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OHIO SENATE FINANCE
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**Testimony by Danielle Gadomski Littleton, Esq.,
Staff Attorney, The Legal Aid Society of Cleveland**

Good morning, Chairman Oelslager, Vice Chair Manning, and members of the committee. Thank you Senator Lehner for inviting our comments regarding the need to promote positive behavior interventions rather than exclusion from school for our youngest students.

My name is Danielle Gadomski Littleton. I am an attorney with The Legal Aid Society of Cleveland, a non-profit law firm serving the civil legal needs of low-income and vulnerable people in Northeast Ohio. I primarily serve children in foster care and families referred by doctors in The MetroHealth System through our medical-legal partnership. Legal Aid has partnered with MetroHealth for more than 15 years to resolve legal issues that interfere with health and access to opportunity. My colleagues at Legal Aid and I remove barriers to education through our legal work.

Research shows suspension and expulsion in the early years lead to continued exclusion from school.ⁱ Suspensions and expulsions often result in failing grades, grade retention, and negative attitudes towards school.ⁱⁱ Frequent suspensions and expulsion can also lead to a greater likelihood of dropping out of school and justice system involvement.ⁱⁱⁱ

I came down from Cleveland today on behalf of my clients who are parents in poverty who want their children to have a quality education. Their children want to be in school, but their disabilities, lead poisoning, or trauma mean they need different supports to succeed. In almost every case the teachers are doing their best to teach a student they are not equipped to serve and the decision to suspend or expel the child is made at the administrator or district level.

I'd like to share just a few of the stories which highlight how appropriate supports can help children be successful in school.

In his first grade year, in a suburban school district, 6 year old Christopher was suspended for a total of 13 days, restrained 4 times, and eventually proposed for expulsion due to not completing class work and tantrums. Through my representation, the district agreed to a special education classroom which has fewer students and is led by teachers with behavior intervention experience. Christopher is thriving in his new setting.

In a small school district in Lake County, from March to May, **10 year old Charlie was suspended for a total of 19 days for a series of incidents including inappropriate language, pushing and shoving, and biting a child while playing zombies. In May he was proposed for expulsion for flicking another student with a rubber band.** I requested an evaluation for special education services and when special education supports were put in place his behavior began to change. Charlie's behaviors have improved, but this year he has had over 15 days of suspension for vague offenses like disruption and disrespect.

Just last week I met a mother living in a shelter with her two young children after leaving her violent partner. Ten year old Raymond has PTSD from the violence he witnessed in his home. **To date this school year, Raymond has been suspended or expelled for 32 days.** Raymond has constant conflicts with the male School Resource Officer. Recently when the officer grabbed his back pack, Raymond pushed him back. This is a classic example of aggression in times of threat for sufferers of PTSD. The district expelled Raymond for 45 days. Due to an appeal of the expulsion, Raymond is now back in school and his special education team is working on ways to help him manage his symptoms of PTSD in a safe way.

Many of these stories implicate federal laws which protect children. For example, excluding a student with a disability instead of providing special education services is a violation of the Individuals with Disabilities Education Act (IDEA). Helping schools understand these responsibilities is the way I am able to help individual students, but there were 34,000 suspensions of pre kindergarteners through third graders in Ohio last school year.^{iv} The answer to the systemic problem of school exclusion is more training and support for teachers and administrators. This bill will provide the guidance and resources our schools need to prepare children – and particularly children in poverty – for graduation, higher education, and employment and remove the option that undermines all these goals.

Thank you again for the opportunity to provide comments on behalf of The Legal Aid Society of Cleveland and our clients. I am happy to answer questions and provide follow up if necessary.

ⁱ The Connections Between Education and Health: Suspensions and Expulsions Among Young Children, Health Policy Institute of Ohio (January 2018) 2.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} *Id.* at 1.



Health policy fact sheet

The connections between education and health Suspensions and expulsions among young children

The [third policy brief](#) in HPIO's four-part education and health series describes the importance of a child's early years for both health and future educational attainment. Adverse environments and experiences during these early years have a critical impact on development and can affect behavior in an educational setting. Certain school disciplinary practices, such as out-of-school suspensions and expulsions, can hinder academic success and reinforce behavioral problems instead of resolving them.

