



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 318 of the 132nd G.A.

**Status:** As Passed by the Senate

**Sponsor:** Reps. Patterson and  
LaTourette

**Local Impact Statement Procedure Required:** No

**Subject:** School safety; student discipline procedures

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### State & Local Fiscal Highlights

#### Appropriations for new state grant programs; cash transfer

- The bill appropriates \$12.0 million from the GRF in FY 2019 to fund grants to public and chartered nonpublic schools and schools operated by county developmental disabilities boards for school safety and school climate programs and training.
- The bill appropriates \$2.0 million from lottery profits in FY 2019 to fund competitive grants for public districts and schools to implement positive behavior intervention and supports (PBIS) frameworks or social and emotional learning initiatives in buildings serving any of grades K through three.
- The bill authorizes a cash transfer to the GRF of the unused capital funds remaining in the Public School Building Fund (Fund 7021) for the School Security Grants Program, amounting to \$4.2 million.

#### Student discipline procedures

- The bill prohibits out-of-school suspension or expulsion of students in grades pre-K through three for relatively minor offenses but delays full implementation of the prohibition until FY 2022. Over the course of the phase-in period, the bill will shift more students into an educational setting at the school during the period of a suspension, which may lead to a potentially significant increase in district or school costs associated with in-school suspension instruction or monitoring.
- The bill requires all teacher preparation programs to include PBIS instruction in a course for students pursuing a teaching license for grades pre-K through five. State institutions of higher education that currently do not provide such courses may incur additional costs to develop and offer them. These costs may be offset by revenue from student tuition payments.
- The bill may increase the administrative costs of school districts and the Ohio Department of Education (ODE) to comply with certain reporting and other requirements.

## **School safety**

- The bill's training requirements for school resource officers (SROs) may result in minimal additional costs for some law enforcement agencies and public districts and schools. Some of these costs may be initially funded by the state through the school safety training grants described above.
- School districts and the local law enforcement agencies they partner with for SRO services may incur minimal administrative expenses to develop a formal memorandum of understanding (MOU), as required by the bill. Each MOU must address professional development training for SROs, among other components.
- The bill may increase the administrative costs of the Department of Public Safety to study and report on school security measures and SROs in public and chartered nonpublic school buildings.

## **Detailed Fiscal Analysis**

### **Overview**

The bill appropriates state funds totaling \$14.0 million in FY 2019 for two new grant programs for schools. Of that amount, \$12.0 million comes from the GRF for grants for school safety programs and training while \$2.0 million in lottery profits will be used for competitive grants to assist public districts and schools in implementing positive behavioral intervention and supports (PBIS) or social and emotional learning initiatives. However, the GRF likely will gain \$4.2 million in FY 2019 from a cash transfer of the unused capital funds remaining in the Public School Building Fund (Fund 7021) for the School Security Grants Program, which has ended.

Additionally, the bill makes various changes to school discipline procedures. Notably, the bill gradually prohibits suspension and expulsion for students in grades pre-K through three for relatively minor offenses. The bill also clarifies the objectives and contents of the PBIS frameworks that each public school must adopt under current law and administrative rule. It also modifies the laws governing school resource officers. These topics are discussed in more detail below.

### **School safety training grants**

The bill appropriates \$12.0 million in FY 2019 from new GRF line item 055502, School Safety Training Grants, to be used by the Attorney General's Office (AGO), in consultation with the departments of Education and Mental Health and Addiction Services, to provide grants to public and chartered nonpublic schools as well as schools operated by county developmental disabilities boards for school safety and school climate programs and training. These grants can be used for purposes that include (1) school resource officer certification training, (2) any type of active shooter and school safety training, (3) all grade level type educational resources, (4) training to identify and assist students with mental health issues, and (5) any other training related to school safety. With the exception of item (4) above, schools or county boards must work or contract with the local law enforcement agency in whose jurisdiction they are located to

develop the programs and training funded by the grants. The bill may minimally increase the administrative costs of AGO to implement and operate the program.

