

October 10, 2023

RE: Testimony to the Ohio House Primary and Secondary Education Committee on HB 206 of the 135th General Assembly

Chair Bird, Vice Chair Fowler Arthur, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee,

Thank you for allowing me to be here today to offer proponent testimony on HB 206. It is an honor to speak with you today.

After over 25 years in public education in the State of Ohio, I have now served in the roles of paraprofessional, teacher, assistant principal, principal, curriculum director, and superintendent. In all of these positions, I have touted a consistent mantra, that being... "The two most important rules at school are 'Safe' and 'Learning'." Everyone has to be safe at school, and everyone has to be able to learn. When someone's behavior impedes either of these two basic rules, we have a problem.

Chair Bird and members of the Ohio House Primary and Secondary Education Committee, we have a problem! Outdated laws in our state have not kept pace with our changing society and the unfortunate trend we see for more serious and dangerous behavior from kids of younger ages. Current legislation prohibits school districts from applying basic common sense principles and limits our ability to protect students and staff from individuals reasonably believed to pose an ongoing danger to the health and safety of others.

December 6, 2022 was a day that sent shock waves through the small, rural district in which I was Superintendent. Around 12:30 that afternoon, I received a call that my high school office staff had been tipped off and had successfully taken into their possession a loaded handgun, brought to school by a freshman student, age 14. The weapon was a 40 caliber Ruger loaded with one clip and nine hollow point bullets.

Currently Ohio Revised Code calls for a one year expulsion from a public school for a student who brings a firearm onto school property. Furthermore, ORC 3313.662 allows for the recommendation of permanent exclusion to the Superintendent of Public Instruction for a student at least 16 years of age who brings a gun to school. But students under the age of 16 are limited to one year out of school, regardless of whether or not they continue to pose a threat. And that is precisely the

situation that my former district, the district where my 7th grade son and 3rd grade daughter attend, now faces.

There are several points of irony in current laws regarding school safety. First of all, per many school policies, one of the conditions that constitutes harassment, intimidation, or bullying is creating an intimidating, threatening, or abusive educational environment for another. Allowing someone to return who previously brought a loaded handgun most certainly creates an intimidating and threatening educational environment for everyone else in the school. And we have an obligation to these individuals as well.

Secondly, under this section of ORC, a district may expel a student for up to one year for making a bomb threat to a school. I'm not belittling bomb threats. They are very scary. But I don't see the threat of a bomb explosion the same or worthy of the same consequence as actually bringing a loaded firearm to school. Not threatening to bring a loaded gun, but ACTUALLY bringing one and carrying it around all day. To me, this rises to a whole new level when considering a student's capability for harm.

The problematic issues for school leaders inherent in current legislation go on and on. Recently Ohio schools were required to create Threat Assessment Teams to identify students of concern, assess their risk for engaging in violence or other harmful activities, and identify intervention strategies to manage that risk (taken from the *Ohio Schools Safety Center* website). Yet even if a student meets risk factors for potentially violent or harmful behavior, schools are limited in their ability to protect those within our walls from this individual. In other words, it's not that we don't recognize when students are at-risk for dangerous behavior; it's that we can't always keep them away from those they intend to hurt.

Another source of frustration is that we are able to deny an open enrollment request from a student who resides in another district if the student has been suspended or expelled for ten or more consecutive days during the current or preceding term (per the Q & A document on Intra-district Open Enrollment on ODE's website). While districts can deny open enrollment to a student from another district who might have committed dangerous acts that would have resulted in such discipline, we do not have that same ability to protect stakeholders from one of our own students who has done the same thing. In other words, we can protect from the outside, but not when the risk comes from within. This is wrong.

Any adult who brings a firearm onto school property would be guilty of a fifth degree felony. In addition to charges and sentencing, this individual would most certainly be banned from all school property indefinitely. Yet a student under the age of 16 who commits the same crime must be unconditionally allowed back after a year with the same peers and school staff whose lives they previously put at risk. It just doesn't make any sense. My son is 12 years old (he turns 13 tomorrow), and my daughter is 8. If either of them ever brought a weapon of this magnitude to school, I would not expect that they should ever be allowed to attend that school district in the future. That would be a fitting consequence. A child under the age of 16 still knows right from wrong. Kids nowadays are bathed in school safety principles from the time they walk in our doors at 3 years old. Ohio laws imply that students are mature enough as elementary, junior high, and young high school students to take high-stakes tests that their futures depend on, while also suggesting in other sections that kids don't understand the severity of their choices in regards to life and death until they are 16 years old. It's a double standard.

When I first started working with Representative Click to discuss changes to section 3313.66, my initial thoughts were to recommend lowering the age of eligibility for permanent exclusion. However, as I explored that scenario further and discussed it with colleagues, I realized that lowering the age for permanent exclusion would inadvertently create a different societal problem. It would limit educational opportunities for even more students and probably increase high school dropout, and that's not a viable solution to this problem. The root issue here is that school districts need more flexibility and autonomy than is currently afforded to us. We need the ability to provide alternatives for education that don't necessarily always involve allowing a dangerous student to physically return to our buildings.

