

Changes To Student Expulsion Measure Expected

A House-passed plan to expand superintendents' power to keep students out of school for disciplinary reasons is likely to receive a partial rewrite in the Senate.

The measure ([HB 206](#)) was scheduled for a possible vote in the [Senate Education](#)

Committee on Wednesday, but the panel declined to advance it after advocacy groups and one Republican member aired concerns.

Chair [Sen. Andy Brenner](#) (R-Delaware) said after the meeting the legislation could see a vote next week after the committee considers amendments based on the latest feedback to the plan.

Under HB206, superintendents could expel students for up-to 180 school days if they pose "imminent and severe endangerment" to other students or school staff. Those expulsions could be extended if students fail to meet conditions for reinstatement set by school administrators.

ACLU of Ohio chief lobbyist Gary Daniels said the proposal would effectively give superintendents "unlimited discretion to remove and reinstate students."

"The ACLU of Ohio submits HB206 grants far too much authority to a single individual, and we are concerned these powers will be abused and unevenly applied," he said.

Daniels asked committee members to craft additional reporting requirements on how school officials use the powers granted by the "deeply flawed" legislation if they intended to advance it.

"This would allow stakeholders and everyone else interested in the effects of HB206 to learn how it is being applied," he said.

Tim Johnson, policy advocate for the Ohio Poverty Law Center, said passage of the legislation would represent an "unprecedented increase" to school administrators' expulsion powers.

"One of the greatest predictors of academic success is being present in the classroom, and we should exercise extreme caution when giving schools the power to remove students from school for long periods," he said. "The statistics about the disparate impact of suspension and expulsion on children with disabilities, children with economic disadvantage, and children who are Black, indigenous, or a person of color are well established in over a decade of Ohio data and research."

[Sen. Louis Blessing](#) (R-Colerain Twp.) asked if the bill could create an "incentive" for school officials to expel students who are performing poorly on assessments to improve their districts' report card results.

Johnson said his organization's concern is that superintendents would have too much power to expel students for "whatever reason" under the bill.

Asked by Blessing if adding time to suspensions or expulsions is effectively the same as increasing the state's truancy rate, Johnson said he would agree that schools are the "safest, most appropriate place" for students to be.

Brenner said the legislation would allow expulsion and potential extensions for "very severe" incidents, such as violent crimes or threats.

"Why do you have an issue with this?" he asked.

Johnson said the bill would provide "wiggle room" for superintendents to abuse their newly expanded powers. He said under his interpretation of the legislation, it would allow expulsions when a student damages a peer's property or threatens to fight them on social media.

"There may be some issues there that we can discuss some more," Brenner said, adding that he is open to amendments to "tighten" the bill's language.

Renee Murphy, managing attorney with Advocates for Basic Legal Equality, expressed concerns that the legislation would disproportionately affect low-income and minority students.

She also suggested actions taken by school officials under the proposed law could violate the First Amendment and federal disability laws.

"Schools and the state of Ohio face risks of costly federal lawsuits from following this bill," she said.

Brenner said allowing disruptive and violent students to remain in the classroom has negative consequences on their peers. He said additional expulsions "might actually improve" achievement results for other students.

Blessing questioned if lawmakers could reach a compromise in which school officials are given additional powers to deal with disruptive students, but those individuals can retain access to educational opportunities.

Murphy suggested providing schools with additional support to allow them to hire more counselors and social workers.

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