### **PBIS implementation competitive grant program**

The bill appropriates \$2.0 million from lottery profits in FY 2019 in new Fund 7017 line item 200602, School Climate Grants, for competitive grants to assist public districts and schools to implement PBIS frameworks, evidence- or research-based social and emotional learning initiatives, or both in buildings that serve any of grades K through three. The bill limits individual grant awards to \$5,000 per eligible school building served in the applicant's grant proposal or \$50,000, whichever is less. The Ohio Department of Education (ODE), which will administer the program, must give highest priority to districts and schools whose grant proposal serves at least one school building in which the percentage of economically disadvantaged students is greater than the statewide average. Next, secondary priority must be given to districts and schools whose grant proposal serves at least one building that has a high suspension rate, as determined by the Superintendent of Public Instruction. Finally, the remaining funds must be awarded to other applicants on a first-come, first-served basis. There may be a minimal increase in administrative costs for ODE to operate the grant program.

### **Cash transfer to the GRF**

The bill transfers to the GRF the unused capital funds remaining in the Public School Building Fund (Fund 7021) for the School Security Grants Program, which reimbursed public and chartered nonpublic schools up to certain amounts for an emergency communications system and a security entrance system purchased between January 2013 and March 2017. The program was administered by the Ohio Facilities Construction Commission (OFCC). Specifically, the bill requires the Executive Director of OFCC to cancel any existing encumbrances against Fund 7021 appropriation item C230V9, School Security Grants, and to certify the total amount canceled to the Director of Budget and Management. The bill then permits the Director to transfer cash, up to the certified amount, from Fund 7021 to the GRF. Existing encumbrances in item C230V9 amount to \$4.2 million.

### **Provisions related to student disciplinary procedures**

#### **Suspension and expulsion of students in grades pre-K through three**

In general, current law permits public districts and schools to suspend students from school for up to ten school days and, subject to certain exceptions, expel students for up to 80 school days for violations of the district's or school's code of conduct. Current law generally provides district boards of education and school governing authorities with discretion in determining the types of misconduct for which a student may be suspended, expelled, or removed from school, though the board or governing authority must adopt a policy that specifies the district or school's guidelines.

The law also specifies a number of serious offenses for which year-long expulsions are required or may be authorized, such as: (1) bringing a firearm or knife to

school, (2) possessing a firearm or knife at school, (3) making a bomb threat, or (4) causing serious physical harm to persons or property.

The bill prohibits a public district or school from issuing an out-of-school suspension or expulsion for a student in grades pre-K through three except, as authorized or required under continuing law, for serious offenses unless necessary to protect the immediate health and safety of the students, staff, teachers, and other school employees.

As a point of reference, public districts and schools reported a statewide total of about 34,000 out-of-school suspensions and expulsions for students in grades K through three for the 2016-2017 school year (i.e., FY 2017) to ODE.<sup>1</sup> The table below displays the number and percentage of such suspensions and expulsions and the reason for the discipline.

<b>Public School Out-of-School Suspensions and Expulsions and the Reason for Discipline, Grades K-3, 2016-2017 School Year</b>		
<b>Reason</b>	<b>Occurrences</b>	<b>Percentage</b>
<b>Relatively Minor Offenses</b>		
Disobedient or disruptive behavior	16,441	48.3%
Fighting or violence	11,890	35.0%
Harassment or intimidation	1,665	4.9%
Theft	719	2.1%
Vandalism	439	1.3%
Unwelcome sexual conduct	382	1.1%
Firearm look-a-likes	107	0.3%
Truancy	85	0.2%
Use or possession of tobacco or other drugs	34	0.1%
<b>Subtotal</b>	<b>31,762</b>	<b>93.4%</b>
<b>Serious Offenses</b>		
Serious bodily injury	1,606	4.7%
Use or possession of weapon other than gun or explosive	427	1.3%
False alarm or bomb threats	104	0.3%
Use or possession of a gun	82	0.2%
Use or possession of explosive, incendiary, or poison gas	29	0.1%
<b>Subtotal</b>	<b>2,248</b>	<b>6.6%</b>
<b>TOTAL</b>	<b>34,010</b>	<b>100%</b>

As the table above shows, about 31,750, or 93%, of out-of-school suspensions and expulsions ultimately would be prohibited under the bill and the remaining 2,250 (7%) offenses would appear to fall under the bill's exceptions for more serious matters.<sup>2</sup> In

<sup>1</sup> When a district or school reports less than ten cases of discipline in a particular category, ODE masks the data to protect student privacy. The masked data is not reflected in this analysis. In addition, no disciplinary occurrences were reported for preschool students.

<sup>2</sup> All but 20 of the disciplinary occurrences were handled through out-of-school suspensions.

contrast, public districts and schools reported about 12,500 in-school suspensions or in-school alternative discipline for students in grades K through three that school year, mostly for relatively minor offenses.

