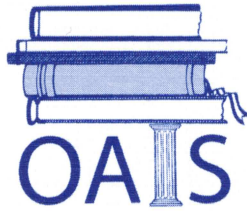


- Agnon School
- Andrews Osborne Academy
- Birchwood School
- Canton Country Day
- Cincinnati Country Day
- Cincinnati Hills Christian Academy
- Columbus Academy
- Columbus Jewish Day School
- Columbus School for Girls
- Columbus Torah Academy
- Gilmour Academy
- Grand River Academy
- Hathaway Brown School
- Hawken School
- Hershey Montessori School
- Hudson Montessori School
- Lake Ridge Academy
- Laurel School
- Lawrence School
- Linden Grove School
- Lippman Day School
- Mansion Day School
- Marburn Academy
- Maumee Valley Country Day
- McGuffey Foundation School
- Miami Valley School
- The New School
- Old Trail School
- Olney Friends School
- Ratner School
- Ridgewood School
- Ruffing Montessori School - Cleveland Heights
- Ruffing Montessori School - Rocky River
- Schilling School for Gifted Children
- Seven Hills School
- Spring Garden Waldorf School
- Springer School and Center
- Summit Country Day
- University School
- Village Academy Schools
- Wellington School
- Welsh Hills School
- Western Reserve Academy



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March 9, 2015

House Finance Committee **K-12 Education Subcommittee**

Ohio Association of Independent Schools **Dan Dodd, Executive Director**

Chairman Cupp, Ranking Member Phillips and members of the committee, thank you for the opportunity to present testimony on behalf of the Ohio Association of Independent Schools regarding House Bill 64. OAIS believes HB 64 contains provisions beneficial to member schools but would ask the House to recognize that some provisions should be added to improve the educational climate for OAIS member schools.

Graduation Testing

Two years ago, thanks to members of the General Assembly and Governor Kasich, HB 59 contained an exemption from end-of-course exam requirements for schools accredited by the Independent Schools Association of the Central States (ISACS). This provision recognized the unique place within Ohio's educational system that ISACS accredited schools occupy and provided freedom from unnecessary testing burdens.

After HB 59 was signed into law, HB 487 changed the law again regarding graduation requirements. HB 487 deleted the ISACS exemption and expanded the testing freedom for ISACS accredited schools to other private schools by allowing an opt-out in exchange for publishing the average national assessment of college and career readiness scores of each graduating class by quartile. However, HB 487 specified that this provision did not become effective until October, 2015 and that in the meantime, a committee consisting of House and Senate members, plus members of the private school community would convene to determine what graduation requirements are appropriate for private schools.

The committee created by HB 487 recently completed its work and a bipartisan group of members endorsed a proposal the Department of Education should be issuing to the House and Senate Education committees within the next week or two. OAIS would urge the House to incorporate the committee's recommendation within the existing HB 487 framework and allow schools to choose the pathway for issuing diplomas that is most consistent with the private school's philosophy. At the very least, the House should reinstate the ISACS exemption that was granted in HB 59 if it is determined that the state should ignore the practice of virtually every other state in America and subject private school students to graduation exit exams.

College Credit Plus

Last year, the General Assembly and the Governor approved sweeping changes to the state's post-secondary enrollment program by establishing College Credit Plus. The new program streamlines the operations of the old programs by making them more interactive and easier to navigate for schools and students alike. Many OAIS member schools participated in the old PSEOP program and plan to participate in College Credit Plus.

However, some schools do not participate in College Credit Plus for a variety of reasons. One reason schools choose not to participate is that the curriculum directors and school division heads believe the "equivalent" courses at a local college do not match the rigor of their schools. Forcing a private school to accept the credit over objections as to whether or not the course is rigorous enough for the private school's expectations is a violation of a school's curricular freedom.

Another reason schools may not participate is the possibility of students choosing to opt out of classes required at the school for reasons unrelated to the pursuit of college credit. For a student to choose to take a college class instead of a class at a private school because the student may not like the school's teacher, or wants an extra study hall, is not related to the generally desirable pursuit of college credit and private schools should not be forced to accept this kind of rationale for taking those classes.

