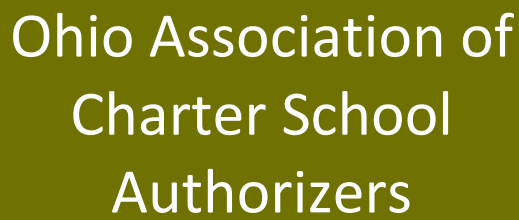




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Ohio Association of Charter School Authorizers



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Senate Finance – Primary and Secondary Education Subcommittee

May 17, 2017

Testimony on H.B. 49

Good afternoon Chairman Hite, Vice Chairman Sykes and subcommittee members. I'm Peggy Young, testifying before you today as president of the Ohio Association of Charter School Authorizers. Thank you for the opportunity to share OACSA's perspective on H.B. 49 as passed by the House of Representatives.

Members of the Ohio Association of Charter School Authorizers (OACSA) applaud the House for adding a provision that makes the charter school sponsor performance assessment process more fair by providing all sponsors the opportunity to review data, scoring and ratings prior to release to the public, just as schools and districts do with respect to report cards. We also support the House provision that grants all sponsors – not just those rated “poor” -- the right to appeal their ratings.

However, we are very concerned about a provision added by the House that fails to adequately address our concerns regarding the Ohio Department of Education's sponsor performance assessment framework which conflicts with current law.

Ohio charter school laws have been subject to on-going change since their inception. Most recently, the 131st General Assembly passed significant reform legislation in 2015. House Bill 2 made changes to the system of assessing the performance of charter school authorizers – aka sponsors – which features three components: sponsor quality practices; sponsor and school compliance with applicable laws and rules; and, school academic performance.

It's common knowledge that there were problems with the Ohio Department of Education's implementation of the sponsor performance assessment last year. Not only were sponsors excluded from the process of developing monitoring tools and the scoring rubric, but sponsor feedback was disregarded. Additionally, ODE sought to impose administrative rules retroactively.

The legislature granted the Ohio Department of Education (ODE) significant authority in terms of implementation of the sponsor performance assessment. As you may recall, ODE appointed a three-man panel whose recommendations served as the basis for all aspects of the performance framework and its implementation. Unfortunately, none of the three individuals were experienced in charter school authorizing, nor did they engage sponsors in the process. According to the National Association of Charter School Authorizers (NACSA), the panel's recommendations reflected a “serious misunderstanding of the role of charter school authorizers.”

Although the process used last year to assign sponsor ratings for the 2014-2015 and 2015-2016 school years was difficult for all involved, we can't change the past. But we can offer suggestions on ways to improve the process moving forward.

Our concern relates to an aspect of the framework that conflicts with state law.

The Ohio Revised Code specifies that the three components that comprise each sponsor's overall rating – quality standards, compliance, and school academic performance – must be equally weighted. Unfortunately, under ODE's current framework, sponsors earning a score of zero in any of the three components are automatically rated "ineffective" – even if they earn perfect scores (of 4) in the other two components.

The consequences of receiving a rating of "ineffective" are significant: "ineffective" sponsors are prohibited from sponsoring additional schools and must develop and submit improvement plans to ODE, while those rated "ineffective" for three consecutive years are subject to revocation of sponsorship authority.

Language added by the House seeks to address the issue, but the current language is inadequate in that a score of zero in the school academic performance component still automatically lowers a sponsor's rating to "ineffective."

A one-page document included with my testimony clearly shows that sponsors earning the required number of points to receive an "effective" rating are penalized – with significant consequences – for receiving a zero score in the academic component.

It's important to remember that, as expected, report card results for most schools have been disappointing as Ohio implements new learning standards, assessments and report cards. When report cards for the 2015-2016 school year were released last September, there was nearly universal agreement that the results did not accurately reflect true performance. That's why the General Assembly granted "safe harbor" to students, teachers, schools and districts to protect them from the negative consequences of low academic performance. Unfortunately, that protection was not extended to sponsors – most likely in oversight.

It's also important to recognize that all schools must meet compliance requirements to ensure student safety – regardless of academic performance – and that quality authorizing practices are absolutely essential.

We ask the Senate to amend House Bill 49 to eliminate the provision that lowers a sponsor's overall rating to "ineffective" if it receives a score of zero in the academic component. Equal weighting of the three components – and basing ratings solely on overall scores earned – is consistent with legislative intent and results in greater fairness in this high-stakes process.

If the problem is not addressed, risk-adverse sponsors will be forced to close promising schools. In some cases, this will mean that students must return to traditional public schools with lower academic performance than that of their charter school of choice.

OACSA members fully support the legislature's efforts to improve accountability and performance. But the process must be fair and in alignment with state law. Against the backdrop of NACSA's comment

about the panel's recommendations reflecting a "serious misunderstanding of the role of charter school authorizers," it's worth noting that the sponsor performance assessment results for the 2015-2016 school year don't follow the normal bell curve one might reasonably expect. Of the 65 total sponsors, none were rated "exemplary;" only 5 were rated "effective;" 39 were rated "ineffective;" and, 21 – all of which are districts and educational service centers -- were rated "poor."

