



**Disability Rights Ohio**  
200 Civic Center Drive, Suite 300  
Columbus, Ohio 43215

614-466-7264 or 800-282-9181  
**FAX** 614-644-1888  
**TTY** 614-728-2553 or 800-858-3542  
**disabilityrightsohio.org**

Kerstin Sjoberg-Witt, Director of Advocacy and Assistant Executive Director of Disability Rights  
Ohio

Interested Party Testimony on House Bill 318  
Senate Finance Committee  
June 5, 2018

Chair Oelslager, Vice Chair Manning, Ranking Member Skindell, and members of the Senate Finance Committee, thank you for the opportunity to provide written testimony as an interested party in consideration of House Bill 318 (“HB 318”). Disability Rights Ohio (“DRO”) is designated under federal law as the protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio, including students with disabilities. Our work includes helping students with disabilities and their families know their rights and navigate through the educational system. Our work gives DRO a unique and essential perspective on HB 318.

As you know, HB 318 establishes qualifications and training requirements for school resource officers (“SRO”). Notably, the additional request for a funding component establishes a non-competitive grant process that would help fund provisions like officer certification training, training related to school safety, training to identify and assist students with mental health issues, and other school safety related training.

DRO understands the need to protect our students and schools. But we also recognize that consideration should be made to make appropriate investments into school-based mental health services in addition to SROs. This investment would help to ensure schools are meeting federal requirements established by the Individuals with Disabilities Education Act (“IDEA”) ensuring students receive a free appropriate public education (“FAPE”) and that students with disabilities, who need mental health services, receive those services.

Specifically, this testimony will cover three issues: first, the need for adequate funding of mental health services and positive behavior intervention and supports; second, the lack of definition for school security officers; and third, the kinds of interactions that occur between SRO’s and students with disabilities.

### **1. Adequate Funding of Mental Health Services**

Studies have demonstrated that students who do not receive appropriate mental health services are more likely to “experience academic failure, become involved with the criminal

justice system, abuse substances, or fall victim to suicide.”<sup>1</sup> Through our work, DRO has found that rather than providing students with disabilities with mental health services such as counseling, social work, and positive behavior interventions and supports to address adverse disability-related behaviors, school districts are disproportionately removing students with disabilities from their classrooms and using disciplinary measures like in- and out-of-school suspensions and expulsions.

Currently, according to the National Association of School Psychologists (“NASP”), “60% of students do not receive the treatment they need due to [...] lack of access to services.”<sup>2</sup> NASP underlines the need for school-based mental health services by stating “research demonstrates that students who receive social-emotional and mental health support achieve better academically.” A continuum of school mental health services through school-based prevention and intervention is essential in allowing for higher student achievement. Without this continuum of care students are at a greater risk of negative academic outcomes and behavior issues.

This lack of mental health services violates the law, and deprives students of the skills necessary to manage disability-related behavior that may give rise to disciplinary action and results in poor outcomes for students and our school systems. Specifically, the IDEA establishes the right of students with disabilities to a “free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”<sup>3</sup> By not providing access to school-based mental health services, schools are unable to meet their requirement to provide a free appropriate public education.

While, HB 318 allows for grant funding to be used for “training to identify and assist students with mental health issues,” this provision is vague and does not establish a specific training for teachers, administrators, and SRO’s. Enhancing this definition and specifying evidence-based trainings for education professionals, schools would be able to meet their federal requirements. Specifically, the committee should consider allowing for the grant to be used in establishing positive behavior intervention and supports (“PBIS”) in schools.

Districts are already required to establish PBIS policies<sup>4</sup> in their schools, however, the most recent data available shows schools have not been properly implementing these policies. Many districts still report incidents of restraint and seclusion. Data collected in 2014 shows 5,095

---

<sup>1</sup> National Education Association, *The Importance of School-based Mental Health Services*. Available at: <http://healthyfutures.nea.org/importance-school-based-mental-health-services/>

<sup>2</sup> National Association of School Psychologists, *School-Based Mental Health Services: Improving Student Learning and Well-Being*. Available at: <https://www.nasponline.org/resources-and-publications/resources/mental-health/school-psychology-and-mental-health/school-based-mental-health-services>

<sup>3</sup> 20 U.S.C § 1400 (d)(1)(A)

<sup>4</sup> O.A.C 3301-35-15: Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion

incidents of restraint and 2,975 incidents of seclusion in Ohio schools.<sup>5</sup> Schools would be able to meet their federal obligations if they were given more resources to establish effective PBIS policies with trained staff. Therefore, the committee should consider specifying the grant funding to be used in school implementation of PBIS.

## **2. Lack of Definition for Security Officers**

As you know, HB 318 establishes training requirements only for SRO's. This means schools can still hire third party security officers who would not be required to go through the same kind of training as SRO's. This is problematic and could lead to dangerous interactions between security officers and students with disabilities. Already DRO has seen cases of negative interactions between SRO's and students with disabilities. Providing training to SRO's could help mitigate those interactions. However, by not requiring non-SRO security officers in schools to go through training, more incidents of restraint and seclusion would be prevalent in our schools.

Continued restraint and seclusion of students will lead to lower academic achievement and negative outcomes for students with disabilities. To help ensure the safety of students with disabilities the committee should consider adding language to the legislation that would also require school security officers to go through the same training as SRO's. This addition will help schools continue to meet their federal requirements, and ensure students with disabilities do not continue to have negative interactions with school security officers.

## **3. Interactions Between SRO's and Students with Disabilities**

Finally, DRO works directly with families and students with disabilities in schools and sees firsthand what a difference providing the right services and supports can do for these students and the school districts. This is highlighted in many cases that we see, but a particular example is around a student with disabilities who never had the appropriate mental health services he needed. "Jaden" is now 13 years old and the lack of service to support his disabilities has unfortunately escalated into suspensions, jumping from school to school, and even multiple juvenile charges - all stemming from behaviors in school.

The most concerning incident involved an SRO using a Taser when Jaden was trying to call his mother from the main office after another student had spit on him. He was never able to call his mother, but instead was handcuffed and removed from the school. After DRO stepped in, we worked to find a school environment with no SRO where Jaden receives positive behavioral supports to address incidents that arise. As a result, Jaden has not been suspended from school, and he has no significant behaviors.

Children with disabilities like Jaden can learn to control behaviors that may lead to discipline if they are provided with the necessary mental health and behavioral services. Certainly, not

---

<sup>5</sup> U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2013-14, available at <http://ocrdata.ed.gov>

every SRO will resort to using Tasers on children, but increasing funding for SROs alone is not enough to solve the problems that HB 318 is trying to address.

DRO is available to work with the Senate and other interested parties to consider additional provisions for the legislation that would address the establishment of mental health services in schools, which would improve the quality of education services for students with disabilities in Ohio.

Thank you again for the opportunity to provide testimony as an interested party on HB 318 and to offer vital information the implications the bill could have on students with disabilities. If you have any questions or wish to discuss the matter further please reach out to me or Jordan Ballinger, Policy Analyst, at (614) 466-7264 x 135 or [jballinger@disabilityrightsohio.org](mailto:jballinger@disabilityrightsohio.org).