members of the Ohio Senate Education Committee. My name is Tim Johnson, and I am a policy advocate for the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. Thank you for allowing me to provide testimony on the primary and secondary education discipline provisions of House Bill 310 Collin's Law: The Ohio Anti-Bullying and Hazing Act.

Bullying is a scourge that can plague students throughout their school experience. Children who experience bullying often develop issues with their self-esteem, may become depressed, and no longer view their school as a safe learning environment. Bullying may lead to extreme behaviors such as students engaging in self-harm. In the worst-case scenario's students may attempt and even complete suicide. HB 310 represents a good faith effort to try to eliminate bullying and we applaud the sponsor of the bill for his diligent work on the issue. While we are supportive of the bill's overall goals, the primary and secondary education disciplinary provisions put us in opposition to HB 310.

The Ohio Poverty Law Center, through our work with Ohio's legal aid programs, understands how harmful bullying can be. Many of our legal aid attorneys have worked with families who are affected by bullying. These families turn to legal aid when bullying has gotten out of control and the school does not seem to be effective in ending the troubling behavior. Legal aid attorneys work to file complaints, request safety plans for students, and ultimately come to a resolution for the bullying behavior. Legal aid attorneys also represent families where a student is accused of bullying, making sure the student's due process rights are being upheld. It is through the work of representing students accused of bullying that raises concerns.

HB 310 would require that upon the completion of an investigation, if someone has been found to commit a bullying offense, they will be subject to one of the following punishments:

- A detention requiring the pupil to be present in school before or after the instructional day, or on days the school is not normally open for instruction, for up to the total number of hours equivalent to ten school days to complete supervised learning activities or a community service plan.
- An in-school or out-of-school suspension of up to ten school days.
- An alternative form of discipline aligned with guidelines in the bill.

While these may seem like reasonable punishments for bullying behavior, they are harmful because they prioritize removing a student from the classroom. Time spent in the classroom is the greatest predictor of academic success. Detention or suspension should be punishments of last resort, yet HB

310 would make them the default. No research or data that examines how to effectively address bullying calls for the increased use of detention or suspension. In fact, the research shows the opposite: zero tolerance and exclusionary discipline are NOT effective approaches to bullying prevention. The federal Department of Education encourages states and school districts to avoid suspending students who bully because it “does not reduce bullying behavior” and the students and teachers may be “less likely to report and address bullying if suspension or expulsion is the consequence.”¹

Students of color will be negatively affected by HB 310 as they are already disproportionately suspended, and their behavior is often seen as more threatening and disruptive compared to their white counterparts. HB 310 will only exacerbate discipline disparities and send students further down the school to prison pipeline. We also are aware that research suggests that children living in concentrated poverty demonstrate trauma symptoms and coping mechanisms that may appear disruptive in schools, such as anxiety, defiance and hypervigilance – and bullying behavior. For some children, experiencing trauma can lead to problems with inappropriate behavior in the classroom and difficulty forming relationships. Instead of suspending these students, we should be offering them support to help address the underlying trauma that may lead to these behavioral problems, and thus more effectively preventing additional bullying incidents.

While the bill does allow for what it calls an “alternative form of discipline”, this provision is flawed for several reasons. The adoption of guidelines for an alternative form of punishment is optional, and if a school board chooses not to adopt guidelines then the only choices left are detention, in-school or out-of-school suspension. Even if guidelines are adopted, HB 310 outlines requirements that will be difficult to meet. For example, the alternative form of punishment must have a “high chance of successfully reintegrating a pupil into the school” but how that is determined is not defined. Students must also have “an extenuating circumstance” but there is no definition of extenuating circumstance and students themselves must have a “high chance of successful reintegration into the school” but it is unclear how that will be determined. The requirements for alternative punishment seem tailor-made to be as exclusive as possible; available to administrators only in very specific circumstances, which will push them toward using the exclusionary forms of punishments required by HB 310.

HB 310 also has practical issues with the requirement that a suspended student may only return to school if they have completed or made sufficient progress toward completing their schoolwork. When students are suspended for short periods of time, such as half-day or one-day suspensions, teachers often do not have time to send a student their schoolwork during their suspension. The bill does not address what will happen to a student who cannot complete, or make sufficient progress toward completing, schoolwork that was never given to them. Furthermore, the requirement itself makes little sense. Students often engage in disruptive behavior (including bullying) to remove themselves from the classroom setting. Conditioning their return on completing schoolwork will only ensure that those who do not wish to return to school can just refuse to complete their assignments.

¹ <https://www.stopbullying.gov/prevention/support-kids-involved>

It is encouraging that Representative Greenspan and members of the Ohio General Assembly are interested in addressing bullying in schools, however, HB 310 will not eliminate bullying because it does not address any of the underlying reasons as to why kids participate in bullying behavior. The counseling options offered in the bill, for example, are optional rather than mandatory. Instead of using HB 310 to tackle the issue of bullying, we recommend members of the committee support evidenced-based solutions such as the Positive Behavior Intervention and Supports framework. We have a responsibility to all of Ohio's children, both the bullied and the children who engage in bullying behavior, to make sure we are making school a safe and welcoming environment that promotes and encourages learning.

Thank you for listening to my testimony, I would be happy to answer any questions you have at this time.