The most severe disciplinary sanctions a school can impose, suspensions and expulsions, involve the removal of a child from school, either for a limited period of time or permanently.¹ It is not uncommon for young children to be suspended or expelled. In the 2016-17 academic year, the Ohio Department of Education (ODE) registered approximately 34,000 suspensions and expulsions among students in kindergarten through third grade, including 16,400 for disobedient or disruptive behavior.²

Researchers have found the rate of expulsions in U.S. state-funded pre-kindergarten (pre-K) systems to be more than

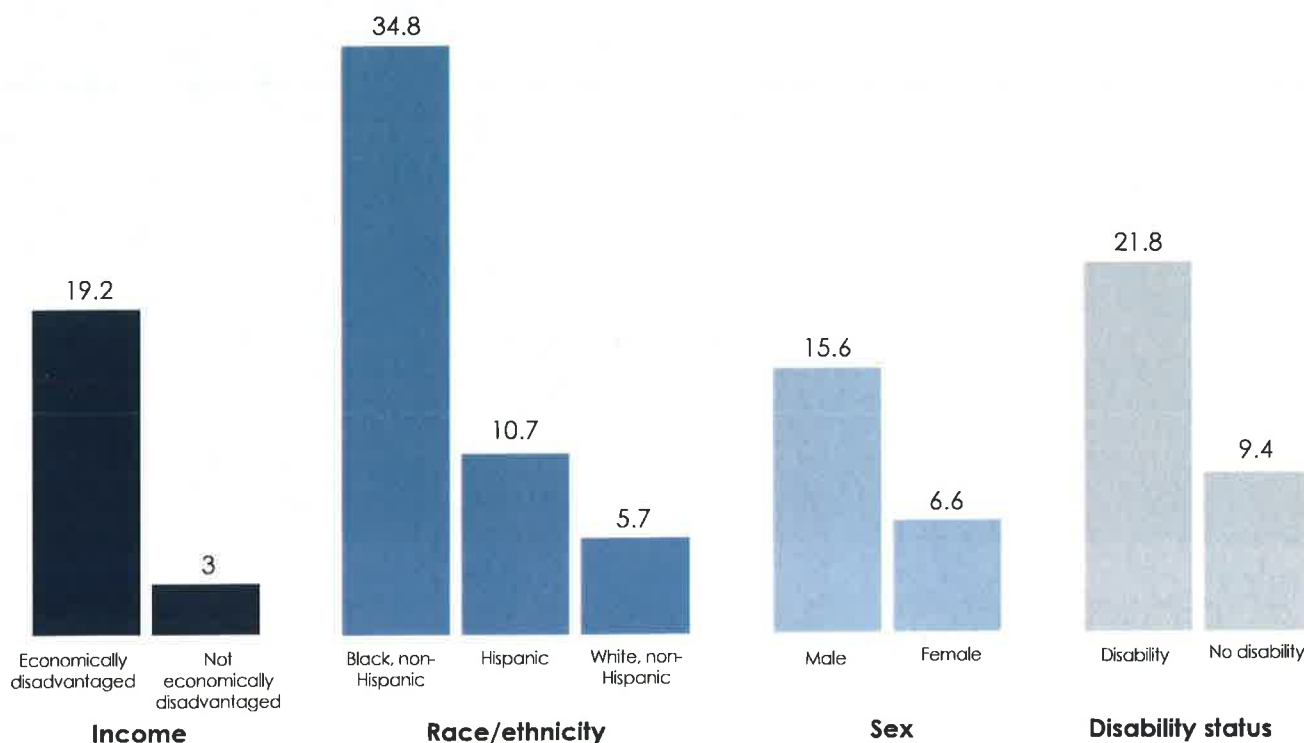
three times the national expulsion rate of K-12 students. The highest expulsion rates are in for-profit child care centers and faith-based settings. Rates in school-based and Head Start locations are lower.³

Rates of suspensions and expulsions are higher among black, male and economically-disadvantaged students – both in early childhood and K-12 education. For example, during the 2016-2017 school year, a black student in Ohio was 6.1 times more likely to receive an out-of-school suspension than a white student, and an economically-disadvantaged student was 6.4 times more likely to be suspended than a more financially-stable student. Also, in the 2016-2017 year, students with a disability were more than twice as likely to be suspended than students without a disability⁴ (see figure 1).

Negative outcomes associated with suspensions and expulsions

Suspensions and expulsions can reinforce and perpetuate behavioral problems instead of resolving them. Many behavioral problems stem from developmental challenges

Figure 1. **Out-of-school suspensions per 100 Ohio students (2016-2017)**



Note: Rates are calculated by dividing the total number of out-of-school suspensions received by students of a certain category in all grade levels by the total number of enrolled students in that category. This number is then multiplied by 100. This can include multiple suspensions for a single student.

Source: Ohio Department of Education interactive report card data (ILRC)

or exposure to trauma, such as oppositional defiance, hyperactive behavior and aggression. If these conditions are not addressed in early years, they may lead to behaviors in school and in later years that are resistant to treatment.⁵ Children who are expelled from preschool are also often ill-prepared for kindergarten, starting their educational trajectories on a negative path very early on.⁶

Children who are suspended or expelled at a young age are also more likely to be suspended or expelled in later years.⁷ Negative outcomes associated with suspension and expulsions include:

- Academic failure, grade retention and negative attitudes toward school
- Ten times greater likelihood of dropping out of high school
- Greater likelihood of justice system involvement and incarceration⁸

What can be done?