The bill, therefore, will shift a large number of students into an educational setting at the school during the period of a suspension, which may lead to a potentially significant increase in costs associated with in-school suspension instruction or monitoring. The fiscal effects of these provisions will vary by district and school based on the frequency of out-of-school suspensions and expulsions and the manner in which districts and schools will opt to supervise the students given an in-school suspension or alternative form of in-school discipline instead of an out-of-school suspension. In particular, urban districts tend to have the highest rates of discipline and, thus, may incur higher costs due to the bill than other types of districts. It is possible some districts or schools may find it necessary to hire additional staff to comply with the bill. If so, the statewide average salary of a teacher in Ohio was about \$58,000 in FY 2017 while that for a teaching aide was about \$19,700. Assuming that fringe benefit costs amount to about 39% of salary, the total payroll costs for each new position would be about \$82,000 and \$27,400, respectively.

#### **Delayed implementation; reports**

Any new costs to supervise students disciplined in an in-school setting in lieu of an out-of-school suspension will be phased in during FY 2020 and FY 2021 with full implementation of this provision beginning in FY 2022. For that year and the three years prior (FY 2019-FY 2021), each public district or school must report to ODE the number of out-of-school suspensions and expulsions of students in grades pre-K through three for both minor and serious offenses. Using the numbers reported in FY 2019 as a base, each district or school must decrease the number of suspensions and expulsions of pre-K through three students for relatively minor offenses by 25% in FY 2020, 50% in FY 2021, and 100% in FY 2022. In turn, ODE must submit an annual report to the General Assembly that includes the data from the districts on pre-K through three suspensions and expulsions and a summary of the best practices of implementing a PBIS framework by districts throughout Ohio. There may be minimal administrative costs for districts, schools, and ODE to report this data.

#### **Consultation with mental health professional**

The bill requires the principal of a school, beginning in FY 2020, to consult with a mental health professional under contract with the district or school prior to issuing an out-of-school suspension or expulsion for a student in any of grades pre-K through three. If the events leading up to suspension or expulsion indicate a need for additional mental health services, the principal or the mental health professional must, in any manner that does not result in a financial burden to the school district or school, assist the student's parent or guardian with locating providers or obtaining those services,

including referral to an independent mental health professional.<sup>3</sup> The bill may increase the administrative workload of districts to make these consultations and referrals.

## **Positive behavior intervention and supports frameworks**

### **State Board of Education and district policies**

Under current law and administrative rule, school districts are required to implement PBIS on a systemwide basis.<sup>4</sup> The bill clarifies that each public district or school's PBIS framework may focus on certain specified objectives and contents and requires the State Board of Education to update its current policy and standards for the implementation of a PBIS framework to reflect the bill's changes. There may be some administrative costs incurred by ODE and school districts to examine current PBIS policies and, for those districts and schools that opt to do so, to modify them to incorporate the elements specified in the bill.

### **Teacher training**

**Teacher preparation programs.** The bill requires each institution in the state with a teacher preparation program to include a semester or equivalent course for students pursuing a license to teach in any of grades pre-K through five that provides instruction on PBIS; social-emotional development; the impact of trauma, toxic stress, and other environmental variables on learning behavior; and other related topics. Some teacher preparation programs at state institutions require this type of course already, but some do not. For those that do not, there may be some additional costs to develop and offer the course. These costs may be offset by revenue from student tuition payments.

**Continuing education.** The bill requires school districts, within three years, to provide professional development or continuing education in PBIS as part of the schoolwide implementation of the PBIS framework to (1) any teachers who teach in buildings that serve students in any of grades pre-K through three and who completed a teacher preparation program prior to the requirement's effective date and (2) all administrators who serve students in any of grades pre-K through three who have not already completed a course in PBIS. Additionally, the bill requires each school district's local professional development committee to monitor compliance with these requirements and establish model professional development courses to assist in that compliance.

PBIS professional development or continuing education courses may substitute for other potential continuing education topics. If not, professional development costs for school districts may increase to provide this training. School districts may also incur

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<sup>3</sup> The bill specifies that this provision does not limit the district's current law responsibilities to provide special education and related services.

<sup>4</sup> PBIS is defined by the bill as a multi-tiered, schoolwide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

some additional administrative expenses to develop the model courses and fulfill their monitoring responsibilities.

