



TO: Senate Education Committee  
FROM: Shakyra Diaz, Policy Director, ACLU of Ohio  
DATE: January 15, 2014  
RE: Senate Bill 167

To Chair Lehner, Vice Chair Hite, Ranking Minority Member Sawyer, and members of the Senate Education Committee, my name is Shakyra Diaz, policy director for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear today to present proponent testimony on Senate Bill 167.

The right to equality in education is well established and the ACLU is fully committed to protecting that right. We work to challenge zero-tolerance and punitive disciplinary policies that push children out of schools and interrupt their education. Unfortunately, present school climates and policies have prevented too many children from fully accessing their educational rights, often for displaying age appropriate behavior or committing minor rule infractions.

Pursuant to O.R.C 3313.534, every school district in the state is required to adopt a zero-tolerance policy for violent, disruptive, or inappropriate behavior, including excessive tardiness referred to as truancy. Over time these policies have resulted in a high rate of suspensions for minor infractions such as dress code violations, texting, and making gestures. According to the Ohio Department of Education, 210,984 students received out-of-school suspensions during the 2012-2013 school year. Approximately 53,000 were suspended for fighting, while 113,615 students were suspended for disobedient or disruptive behavior.<sup>1</sup>

What we have today are mandated extreme reactions to school age behavior around the state, resulting in unnecessary suspensions, expulsions, and costly prosecutions. These policies are disproportionately applied, negatively affect students, and are ineffective.

One of the unfortunate outcomes of zero-tolerance policies is the unfair treatment of children of color, children with disabilities, children living in poverty, and children who speak English as a second language. In their November 2012 policy briefing on zero-tolerance policies, the Children's Defense Fund-Ohio and the Ohio Poverty Law Center found that these groups of children experienced higher rates of suspension and expulsion.<sup>2</sup> After examining national suspension rates during the 2009-2010 school year, the report *Out of School & Off Track* named the Columbus

<sup>1</sup> See <http://reportcard.education.ohio.gov/Pages/default.aspx>

<sup>2</sup> See [www.cdfolio.org/assets/pdf-files/issue-brief-zero-tolerance.pdf](http://www.cdfolio.org/assets/pdf-files/issue-brief-zero-tolerance.pdf)

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City School District among the top 10 'hotspot' school districts in the nation for its high rate of suspension of these same student groups.<sup>3</sup>

In addition to being unfairly applied, zero-tolerance policies have tremendous human and fiscal costs. Research shows that students suspended just once in the ninth grade are twice as likely to drop out of school as those who have not been suspended at all.<sup>4</sup> Also, an indirect relationship exists between educational attainment and arrests. The U.S. Department of Justice, Bureau of Justice Statistics indicates that 67% of inmates in state prison do not have a high school diploma. In Ohio, the Ohio Department of Rehabilitation and Corrections indicates that 80% of incarcerated adults do not have a high school diploma, with a portion considered functionally illiterate.<sup>5</sup> Not only do these punitive policies result in a decrease in educational attainment and an increase in the likelihood of incarceration, but they are also costly to taxpayers. According to a recent report, a 5% increase in the male graduation rate could save Ohio an estimated \$535 million in crime related costs.<sup>6</sup>

Further, countless studies have found zero-tolerance policies to be ineffective in improving school climates or student behavior. Consequently, states like Florida, Oregon, and Maryland have recently passed legislation to limit the excessive use of suspension and expulsion. In 2012, the state of Colorado passed one of the strongest anti-zero-tolerance laws in the country, placing limitations on the use suspension and expulsion and recommending alternatives that include reparations and mediation.

Given the alarming evidence, it should come as no surprise that the U.S. Department of Justice and the Department of Education issued guidelines regarding zero tolerance policies last week. These guidelines instruct schools to apply school discipline in a fair and equitable manner, to prioritize the promotion of positive student behavior through evidence based practices, to eliminate the involvement of law enforcement in minor school incidents, and to follow federal civil rights laws.<sup>7</sup>

Zero-tolerance policies were an experiment that has proven to be ineffective and harmful. Senate Bill 167 opens the door for Ohio to move towards a commonsense approach to school discipline that teaches children accountability without sacrificing their education or our collective safety.

Members of the Senate Education Committee, we ask you to give this bill your favorable support.

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<sup>3</sup> See [http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutofSchool-OffTrack\\_UCLA\\_4-8.pdf](http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutofSchool-OffTrack_UCLA_4-8.pdf)

<sup>4</sup> Balfanz, R., Byrnes, V., & Fox J. (2013). Sent Home and Put Off Track: The Antecedents, Disproportionalities and Consequences of Being Suspended in the Ninth Grade. Paper present at the Closing the school discipline gap: Research to practice, Washington, D.C.

<sup>5</sup> See <http://www.drc.ohio.gov/web/faq.htm>

<sup>6</sup> See <http://all4ed.org/reports-factsheets/saving-futures-saving-dollars-the-impact-of-education-on-crime-reduction-and-earnings-2/>

<sup>7</sup> See <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>