We believe that Ohio's sponsor performance assessment, particularly the quality practices component, has the potential to improve authorizing, which ultimately helps charter schools. But we ask for your assistance in making changes to improve the process in the future.

Thank you for the opportunity to testify today. I welcome any questions you may have.

OHIO ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

OACSA recommends legislative action to require the Ohio Department of Education to eliminate from the sponsor performance evaluation framework a provision that automatically lowers a sponsor's overall rating to "ineffective" if a zero score is obtained in any one of the three components.

This aspect of the evaluation framework conflicts with a statutory requirement [ORC 3314.016(B)(6)] that the three components of the evaluation be equally weighted. Under the current framework, sponsors earning perfect scores (4) in two of the three components would have adequate points to be rated "effective" but would automatically be rated "ineffective," with greater weighting assigned to the component with a score of zero. The consequences of receiving a rating of "ineffective" are significant: "ineffective" sponsors are prohibited from sponsoring additional schools and must develop and submit improvement plans to ODE, while those rated "ineffective" for three consecutive years are subject to revocation of sponsorship authority.

H.B. 49, as passed by the House, eliminates the consequences of receiving a score of zero in the quality and compliance components, but maintains the penalty for a zero score in the school academic performance component, despite the fact that students, teachers, schools and districts — but not sponsors — have been granted protection from the negative consequences of an expected and realized drop in school academic performance as Ohio implements new learning standards, assessments and report cards.

Academic performance

Based on data from report cards issued during a period of transition in which all stakeholders — with the exception of sponsors — have been granted protection from the negative consequences of an expected and realized drop in school academic performance

Compliance

Includes critically important requirements that impact student safety and learning including:

- Staff and board criminal background checks;
- Fire inspections;
- Health & safety inspections; and,
- Teacher certification

Quality

Serves as the foundation for all key sponsor processes including:

- Rigorous new school application and review; and,
- Clearly defined academic performance expectations and consequences for failure

2015-2016 & 2016-2017 SCHOOL YEARS

Academics	Compliance	Quality	Overall score	Rating
0	4	4	8	Ineffective
4	0	4	8	Effective
4	4	0	8	Effective

2017-2018 SCHOOL YEAR

Academics	Compliance	Quality	Overall score	Rating
0	4	4	8	Ineffective
4	0	4	8	Effective
4	4	0	8	Effective

Overall score Sponsor rating

10, 11, 12	Exemplary
7, 8, 9	Effective
3, 4, 5, 6	Ineffective
0, 1, 2	Poor

Overall score Sponsor rating

11, 12	Exemplary
8, 9, 10	Effective
4, 5, 6, 7	Ineffective
0, 1, 2, 3	Poor

Quotes from various sources in response to release of 2016 state report card

"This year's report cards and the grades we're seeing reflect a system in transition." – Superintendent of Public Instruction Paolo DeMaria

"I think you want to keep these numbers in context. It's a system in transition." – Chris Wollard, senior executive director for ODE's Accountability and Continuous Improvement

"It's going to take a while for our students in our schools to adjust to these new standards, but rather than get all upset and worry and fret about the scores ... just keep in mind we're trying to elevate the level of education that's being given in the state." -- Sen. Peggy Lehner, Chair, Senate Education Committee

"These new expectations and the accompanying measures are the new benchmark. Our students and schools have not performed worse, in fact many have performed better." – Lisa Grey, The Ohio Standard Coalition

"This year's report cards are a continuation of years of misguided state policies that place entirely too much emphasis on standardized test scores and not enough focus on what our schools are doing to provide high quality learning opportunities for students." – Ohio Education Association President Becky Higgins

"I know today's results are difficult for many to understand because the report cards are overly complicated. The letter grades don't necessarily represent the learning that is going on every day in our classrooms. In fact, 14 of the 16 report card categories are based, at least in part, on standardized tests." -- Senate Minority Leader Joe Schiavoni

"It makes it look like everybody in Ohio is a moron. That's not a reflection of our work." – John Haswell, Shadyside Local Schools superintendent

"When more than 99 percent of our third-grade students reach reading benchmarks and the state awards us an F for third-grade literacy, people begin questioning the methodology." – John Kellogg, Westerville schools superintendent

"We have an expert and dedicated teaching staff. They did not suddenly forget how to teach, and our students did not suddenly forget how to learn. The question of how and why all these high-performing districts received F's in these categories (progress and gap closing) needs to be directed to the people who designed this system." – Todd Hoadley, Dublin schools superintendent

"We're confident that the experiences we provided last year are better than ever, but this system doesn't validate that or allow us to make those comparisons. Here I sit today, knowing that even if I make 20 percent improvement on all the indicators, our report card will look even worse next year than it does this year." – Bill Wise, South-Western schools superintendent

"We knew and expected test results to go down, but we also know that some of the metrics are flawed. The information is just so confusing and misleading. The big question is how can so many schools in Ohio do so poorly and how does this reflect on our state, when it comes to education, nationally?" – Patricia Clearly, Barberton superintendent