



**Written Testimony to the Ohio Senate on the Enact Public School Deregulation Act-primary/secondary ed-testing**

From Kara B. Ayers, PhD

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RE: Senate Bill 216: Enact Public School Deregulation Act-primary/secondary ed testing

Sponsors: Senator Huffman

Chair Lehner, Vice Chair Huffman, Ranking Member Sykes, and Members of the Senate Education Committee:

Thank-you for allowing me the opportunity to provide testimony regarding Senate Bill 216, which would eliminate and change several regulations and current policies associated with primary and secondary education in Ohio. I am the Associate Director of the University of Cincinnati Center for Excellence in Developmental Disabilities (UCCEDD). We are part of a national network of UCEDDs that make up the Association of University Centers on Disability (AUCD). Per our federal authorization from the Developmental Disabilities Assistance and Bill of Rights Act, UCEDDs are obligated to work towards a shared vision in which all Americans will live, work, and play together in their communities. We are also tasked to gather and interpret state-specific data on how proposed policy changes would impact Ohioans with disabilities. With these goals in mind, we have carefully considered the proposals within SB216 and share the following questions and concerns:

- 1. Proposed changes for educational aides and educational paraprofessionals:** This proposal would repeal a provision of current law that requires the State Board to prescribe minimum education, health, and character qualifications for the licensure of aides and paraprofessionals. These professionals often dedicate the most one-on-one or small group time to students with disabilities. They may be responsible for assisting students with tasks like toileting and medical needs during the day. Their level of engagement with the student is such that it's not always possible to be supervised by other professionals. Given the potential for abuse or incompetence, it's alarming to consider the risk of removing what already minimal requirements are set for these critical positions.

In recognizing the importance of hiring competent, safe, and dedicated staff to fill the essential and legally mandated roles of aides and paraprofessionals, we're also aware of the challenge for districts to find and retain individuals whose career goals match these unique positions. These positions are often low-paying and run on the school year calendar. This proposal also suggests extending the amount of time nonteaching school employees would need to be employed prior to receiving a continuing contract. Rather than the previous two to three years, aides and paraprofessionals would need to work between six and seven years to qualify for tenure. Turnover of these positions is directly detrimental to the students with disabilities that aides and paraprofessionals support. Maintaining a minimal benefit, like the possibility of a continuing

contract, seems a reasonable incentive to retain the competent nonteaching employees currently serving students.

Following analysis of SB216 regarding the issue of aides and paraprofessionals, we're also left with uncertainty on several issues. With the removal of current requirements, will aides and paraprofessionals still be subjected to basic background checks prior to hire? It is also unclear who will qualify as a federal employee. These particularly aides and paraprofessionals are still required to meet criteria for licensure. With the wide range of funding, which often includes federal funds, received by schools, it's unclear how the bill will differentiate between these employees and those that no longer need to meet basic requirements for licensure.

2. **Special Education Preschool:** The proposal aims to require a minimum of 10 hours of services per week for Ohio preschoolers with disabilities. This is lower than the 12.5 hours of education required per [Ohio's Every Student Succeeds Act \(ESSA\)](#). It's unclear how this conflict in minimal standards would be mediated but raises concerns for other areas of alignment with this proposal and ESSA's approved state plan, which includes extensive feedback from a wide range of stakeholder groups.
3. **Excused Absences:** The proposal removes the requirement to report excused absences. Students with disabilities typically incur more absences based on a wide range of medical, behavioral, and emotional needs that may be associated with their disability. Schools are already collecting this data because they must determine whether an absence is excused or unexcused upon its occurrence. Removing the requirement to report this data to the state only serves to disconnect an important source of information to better meet and represent the needs of Ohio students with disabilities. By remaining aware of the challenge of increased absence from schools, Ohio educators can remain committed to closing the already existing gaps in academic success among students with disabilities.
4. **School mandate reports:** The proposed bill would require the Department of Education to create a new school mandate report for school districts. This report would require monthly updates to yes/no questions on a range of important issues. A number of these issues, including training regarding restraint and seclusion and the establishment and review of school emergency management plans, are extremely critical for students with disabilities. Per the [Ohio Department of Education's Policy on Positive Behavior Interventions and Supports, and Restraint and Seclusion](#), Ohio has made a commitment that, "Every effort should be made to prevent the use of restraint and for the use of seclusion." Students with disabilities suffer the often long-term effects of restraint and seclusion at an extremely disproportionate rate compared to nondisabled students. Eliminating the current more detailed but not overly burdensome data collection strategy would fail to uphold Ohio's commitment of accountability to students with disabilities that methods other than restraint and seclusion will be prioritized. The establishment and review of school emergency plans is equally complex as it relates to safely integrating the unique needs of students with disabilities into these plans. Reducing this accountability to a yes/no question puts the lives of Ohio students with disabilities at risk when they need our protection the most.



We recognize the ongoing challenge faced by educators to prepare all students for a bright future while also maintaining multiple requirements to report to both state and federal entities. We urge legislators to consider the ramifications of discontinuing requirements for competence, minimal services, and basic data collection for Ohio's students with disabilities. As this population already faces a significant academic achievement gap, it is imperative that their needs-both unique and similar to nondisabled students-be considered.

We truly appreciate your time in considering our questions and concerns. We would be happy to work together to revise current policy in a way that meets the need for compromise between overly burdensome reporting requirements and maintaining quality education services for all. If you have questions or would like to discuss these issues further, please contact me at (513)803-4402 or [kara.ayers@cchmc.org](mailto:kara.ayers@cchmc.org).

Sincerely yours,

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