### **Report card indicator**

The bill requires ODE to include on a school district or building's report card an ungraded measure indicating whether or not the district or building has implemented a PBIS framework that complies with the bill. Thus, the bill may increase ODE's administrative workload in producing the report cards.

## **Provisions related to school safety**

### **School resource officer training requirements**

The bill requires an individual who wishes to work as a school resource officer (SRO) on or after the bill's effective date to complete a basic peace officer training program and 40 hours of SRO training approved by the Ohio Peace Officer Training Commission within one year after appointment. Trainings must be completed through the National Association for School Resource Officers (NASRO), the Ohio School Resource Officers Association (OSROA), or a peace officer certified to conduct a course that meets the bill's requirements. SROs appointed prior to the bill's effective date are exempt from the 40-hour SRO training requirement.

Both OSROA and NASRO provide a 40-hour SRO basic training program. In general, fees for SRO basic training range from \$440 for the program offered by OSROA to \$495 for the program offered by NASRO. According to OSROA, law enforcement agencies and school districts typically split the cost of SRO basic training. Recently, a small number of local parent teacher organizations have supported SRO training costs as well. As a result of the bill, law enforcement agencies and school districts may incur a minimal increase in training costs. Some of these costs may be initially funded by the state through the school safety training grants described above.

Additionally, the bill requires the Ohio Peace Officer Training Commission to develop and conduct a basic SRO training course. Costs are likely to increase for the Ohio Peace Officer Training Academy (OPOTA) to develop and provide the courses. Such costs will likely be offset by course fees charged to local law enforcement officers (or their departments). OPOTA is administered by the AGO through the Commission.

While there is no database that tracks the number of active SROs across the state, OSROA estimates that roughly 70% of all school districts have at least one SRO. As a point of reference, OSROA has approximately 650 members and NASRO has 94 members in Ohio, though not all SROs are members of these organizations. In 2016 and 2017, 109 and 99 sworn peace officers completed OSROA basic training, respectively. Additional SROs in Ohio likely received training from NASRO.

### **School resource officer duties and responsibilities**

SROs are typically employed as police officers of the municipal corporation, township, or other political subdivision within which jurisdiction they exercise their police authority. Generally, they work under a contract or memorandum of

understanding (MOU) between the district or school and the political subdivision. The bill requires a school district that decides to use SRO services to enter into an MOU with the appropriate law enforcement agency that addresses the purpose and expectations of an SRO program. Among other requirements, the MOU must address professional development, including training on certain topics. School districts that already use SRO services have one year after the effective date of the bill to enter into an MOU.

Those school districts and law enforcement agencies that do not have a formal MOU for SRO services that complies with the bill may incur some minimal administrative costs to develop one. Requiring the MOU to address professional development may lead to a minimal increase in training costs, depending on the training activities currently undertaken by SROs and the level of continuing professional development required by the MOU. Ongoing training may already be a common occurrence; OSROA's model MOU agreement includes a provision recommending that SROs receive additional training each year on school-based law enforcement topics. OSROA offers training on a variety of topics throughout the year for SROs. The trainings usually cost less than \$100 per person.

In addition, the bill essentially codifies the responsibilities of SROs by permitting them to carry out any responsibilities assigned under the employment engagement contract or MOU, including (1) providing a safe learning environment, (2) providing valuable resources to school staff members, (3) fostering positive relationships with students and staff, and (4) developing strategies to resolve problems affecting youth and protecting all students. The bill also qualifies an SRO to consult with local law enforcement officials and first responders when providing assistance with adoption, implementation, and amendment of comprehensive school emergency management plans. According to OSROA, the bill will not impact the workload of SROs, as most are already fulfilling similar duties and responsibilities.

### **School security measures and school resource officer study**

The bill may increase the administrative costs of the Department of Public Safety (DPS) to conduct a study related to school security in public and chartered nonpublic school buildings and to submit a copy of the study to the Governor and General Assembly by February 1, 2019. The bill requires DPS to consult with OFCC in conducting the study, which must include all of the following: (1) the types of physical security measures used in school buildings, (2) options for possible security upgrades for school buildings, (3) an analysis of the most cost-effective ways to add physical security changes to existing school buildings, and (4) recommendations for improving school security. Also, the study must provide the number of school buildings with an SRO, including any building operated by a chartered nonpublic school that elects to participate, and the number of school buildings with other school security personnel, including school buildings that use retired law enforcement as school security.