



**Senate Finance Committee
Testimony Regarding Re-Opening of K through 12 Schools for 2020-2021
Buckeye Association of School Administrators
Ohio School Boards Association
Ohio Association of School Business Officials
May 19, 2020**

Chairman Dolan, Vice Chairman Burke, Ranking Member Sykes, and members of the Senate Finance Committee. Thank you for the opportunity to present testimony today as part of your discussion on the re-opening of K through 12 schools for the 2020-2021 school year. I'm Kevin Miller, Director of Governmental Relations for the Buckeye Association of School Administrators (BASA). My testimony reflects the collaborative efforts of BASA, Jennifer Hogue, Will Schwartz and Nicole Piscitani of the Ohio School Boards Association (OSBA) and Barb Shaner of the Ohio Association of School Business Officials.

Our organizations represent superintendents, public school district boards of education, and treasurers/CFOs, business managers, and other school business officials from around the state. Our members greatly appreciate your invitation to be part of today's discussion.

When school district buildings were initially closed down temporarily, HB 197 provided emergency legislation that helped alleviate many of the challenges that schools were facing. The success of this legislation was due to the fact that districts were given local control and flexibility to address the unique circumstances of their communities, their school districts, and their students. Now that schools have been closed for the rest of the school year, and as we begin looking toward the 2020-2021 school year, it is imperative that there is emergency legislation that parallels HB 197 in addressing the needs of Ohio's schools.

Will Schwartz of OSBA and I will work together to share the list of legislative recommendations developed by BASA, OSBA, and OASBO.

Graduation Requirements

Because end-of-course exams were not administered in the 2019-2020 school year, underclassmen were not able to earn the points for the exams necessary for graduation. It would be unfair to expect students to take an end-of-course assessment at a later date.

Legislation is needed to award graduation points to students who have otherwise passed a required course, even though the relevant end-of-course exam was not administered in the '19-'20 school year. The legislation should also address the revised graduation requirements for the Class of 2023 and on by equating a passing grade in a class to a "competent" score and as equivalent to scoring proficient or better.

Non-Renewal and Continuing Contract Status

HB 197 permits school districts to suspend evaluation requirements for teachers and administrators for the '19-'20 school year. While this option was necessary, there may also be

unintended consequences. If a school district doesn't complete an evaluation for a teacher or administrator, by law, that person cannot be non-renewed and they automatically roll over to a one-year extended limited contract *unless* they are already on a one-year extended limited contract, in which case they rollover to a **continuing contract**. While it is reasonable to expect that teachers and administrators receive a one-year rollover under the current Coronavirus Pandemic circumstances, the automatic rollover to a **continuing contract** can create a burden for districts.

Legislation is needed to give districts the flexibility to award a one-year limited contract, even if evaluations were not completed or if a teacher or administrator was already on a one-year limited contract. Our organizations have developed proposed language, which is attached to the end of this testimony. The language would modify ORC 3319.11 and 3319.02, which would otherwise lead to some automatic rollovers of either 2 years for administrators or a continuing contract for teachers. This is a time sensitive issue as the current deadline for renewing contracts is June 1.

Ohio Teacher Evaluation System (OTES)

The Ohio Teacher Evaluation System (OTES) requires the use of value added data or Student Growth Measures as part of a teacher's evaluation. Guidance from ODE indicates that for the 2020-2021 school year, because there were no spring, 2020 state assessments, and therefore no value-added data, districts would be expected to develop a growth measure of their own to replace the value-added measure that results from assessments taken the previous year.

Requiring districts to develop their own growth measure is unwieldy at best, particularly given the challenges many will have in bringing students back after the extended school closing. The difficulty in overcoming the effects of the Coronavirus Pandemic will be tremendous even without this added burden.

A legislative change is needed to suspend the value-added and student growth measure components of OTES for the 2020-2021 school year.

Third Grade Reading Guarantee

HB 197 suspends the Third Grade Reading Guarantee by allowing local districts to make a determination about whether or not a student is ready to be promoted from the third grade to the fourth grade. Because many of these young students will have fallen severely behind during the school closings, it could take a significant amount of time for students to get back on track.

We are asking for legislation to extend HB 197's provision to allow local districts to determine whether or not a student is ready to be promoted to fourth grade. This provision should be applied through at least school years 2020-2021 and 2021-2022.

Report Card Implications

HB 197 recognizes that school districts would be affected negatively by test results and other report card measures that do not accurately reflect the work of school leaders and staff, all due to circumstances beyond their control. State and federal assessments and report cards were suspended for the 2019-2020 school year. Districts will be held harmless for any punitive results from these regular accountability measures. However, the impact of the school closings during the Coronavirus Pandemic will be much more far reaching than just the current school year. In fact, while it will vary from district to district, many are likely to see negative effects for the next two to three school years, depending on when districts can return as normal. Those districts with high concentrations of poverty will be particularly impacted.

Legislation is needed to extend HB 197's hold harmless provisions related to results such as voucher and community school eligibility and Academic Distress Commissions (ADCs) through at least school years 2020-2021 and 2021-2022.

Permissive Furloughs

When school districts experience financial difficulties, boards of education have the legal authority to reduce staff using Reductions in Force (RIFs) through ORC sections 3319.17 and 3319.172. However, timelines and lack of flexibility in defining how a RIF is implemented will make it very difficult for districts to address staffing issues and budget cuts once they know what the 2020-2021 school year and further funding reductions will look like. Ohio law does not provide for boards to furlough employees temporarily or in segments. State agencies have the ability to furlough staff, including setting a certain number of days when staff will be off without pay or continuing to provide benefits during the furlough. Boards of education would like the temporary authority to furlough staff as an option for the coming school year if viable for the district.

Legislation is needed to give boards of education the permissive authority to furlough staff in lieu of RIFs, including the ability to determine whether or not staff would continue to receive benefits during the furlough period. Our organizations have developed proposed language, which is attached to the end of this testimony.

Chair Dolan, thank you for this opportunity to provide this information as part of your discussion regarding the re-opening of schools for the 2020-2021 school year. I am happy to address your questions.

Proposed Language for Temporary Law – Continuing Contracts

Notwithstanding anything to the contrary in Chapter 3319. of the Revised Code, if the board of education of a school district elects not to evaluate an employee of the district, including a teacher, administrator, or superintendent, for the 2019-2020 school year in accordance with division (M) of Section 17 of H.B. 197 of the 133rd General Assembly and that employee's employment contract is scheduled to expire in calendar year 2020, then the employee shall be offered a one-year limited contract, instead of another term as otherwise prescribed in Chapter 3319. of the Revised Code unless otherwise agreed upon between the school district and the employee.

Thereafter, the terms of subsequent employment contracts for that employee shall be in accordance with Chapter 3319. of the Revised Code.

Proposed Language for Temporary Law—Authority for Temporary Furlough of School Employees

The board of education of each school district and the governing board of each educational service center may adopt a resolution ordering the temporary, periodic or continuing furlough of school employees, including administrators, teachers, and nonteachers, during the 2020-2021 school year when such employees are not needed to perform work for the district or center or for financial reasons.

In authorizing a furlough under this section, the board of education or governing board shall furlough employees in accordance with the recommendation of the superintendent.

Furloughs will be unpaid, except to the extent a board of education or governing board authorizes the substitution of paid leave.

A board of education or governing board may continue insurance benefits for employees on furlough to the extent permitted by the insurance plan.

Any employee who is furloughed under this section may be recalled from furlough at any time. Employees returning from furlough will resume the same contract status that existed at the time of furlough.

Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into after the effective date of this section.