

December 12, 2017

Chairman Brenner, Vice Chair Slaby, Ranking Member Fedor and members of the Ohio House Education and Career Readiness Committee, thank you for the opportunity to testify today on House Bill 360.

My name is Ron Adler and I am the President of the Ohio Coalition for Quality Education. OCQE is the statewide leadership organization for Ohio's public charter schools educating over 100,000 students.

Sometimes the best of intentions results in overly burdensome legislation, and that is why our organization opposes HB 360.

Bullying and harassment are clearly a problem at all levels of our society. But, one of the reasons that families support charter schools is because parents are looking for safer options than some of our traditional district schools. In fact, the number one reason charter school parents choose charter schools for their children over the traditional district, according to a recent survey - is safety.

Bullying is not as rampant a problem in public charter schools as it is in some district schools. Charter schools uniformly have very low tolerance for violence or bullying and deal very effectively with this issue - and they already have strong protocols in place to deal with bullying.

And after safety, the second most mentioned reason for parents choosing charter schools is open communication between school staff and parents. Open, accurate and consistent communication with students and parents is absolutely necessary to prevent or stop bullying.

HB 360, while clearly intended to help victims and limit harassment, is not affordable for charter schools and I suspect it will not be affordable for traditional districts either. Attached for your review is the list of mandates – none of which are funded – which are included in the bill.

I am reminded of another well-intentioned bill from 2004 – Jarod's Law, when a six-year old boy was killed by a falling cafeteria table. In December 2003, legislators jumped into action to make sure such a tragedy never happened again. The resulting legislation, HB 203, was co-sponsored by more than half the members of the House and signed into law in December of 2005.

Four years later Jarod's Law would be quietly repealed in Governor Strickland's budget bill because the rules created were large, prescriptive and again - unfunded. Schools could not afford the tens of thousands of dollars the law was costing them. Without funding accompanying the mandates in HB 360, history is going to repeat itself, but not until schools will be forced to spending many thousands of dollars meeting rules that many schools are already following and taking valuable education dollars out of the classroom.

Unless the unfunded mandates are removed - or funded, OCQE must oppose HB 360.

Thank you very much for your time today. I am happy to answer any questions.

House Bill 360

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Increased penalties §2903.31:

- Adds teachers, consultants, alumni, volunteers and organizations to list of those who can “recklessly permit the hazing of any person”
- Increases penalty for hazing from 4th degree misdemeanor to 2nd
- Adds felony of the 3rd degree penalty to hazing that “creates a substantial risk of causing the death of any person”

Mandates:

- Further limits school administrators’ authority for suspending students, 3313.66(A)
- Further limits school administrators’ authority for expelling students, 3313.66(B)
- Suspension/expulsion policies will be required to be posted on the district’s website, if applicable, and made available to students upon request, 3313.661(A)
- School boards/governing authorities must develop community service plans for students who are suspended or expelled under the new bullying section, 3313.669, which must include specific goals and timelines for community service that must occur during the suspension/expulsion, 3313.661(B)
 - Includes requirement that the board determine the duration of service
- Harassment, bullying and intimidation (HIB) policies must be changed to include offenses against fellow students and administrators, school employees, teachers, faculty, consultants and school volunteers, 3313.666(B)
- The policies must apply to grades K – twelve, 3313.666(B)
- The policies must include the manner and the date by which a student facing suspension/expulsion for HIB offense or the student’s parents shall notify the board of intent to appeal, 3313.669(F)
- Districts shall maintain a record showing that parent/custodian was notified of each reported HIB incident, 3313.666(B)(5)
- Disciplinary procedures for HIB must comply with new section 3313.669, 3313.666(B)(9)
- Disciplinary procedures must be created for any student guilty of retaliation against the person/people who reported the HIB 3313.666(B)(10)
- “Hazing” must be added to HIB policies 3313.666(H)
- HIB policies must be reviewed and updated by the boards at least once every 3 years, 3313.666(H)
- Each district must adopt a resolution requiring the superintendent to do the following for a student who commits a HIB offense:
 - In-school suspension (or out-of-school if more appropriate) up to 10 days for first actionable offense [presumes previously reported offense so this would technically be the 2nd reported offense, per 3313.666(A)(2)(a)], 3313.669(A)(1)
 - In-school suspension (or out-of-school if more appropriate) up to 30 days for 2nd actionable offense within same calendar year, 3313.669(A)(2)
 - Suspension or expulsion up to 182 days for 3rd actionable offense within same calendar year, 3313.669(A)(3)
 - If suspension/expulsion time period exceeds number of days remaining in the school year, the superintendent must apply remaining period to the following school year, 3313.669(A)(3)
- Districts must:
 - Permit suspended/expelled (s/e) students to complete all missed schoolwork, 3313.669(C)(1)
 - Permit s/e to take required state assessments in the regular school setting, 3313.669(C)(2)
 - Provide counseling for s/e with parental permission. If the district does not have counseling services, it must coordinate with community organizations that provide and/or help identify counseling resources, 3313.669(C)(3)
 - Prohibit s/e from participating in any extracurricular, 3313.669(C)(4)
 - Offer counseling services to victim of HIB, but victim is not required to participate, 3313.669(C)(4)
- Upon receiving a report or being notified of a HIB incident, the principal/administrator must conduct an investigation to determine if HIB took place, 3313.669(E)(1)

- The superintendent must: 1) provide written notice to HIB offender's parents of intent to suspend/expel prior to suspending/expelling, 2) provide parents of offender opportunity to challenge accusation in person, 3313.669(E)(2)
 - Notification must occur within 1 school day, 3313.669(F)
 - Notice to parents must include: 1) reasons for intended s/e, 2) notice of opportunity to challenge s/e before superintendent or designee, 3) time and place to appear to challenge s/e, 3313.669(E)(2)
 - Notice to parents must also include right to appeal s/e, 3313.669(F)
 - Notice to parents must also include right to legal representation at appeal, 3313.669(F)
 - Notice to parents must also include right to a hearing before the board or its designee, 3313.669(F)
 - Time and place to challenge s/e must be held within 3-5 days after notice is given, unless superintendent grants extension and notifies s/e and parents, 3313.669(E)(2)
- Superintendent or principal must notify school treasurer of student's s/e within 1 school day, 3313.669(F)
- Superintendent must investigate any report of HIB by an administrator, employee, faculty, teacher, consultant or volunteer against a student and must determine proper course of action for any HIB behavior reported more than once that 1) causes mental or physical harm to the student and 2) is sufficiently severe, persistent or pervasive so that it creates an intimidating, threatening or abusive educational environment for the student, 3319.318
- S/E student must complete all missed schoolwork, as determined by the superintendent, or if the superintendent determines sufficient progress towards completion, 3313.669(D)
- Appeals process includes, 3313.669(G):
 - Right of student and/or parents to appeal s/e
 - Right of student and/or parents to have legal representation
 - Right of student and/or parents to request hearing be held in executive session
 - Any action by the board/designee on an appeal must occur in a public meeting
 - The Board may affirm s/e, reinstate student, reverse, vacate or modify the s/e
- 3313.669 does not apply to students in grades K-3, 3313.669(H)
- Community schools are required to comply with the new HIB mandates in full, per 3314.03(A)(11)(d)
- STEM schools are required to comply with the new HIB mandates in full, per 3326.11
- Higher Ed – state institutions must adopt new HIB policies that include rules regarding HIB and hazing. Policies must include:
 - Penalties including sanctions, fines, withholding diplomas or transcripts, probation, suspension, expulsion

Optional:

- Districts may offer tutoring and academic support for s/e students, 3313.669(C)(1)