Thank you, Chair Brenner, Vice Chair Slaby, Ranking Member Fedor and House Education Committee members for giving me the opportunity to provide interested party testimony on Senate Bill 216.

My name is Chad Aldis, and I am the Vice President for Ohio Policy and Advocacy at the Thomas B. Fordham Institute. The Fordham Institute is an education-focused nonprofit that conducts research, analysis, and policy advocacy with offices in Columbus, Dayton, and Washington, D.C.

At Fordham, we've long believed that scrapping regulations that burden schools, have little to do with student learning, and restrict local flexibility and autonomy is a worthy undertaking. Over the past few years, Ohio legislators have taken small but commendable steps in providing regulatory relief for public schools.

Senate Bill 216 seeks to carry on this tradition, and it does so in a couple admirable ways. First, it provides flexibility around teacher licensing. Although licensing is viewed by many as a way to ensure minimum criteria around who teaches which courses, it also restricts the ability of school leaders to deploy staff in ways that meet organizational and student needs. SB 216 would allow superintendents to more effortlessly deploy teachers in grades and content areas in which they aren't licensed, so long as certain conditions are met.

Second, the bill also makes a number of changes to Ohio's teacher evaluation framework (OTES). In practice, many have found that OTES has created a tremendous amount of work and increased the testing load on students without resulting in much differentiation of teacher performance. Therefore, it's sensible to rework the framework to reduce testing and hopefully make it more helpful for educators.

The bill also does a few other worthy things of note that aren't exactly deregulation. While maintaining the KRA for incoming kindergarten students (the as introduced version eliminated it), the bill directs the Ohio Department of Education to recommend ways to streamline it. This is a valuable check to make sure it's proving as useful as anticipated. On a separate front, SB 216 provides some cost relief for districts paying for College Credit Plus by requiring non-low income parents to pay half of textbook costs. Finally, the legislation allows for our youngest students to take state assessments via paper and pencil. This seems reasonable if the goal is to figure out how much students know rather than how well they can use a keyboard.

Despite these promising provisions, SB 216's changes to the minimum "n-size" creates a big problem. Current Ohio law requires student performance data to be disaggregated into various subgroup categories, including by grade level, race, and socio-economic status. This data is only publicly reported when there are at least ten students in the subgroup. SB 216 increases Ohio's n-size from ten to thirty students for both reporting *and* accountability purposes.

This is wrong for two reasons.

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First, it means that smaller schools will be exempt from the state's accountability system. According to documents published with Ohio's ESSA plan[1], 20 percent of community schools have fewer than thirty students in tested grades. Among dropout prevention and recovery schools, nearly 40 percent have fewer than thirty students in tested grades. Other schools—like those in sparsely populated rural areas—could also fall into this category. If SB 216 is passed as is, families in these areas would have access to far less data than their neighbors and friends whose children attend other schools. This would also severely undermine Ohio's accountability system.

Second, increasing the state's n size would conceal from public view disaggregated data on children who are most apt to get lost in our school systems. Subgroups who have been historically underserved and overlooked—minority students, students with disabilities, English language learners, and economically disadvantaged students, to name a few—would be excluded from the state's accountability system. Not only does this walk the state backwards in terms of civil rights and data transparency, it also removes an important incentive for schools to give *all* students the support and interventions they need.

Here's a chart from Ohio's ESSA plan estimating how many students from various subgroups would be included in the reporting framework at various n-sizes. At an n-size of thirty, more than 20 percent of students with disabilities and almost 50 percent of Hispanic and English learners would be buried.

	Sub-group	All Students	Students with disabilities	Econ. Disadvantaged	English learners	White	Black	Hispanic	Multiracial	Asian-PI	American Indian
	Total Tested	875503	128821	422402	21495	645361	130733	40161	39914	18265	1069
N-Size											
10		100.0%	98.8%	99.9%	80.3%	99.8%	96.8%	82.6%	81.6%	73.7%	2.8%
15		99.9%	96.1%	99.7%	71.9%	99.7%	95.0%	72.6%	68.6%	62.8%	1.5%
20		99.9%	91.9%	99.3%	64.1%	99.6%	93.1%	64.3%	56.4%	54.7%	0.0%
25		99.9%	85.6%	98.9%	58.4%	99.5%	91.3%	57.1%	45.0%	48.7%	0.0%
30		99.8%	78.3%	98.2%	51.8%	99.2%	89.7%	51.5%	37.6%	43.6%	0.0%

Overall, there's a lot like to like about SB 216. But the provision to increase the state's n size must be removed. If it's not, the legislature will significantly weaken the state's accountability system and increase the likelihood that the performance of some of Ohio's most challenge subgroups will be hidden from public view.

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[1] ESSA calculation was conducted as part of the discussion regarding the AMO or gap closing measure where Ohio previously set an n-size of 30. The analysis conducted as a result would apply to other accountability measures if the n-size was increased from the current 10 to 30.