



**Senate Education Committee  
Senate Bill 358 Testimony  
Buckeye Association of School Administrators  
Ohio Association of School Business Officials  
Ohio School Boards Association  
Ohio Association of Elementary School Administrators  
Ohio Association of Secondary School Administrators  
September 2, 2020**

Good afternoon, Chair Lehner, Vice Chair Brenner, Ranking Member Fedor, and members of the Senate Education Committee. Thank you for the opportunity to speak to you today regarding Senate Bill (SB) 358. My name is Kevin Miller with the Buckeye Association of School Administrators. Joining me today for this testimony and in answering your questions is Katie Johnson with the Ohio Association of School Business Officials, Nicole Piscitani of the Ohio School Boards Association, and Barbara Shaner, representing the Ohio Association of Elementary School Administrators and the Ohio Association of Secondary School Administrators.

Our organizations represent public school district superintendents, treasurers/CFOs, business managers and other school business officials, boards of education, and elementary and high school principals from around the state.

On behalf of our members, we thank Senator Fedor and Senator Manning for sponsoring SB 358. The bill extends many important provisions of House Bill (HB) 197 and HB 164 through the 2020-21 school year, and in certain cases, beyond, to provide the flexibility districts need to address the unique circumstances of their communities, their school districts, and their students. These provisions will support our state's educators as they meet the diverse needs of students during the most challenging time we have ever seen in education.

We are appreciative that the bill:

- Allows for teacher and principal evaluations to be completed without the use of student growth measures;

- Provides flexibility for students should they be unable to take an end-of-course exam by allowing them to meet graduation requirements through the use of the final course grade in the associated class;
- Eliminates state-required assessments (with the exception of diagnostic assessments) and requires the Ohio Department of Education (ODE) to seek a waiver from administration of all federally required assessments;
- Prohibits ODE from issuing state report cards for the 2020-21 and 2021-22 school years;
- Gives districts local control in making decisions regarding promotion to fourth grade, free of third grade reading guarantee mandates; and,
- Also provides local control in determining if a student is on track to graduate.

I will now hand the testimony over to Barbara Shaner who will discuss additional issues included in SB 358.

### **EdChoice Voucher Program**

With some exceptions, SB 358 would prohibit the ODE from awarding first-time building performance-based vouchers for the 2021-22 school year. This is an extension of the same provision provided for the 2020-21 school year in HB 197, passed in March of this year.

We are adamant that long-term changes to the EdChoice voucher program are needed before the February 1, 2021 application window opens for the 2021-22 school year and we appreciate the SB 358 sponsors' willingness to address the issue. However, the temporary freeze in new vouchers proposed in the bill does not provide sufficient relief to the 517 buildings that are still losing a substantial amount of revenue to private schools, many of which should never have been dubbed "failing schools." Further, state funding reductions due to the Coronavirus pandemic have made it even more difficult for those districts to withstand the loss of revenue to the EdChoice program.

We urge the committee to consider including the EdChoice solution offered in the current version of SB 89 which includes the phase-out of the building performance-based voucher program, replacing it with an income-based program. This approach would be a step in the right direction toward a voucher policy that does not penalize school districts, while at the same time, providing choice options to the students most in need.

If SB 358 provides a temporary solution to the EdChoice program, we request the following changes:

- Add language to clarify that only one 60-day window for EdChoice applications will be available to voucher students by removing the rolling application window;
- Remove the 17 buildings that met state improvement criteria for removal from the EdChoice eligibility list for the 2020-21 school year but were prevented from doing so by the freeze language in HB 197;
- Clarify that a voucher student moving to a new district and building that has not yet been subject to voucher deductions cannot continue to be eligible; and,
- Provide additional funding to districts for the offset of losses from vouchers.

I will now hand things over to Nicole Piscitani who will outline additional requests for inclusion in SB 358.

### **Waiver Authority**

The legislation also extends the ability of the Superintendent of Public Instruction to adjust or waive the deadlines on a variety of actions regulated by the State Board of Education. However, the legislation specifies seven different actions. We suggest providing more flexibility to address issues that cannot be foreseen but may arise because of the pandemic and changes districts will encounter as the school year progresses. For example, school districts are encountering issues with not only meeting deadlines for required diagnostic tests, but also administering those diagnostic tests in a remote environment. Current language in SB 358 would not give the Superintendent of Public Instruction the power to address those issues.

### **Open Meetings Law**

We are appreciative of the temporary flexibility provided in HB 197 to conduct virtual board meetings during the pandemic. While some portions of the state have experienced limited spread of the virus, other portions are at high risk to spreading the disease. The flexibility to hold and attend meetings and hearings in an online format allows local school districts to utilize the format that is safest for their communities.

The authority to hold and attend meetings and hearings in an online format expires on December 1, 2020. With the inability to predict when a vaccine for the Coronavirus will be available, we request the flexibility provided in HB 197 be extended for the remainder of the 2020-21 school year. This will allow boards of education to meet virtually in order to ensure the continued operations of the school district while taking the necessary precautions to protect the health and safety of board members and the community.

I will now hand things over to Katie Johnson who will address additional issues that our members would like to see resolved and included in the bill.

### **Territory Transfer**

Legislation is needed to repeal the territory transfer provision enacted in HB 166. This harmful law allows the decision of a few electors to impact thousands by easily transferring portions of a school district to a neighboring district without a vote of all residents. It allows individuals to make this move without requiring them to go through the due process that has been provided through the State Board of Education, a process intended to take a variety of factors into account.

This law severely undermines local control in these school districts by restricting the vote of the districts' residents. Proposals have appeared on the ballot for Plain Local Schools (Stark County) in the primary election and Bowling Green City Schools (Wood County) for the special election in August. We are aware of proposals on the ballot for two additional school districts this November. Each of these proposals includes a territory transfer from one district to another, shifting the tax burden for residents in the district that is losing the territory; however, only the residents petitioning to move are provided the opportunity to vote.

We request that an amendment be added to SB 358 that will immediately repeal this law and eliminate the chaos and unintended consequences resulting from this method of territory transfer. Ohioans will still have access to the tested methods of territory transfer that have served the state well and protected students for many years.

**Academic Distress Commissions**

The legislation extending the hold harmless provisions related to results for academic distress commissions (ADC) for the 2020-21 and 2021-22 school year is greatly appreciated considering the additional challenges school districts are facing during the pandemic. However, this does not allow for an opportunity for districts currently under ADC control to realize a way out. Legislation is still much needed to repeal HB 70 and dissolve any current ADCs.

We have provided prior testimony on the pitfalls of HB 70 and the damage it has done to the impacted communities, such as East Cleveland, Lorain, and Youngstown. What has occurred in these communities under the current ADC law has not been helpful for improving these districts nor the outcomes for the students they serve.

Legislative action to repeal this law and dissolve current ADCs is necessary to restore community representation through their locally elected board and improve outcomes for students in these districts and those to follow.

Thank you for the opportunity to offer testimony on SB 358. We look forward to working with the members of the committee on the legislation. We would be happy to answer any questions you might have at this time.