A third reason is the case of a college class not reflecting the curriculum of a private school and the school would still be forced to accept the college class as credit for the private school's course requirements. For example, if a private school is secular and places a strong emphasis on evolution over millions of years as part of its biology class, a student could take a class at a college that teaches a creationism-based biology theory and the private school would be forced to accept that as credit. This is not to say that one is better than the other, but they are inconsistent, and the private school should not be forced to accept that credit.

In the past, PSEOP was a purely voluntary program for private schools. The statutes creating College Credit Plus still note that it is voluntary for private schools to participate. However, the Board of Regents recently promulgated rules that force a private school to participate if a student signs up and is accepted for a course, regardless of the school's intent to participate. The rules then force private schools to fulfill unfunded mandates regarding notice and counseling requirements for a program they had no intention in which to participate.

OAIS requests that the House adopt language to clarify that College Credit Plus is a purely voluntary program for private schools and to forbid the Board of Regents or the Department of Education from imposing any rules that force the participation of private schools.

Operating Standards

The State Board of Education recently revised the Operating Standards for K-12 schools. The interpretation of current statute by the Department of Education requires private schools to follow the same standards as public schools, with exceptions for rules that are based on statutes specifically directed at public schools.

The Board created a special committee to craft new Operating Standards and the committee leadership solicited stakeholder feedback from private schools. Unfortunately, all of the feedback was ignored. Even a request to specifically recognize a difference between public school districts, public schools and private schools in the Operating Standards' definitions was ignored. It was not until the CSI office inquired with the Department and questioned the anti-private school language in some of the standards that the Department relented and the Board modified some of the problematic language.

If anything, the process of the adoption of these standards made it clear that private schools are an afterthought in the deliberations of the State Board of Education. By focusing all of its attention on what is best for public schools, what is best for private schools is given short shrift. The sequence of events regarding the revision of the Operating Standards illuminates the need for the state to recognize that private schools are inherently different from public schools and both sectors should not operate under the same set of standards. The standards for private schools should exist within the Ohio Revised Code, similar to community schools, to prevent further manipulation by a State Board of Education that is solely focused on governing public schools.

OAIS requests that the House create a legislative committee consisting of legislators and nonpublic school representatives to recommend adding specific standards for private schools to the Revised Code.

High School Athletics Reform

It is a generally accepted principle of the Ohio High School Athletic Association (OHSAA) that athletic participation by high school students can be an integral part of a student's academic experience. Unfortunately, the association continues to engage and promote rules and by-laws that specifically prohibit some students attending private schools from playing any sports based on their national origin, while allowing other private school students and public students from other countries to play. The OHSAA also continues to enforce "recruiting" restrictions on private schools that inhibit a school's basic freedom and speech and marketing efforts, even if those efforts are completely unrelated to athletics.

The OHSAA's current bylaws specifically prohibit any foreign or out-of-state students enrolled at a school in Ohio from participating in any OHSAA-sanctioned events or any club teams in sports sanctioned by the OHSAA. The OHSAA bylaws do allow an exception for exchange students. This means that students attending a private school since the 6th grade may not play any sports in grades 9-12, yet a student who is here for one year may participate. The current bylaw is clearly meant to discriminate against private schools, which are more likely to enroll students in schools for many years, as opposed to exchange students who often attend public schools.

Another OHSAA bylaw dealing with so-called "recruiting" forbids private schools from sending any communication to a student or parents of a student with a name on the address label. Mailings are must be addressed to "Occupant" or "To the Parents of a Student in the Household," even if the contents of the mailing do not make a single reference to athletics. This is because any communication on behalf of a school is labeled "recruiting" by the OHSAA. Again, this restriction is directed at private schools, which are much more likely to engage in marketing, whereas public schools are free to use the directory information available to them to send materials specifically to students if they so choose.

The principals or administrators of member schools vote for the approval or disapproval of OHSAA bylaws. Approximately 85% of the member schools of OHSAA are taxpayer funded public schools, with principals paid with taxpayer dollars voting in their official capacity as public school principals. While the OHSAA claims to be a private organization, it would essentially cease to exist without the participation and dues paid by taxpayer funded public schools. Other states, such as Pennsylvania and Florida, have created legislative oversight committees in the past to right the wrongs of their associations. OAIS requests that the House and Senate create a joint oversight committee to address the concerns of private schools that are either OHSAA members or cannot be because of the organization's restrictions.

Thank you for the opportunity to present testimony on behalf of OAIS. I'd be happy to answer any questions you may have.