Reducing or eliminating suspensions and expulsions is most likely to succeed through comprehensive, evidence-based approaches. Efforts to create a positive school climate, such as through schoolwide adoption of Positive Behavior Interventions and Supports (PBIS) (discussed in a [separate HPIO fact sheet](#)), social-emotional learning and trauma-informed education, can prevent behavioral problems and eliminate the need for suspensions and expulsions. Expanding availability of mental health services through community partnerships is another valuable approach.

The Ohio Preschool Expulsion Prevention Partnership

Teachers with regular access to an early childhood mental health consultant or similar professional report significantly fewer preschool expulsions. The Ohio Preschool Expulsion Prevention Partnership, created by Nationwide Children's Hospital and the Ohio Department of Mental Health and Addiction Services, provides early childhood consultants at early learning sites. These consultants make recommendations for strategies, interventions and training and offer resources for students and families, including referrals to local mental health providers, if necessary.⁹

Ensuring that teachers are adequately trained, supported and prepared to manage student behavioral challenges is critical. Higher teacher stress levels are associated with higher expulsion rates.¹⁰ The likelihood of expulsion has been found to significantly decrease when teachers have access to classroom-based behavioral consultation and support from mental health professionals¹¹ (see the Ohio Preschool Expulsion Prevention Partnership box). A focus on teacher health and wellness, lower student-teacher ratios and professional development aimed at promoting social-emotional and behavioral health of children and eliminating unconscious biases can also help decrease expulsion rates.¹²

Senate Bill 246: The SAFE (Supporting Alternatives for Fair Education) Act

Increasingly, states and cities are enacting policies to limit the use of out-of-school suspensions and expulsions, especially for young children. In December 2017, Ohio senators Peggy Lehner (R-Keettering) and Gayle Manning (R-North Ridgeville) introduced legislation to phase out out-of-school suspensions for Ohio students in pre-K through third grade for non-violent behavior, except in limited circumstances. Out-of-school suspensions would still be permitted for student actions posing a physical threat to teachers or other students, as required by federal law.

Several other provisions of the bill would require:

- Schools to report out-of-school suspension and expulsion data to ODE, based on the type of offense committed and broken out by race and disability status
- Boards of education to implement a system-wide PBIS framework and submit annual reports outlining progress
- Teacher preparation programs to include a semester-long course on positive classroom behavior management principles which covers PBIS and social-emotional development
- Schools to assist the disciplined student's parent or guardian with finding mental health services when a need is identified, whenever possible
- Schools to permit students to complete any classroom assignments missed during a suspension

Notes

1. Gilliam, Walter S. *Prekindergartners left behind: Expulsion rates in state prekindergarten systems*. New York, NY: Foundation for Child Development, 2005. See also *Policy statement of 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-ee-expulsions-suspensions.pdf>

2. Data from the Ohio Department of Education interactive report card data. Accessed Jan. 2, 2018. <http://bireports.education.ohio.gov>

3. Gilliam, Walter S. *Prekindergartners left behind: Expulsion rates in state prekindergarten systems*. New York, NY: Foundation for Child Development, 2005.

4. Data from the Ohio Department of Education interactive report card data. Accessed Jan. 2, 2018. <http://bireports.education.ohio.gov>

5. *Ibid.*

6. Campbell, Susan B., Daniel S. Shaw and Miles Gilliom. *Early externalizing behavior problems: Toddlers and preschoolers at risk for later maladjustment*. *Development and psychopathology*, 12, No. 3 (2000): 467-488.

7. Gilliam, Walter S. *Prekindergartners left behind: Expulsion rates in state prekindergarten systems*. New York, NY: Foundation for Child Development, 2005.

8. *Policy statement of 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-ee-expulsions-suspensions.pdf>

9. Dusenbury, Linda and Roger P. Weissberg. *Social Emotional Learning in Elementary School: Preparation for Success*. Issue brief. Pennsylvania State University and the Robert Wood Johnson Foundation, 2017.

10. *Policy statement of 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-ee-expulsions-suspensions.pdf>

11. Dusenbury, Linda and Roger P. Weissberg. *Social Emotional Learning in Elementary School: Preparation for Success*. Issue brief. Pennsylvania State University and the Robert Wood Johnson Foundation, 2017.

12. Gilliam, Walter S. *Prekindergartners left behind: Expulsion rates in state prekindergarten systems*. New York, NY: Foundation for Child Development, 2005.

13. Ohio Preschool Expulsion Prevention Partnership. *Nationwide Children's*. <http://mha.ohio.gov/Portals/0/assets/Prevention/EarlyChildhood/NACH-2730-Preschool-Expulsion%20Tier.pdf>