



**Ohio Senate Finance Committee  
2020-21 School Year Considerations Amid COVID-19  
Ohio School Boards Association  
May 19, 2020**

Chairman Dolan, Vice Chairman Burke, Ranking Member Sykes and members of the Ohio Senate Finance Committee, thank you for the invitation to speak on the challenges facing Ohio's public school districts in the upcoming 2020-21 school year. My name is Will Schwartz, and I am the deputy director of legislative services for the Ohio School Boards Association (OSBA). OSBA represents public school district boards of education, career-technical center boards of education and educational service center boards of education.

Our members would like to thank the senators on this panel and your colleagues in the General Assembly, as well as Gov. DeWine and Lt. Gov. Husted, for your swift, effective, and helpful efforts in House Bill (HB) 197 that provided much-needed relief and flexibility to Ohio's public school districts as they grapple with the effects of the pandemic. Board members, in particular, are quite appreciative of the act's temporary ability to conduct their board meetings in an online format. While many boards still meet in person, they all greatly appreciate this new flexibility, and OSBA has been at the forefront on providing legal, policy, and technical information to our members to ensure they are in compliance with Ohio's Open Meetings Laws and are implementing best practices.

Our members believe we can prepare and implement a safe and successful 2020-21 school year with the following foundational elements:

- Apply the provisions of HB 197 to the 2020-21 school year;
- Provide additional resources needed to combat the effects of the pandemic;
- Provide certainty from the state as soon as possible to inform planning efforts; and
- Establish additional flexibility measures outlined below to ensure decisions are made locally with local health departments and community stakeholders, in accordance with state directives.

**Additional Resources**

Our response to the virus, and the virus itself, place great demands on our public schools to continue meeting the needs of our students and to do so in safe and healthy ways. During and

after the pandemic, this duty requires additional resources, planning, and innovation. Personal protective equipment, cleaning supplies, and thermometers are now prerequisites for a return-to-school. Districts will continue to address the social and emotional needs of students, though more of our students will return to school suffering hunger, neglect, abuse, and other forms of trauma. Districts are using new and innovative ways to serve all of their students including students with disabilities, English learners, and homeless students. Districts will need to continue closing the equity gap, now exacerbated by the pandemic, and they will work to connect students with little-to-no access to reliable internet or even a learning device. All of these efforts require additional resources, but come amid funding reductions and declining revenues at the state and local levels. We encourage you keep these challenges in mind as budget decisions are made and as you urge your Congressional counterparts to provide additional aid to states for K-12 education.

### **Certainty**

Time and time again, our members ask, “When will we know the state directives for the upcoming school year and what will they be?” Instead of simply waiting for an answer, school leaders are proactively planning for a variety of scenarios for the upcoming school year. One, of course, is a normal return-to-school. The most common and likely option, however, are hybrid models with endless options. Some include students sorted in multiple groups alternating between in-building instruction and remote learning, and others include prioritizing younger students with in-person learning and older students with remote learning. Reduced class sizes and service reductions are often discussed. Another scenario even includes a resuming of the current remote-learning environment for all students as some districts are unsure about managing safety, costs, and other demands that the virus will impose.

Amid all these possibilities, our request is that these decisions be allowed to occur at the local level in accordance with state directives, as the unique needs and resources of our districts vary greatly. The sooner state and federal guidance and directives can be announced, the smoother and more effective schools can begin implementing their plans and providing instruction and services to our students.

### **Additional Flexibility**

In addition to extending the provisions of HB 197, there are other immediate legislative needs that must be addressed to ensure safe and effective learning environments for our students. OSBA, the Buckeye Association of School Administrators (BASA), and Ohio Association of School Business Officials (OASBO) jointly developed these recommendations, several of which Kevin Miller just discussed. Other items OSBA, BASA, and OASBO are requesting include the following:

### **Transportation**

First, the response to the pandemic will impose significant strains on our pupil transportation system. With six-foot distancing, a 60-person bus would shrink its capacity to 10. This requires more buses, more fuel and more drivers to maintain the existing service to students, none of which exist or are in short supply. School leaders also must consider more bus stops, more loading/unloading locations, and time between routes to sanitize the bus. Another issue is

hiring additional drivers, 10% of whom are expected not to return due to age or being in the high-risk group for the virus. Additional changes are needed to provide districts temporary flexibility to adjust their bus schedules after July 1<sup>1</sup>, revise the busing requirements for nonpublic, community, and STEM schools, and permit, but not require, the installation of barriers on school buses to protect drivers and students.

### **Use of facilities**

Second, Ohio law requires districts to permit outside groups to use their buildings, like county boards of elections for polling locations.<sup>2</sup> This requirement should be temporarily suspended and made permissive to ensure health and safety for all, to reduce additional costs to the district for sanitization and monitoring efforts, and to eliminate potentially unsafe gatherings. During these times, local school districts should be allowed to make local decisions on a case-by-case basis to decide whether or not to grant the use of facilities to outside groups.

There are four issues unrelated to the pandemic that, if left unaddressed, will cause significant harm to our public school districts and the students and communities they serve. Implementing the recommendations outlined below will be crucial to aid districts in overcoming the challenges they face in the coming school years.

### **Valuation changes**

First, the closure and devaluation of Ohio's coal and nuclear power plants has caused extreme financial hardships for the affected school districts, their residents and their taxpayers. While these communities have enjoyed the benefit of the public utility facility's tax base in the past, the typically lower-wealth and lower-income communities are now forced to shoulder insurmountable tax burdens to maintain the same level of service. At a time of declining revenues and steep cuts, these communities will be hit harder than ever. Ohio does have a mechanism to address this situation, called the 028 adjustment<sup>3</sup>, but it is frozen for the current biennium, leaving districts short millions of dollars in much-needed aid. The number of affected districts is short, and the cost for a solution would be quite small. We recommend providing funding relief to these affected districts.

Second, the Felicity-Franklin School District in Clermont County was recently charged more than \$400,000 in a state aid clawback for public utility property once thought to be in its territory. It was later determined that the property was not in the district, but across the river in Kentucky.<sup>4</sup> The district repaid the utility company the revenue it received but still suffered the funding clawback from the state. We recommend a restoration of funds to address this issue.

### **Territory Transfer**

Third, more and more school districts are the subject of territory transfer petitions as a result of

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<sup>1</sup> Ohio Revised Code (ORC) 3327.015.

<sup>2</sup> ORC 3313.76, 3313.77, and 3313.78.

<sup>3</sup> ORC 3317.028.

<sup>4</sup> <https://www.clermontsun.com/2020/01/16/meldahl-hydropower-plant-taxing-snafu-leaves-local-governments-to-pay-back-nearly-1-million/>.

a recent budget provision.<sup>5</sup> Certain township residents can now easily transfer their property to a neighboring school district, without the approval of either district. Not even affected homeowners whose property may be transferred can opt out. This provision sidesteps Ohio's existing laws about transferring property that have proven guiderails in place. We recommend repealing this statute immediately and declaring void all pending transfers.

### **Storm Shelters**

Fourth and finally, districts starting September 15 will be subject to a new, costly mandate to install storm shelters for new school building construction, adding millions of dollars more to the projects.<sup>6</sup> The General Assembly has wisely delayed the implementation of this requirement, and we support further delaying the requirement, which is also outlined in Sen. Schaffer's Senate Bill 248.

Chairman Dolan and members of the Senate Finance Committee, thank you for your time and attention. I would be happy to answer any questions you might have.

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<sup>5</sup> ORC 3311.242.

<sup>6</sup> <https://ofcc.ohio.gov/Resources/Publications#1156211-school-storm-shelter-report>