The proposed changes included in HB 206 allow a win-win situation for all stakeholders. These revisions, and many points that were retained from the original version, would allow districts to look out for the best interest of the student under expulsion while also protecting everyone else. I have outlined these safeguards below with an indication of whom they primarily serve, along with whether or not these are pre-existing measures already in current law or new additions being suggested for consideration. You will see from the information provided that the student is afforded a multitude of safety nets with his/her best interest at heart in an effort to keep them on track for graduation and a bright future.

Safeguards Included in HB 206

Included in Current 3313.66 and 3313.661		Included in HB 206 Revisions for 3313.66 and 3313.661	
Description of Safeguard	Primarily Serves	Description of Safeguard	Primarily Serves
Parents may appeal expulsion decision to Board of Education	student	Parents may appeal expulsion decision to Board of Education	student
Requirement to provide information about services and programs offered by outside agencies	student	Requirement to provide information about services and programs offered by outside agencies	student
Ability to assign community service in lieu of carrying over an expulsion to the following school year	student	Ability to assign community service in lieu of carrying over an expulsion to the following school year	student
Ability to reduce expulsion at any point	student	Ability to reduce expulsion at any point	student
		Required psychological evaluation	student
		Development of a plan for the child's continued education	student
		One-time request for an early assessment to return from expulsion	student
		Required conditions to satisfy prior to student's reinstatement	both
		Creation of guidelines for appropriate conditions prior to student's return	both
		List of alternative educational options	both
		Expands behaviors to include actions determined to pose imminent and severe endangerment to health and safety	school district
		Allows for reassessment at end of 180 days with possibility for extension(s) in 90 day increments	school district

While I appreciate and fully support the intention of this bill, I do have a few recommendations, which from a practitioner's standpoint would make things more plausible to implement. Section 6e would better serve all involved to allow for "not later than thirty days" (rather than five) for the joint development of a plan for the continued education of the pupil. This gives time for juvenile courts to hold preliminary hearings and temporary placement to be decided upon, whether that be in a youth

detention center, a higher-security facility, or release to home with probation. Once we know where a child will reside, we can better create a plan with the family for the child's continuing education.

Another consideration would be where the burden of responsibility ultimately lies in regards to the continued education of the child. Currently, school districts have no obligations for continuing to educate a student serving a one year expulsion. However, this can render a student credit deficient and knock them off track for graduation fairly quickly, so the inclusion of a continued education plan is a fair consideration. Perhaps it just needs to say, "If after exhausting all other options for continued education, parents/guardians may request that the school district continue educating the child, and the school district shall comply," or "after the initial expulsion is complete, the district shall resume the responsibility for the education of the child if a 90 day extension is utilized," keeping the options open for an alternative setting, which should include an online platform as well. Either way, I think this portion needs to be wrestled to the ground a little more, and I think more school superintendents need to weigh in.

Lastly, the expansion of behaviors eligible for a one year expulsion to include "actions that the superintendent determines pose imminent and severe endangerment to the health and safety of other pupils and school employees" benefits schools in many ways. This change allows such discipline to extend to students making "hit lists," credible threats, or other serious acts related to safety. I believe, however, that it was Representative Williams who very accurately pointed out in your Committee meeting back in June that the broad nature of this qualifier also comes with risks for potential misuse or overuse. If it is determined that this language is too far-reaching, I would suggest that the Committee should consider retaining the proposed changes while narrowing the scope of qualifying acts to those currently covered by this section of ORC (firearms, knives capable of causing serious bodily injury, an act that is criminal when committed by an adult and results in serious physical harm, or a bomb threat). Though not as beneficial in situations not rising to the level of egregious behavior addressed in this section, this version might still be acceptable and viewed as an improvement to many school leaders facing situations of the most serious nature.

In closing, I'm sure that many of us are parents here in this room. We keenly understand the fact that parents are entrusting schools each day with their most treasured commodity, their children. Their protection and safety is the most important job we have. I have learned that parents will forgive a lot of things, but failure to keep their kids safe is one thing they will NOT excuse. Although it may be too late to change the outcome for my children's district in this particular case before January, I ask that you please help all districts in the state of Ohio better protect our children and school employees by supporting HB 206. I encourage the Committee to continue this important

conversation and persevere in your efforts to find suitable language that is agreeable to all parties involved and that honors the original intent of this bill to increase physical safety. Ohio's 1.6 million public school children, the educators who serve them, and the countless trusting parents in our great state are counting on you! Thank you.

With Children at Heart,



Mrs. Laura F. Bryant

Tiffin City Schools

Director of Primary Education