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**East Cleveland City Schools Board of Education**

***Opponent Testimony – House Bill 166***

***Senate Education Committee***

***June 13, 2019***

Chairwoman Lehner, Vice Chair Terhar, Ranking Member Fedor and members of the Senate Education Committee. Thank you for affording me the opportunity to provide opponent testimony on the proposed amendment to House Bill 166 regarding academic distress commissions (ADCs). My name is Dr. Una Keenon and I am the elected School Board President of the East Cleveland Board of Education. The East Cleveland City School District is one of three school districts in Ohio presently under an ADC, with ours being taken over last fall despite the fact that only one of my district’s school buildings received an “F” grade on three consecutive state report cards and that my district was in the process of implementing a five-year improvement plan with recommendations and guidance provided by the Ohio Department of Education (ODE).

You may recall that my fellow school board colleague, Dr. Mary Rice, appeared before this committee on May 29th to testify as a proponent of the House passed version of HB 166 that would eliminate Academic Distress Commissions and restore local control and accountability to the elected local board of education. I would reiterate that we are still proponents of the provisions of the House-passed version of the budget bill that relate to ADCs, however, I appreciate the Senate acknowledging that the current ADC arrangement has many shortcomings and its willingness to address them legislatively.

East Cleveland already has many challenges, being the most poverty-stricken district in the state. In addition to providing children with a quality education, our staff has had training in trauma-informed classrooms. Our Board has ensured that students receive medical, mental health, dental, and vision services at no charge. My district also provides breakfast, lunch and dinner free to all students. We do all that we can to help our students succeed under the circumstances they are faced with often through no fault of their own. But with the Academic Distress Commission, it has created tension that has divided my community and cut off the free flow of communication that is necessary for a healthy school system to adequately function. And, of course, this dysfunction seeps into the classroom.

In the brief period my fellow school board members and I have had to review the proposed Senate alternative to ADCs, I would like to offer the following comments and observations.

**Attributes of Senate Proposal**

The proposed Senate amendment creates a new process with both local “school improvement organization” headed by a “school improvement director” to guide school improvement and a state “School Transformation Board” to assist districts in need of assistance with the goal of providing more local control and a longer time period for local school districts to demonstrate improvement.

* I appreciate that this proposed new structure includes elements of local control by requiring all appointees of a school improvement commission (SIC) to be residents of the county in which the majority of the district’s territory is located or an adjacent county.
* It is also meritorious that the proposal requires the School Board President and a teacher’s labor organization to be a member of the SIC.
* I like the proposal for state resources and funding being devoted to help finance the contracts with a school improvement organization.
* It is a positive that the proposal allows school districts to exit improvement plans and leave an SIC in a shorter period of time than under current law for ADCs.
* Furthermore, I like that the proposal clarifies that SICs are explicitly a body politic subject to sunshine and ethics laws.
* Additionally, I see merit that the proposal requires the school improvement director (SID) to be subject to an annual performance evaluation by the SIC, and that the evaluation be submitted to the district’s school board.
* Finally, I like the provision that would require the SID to make quarterly progress reports to the district board and to appear at any scheduled school board meeting upon the board’s request.

Clearly the proposal contemplates that more local control in the process is superior to what exists in current law with ADCs.

**Areas of Concern**

I appreciate the opportunity to point out elements of the Senate proposal that we find problematic that we hope are addressed during this process.

* Section 733 of the bill requires that the School Transformation Board approves the departure of a school district from an ADC. It is my view that a resolution from the school district’s board of education should be all that is required to leave an ADC. I see little difference from the language that was included in the introduced version of the budget bill on this subject that permitted the State Superintendent of Public Instruction to allow the district to exit the ADC process. I believe it is critical that the school board be allowed to provide input on the process for a district to leave an ADC.
* In order for a school district to exit from an SIC, the proposal requires that the district receive BOTH an overall “D” or higher on the state report card AND an overall value-added progress dimension score of “C” or higher for two consecutive years (or, in the case of an improvement plan, meeting the plan’s objectives and meeting the value-added requirement). This is an extraordinarily high bar, as value-added is very difficult to show improvement because it requires a three-year look back on performance data. It also particularly difficult to maintain that improvement for two consecutive years. I will also note that ODE has no real oversight over the value-added calculation, as it is handled by an out-of-state vendor.
* While I earlier praised the provision that requires annual performance evaluations of an SID and quarterly progress reports to the local school board, it concerns me that there are no other accountability provisions that school boards have over an SID. Under the proposal, and SID has “complete operational, managerial, and instructional control” and the SID immediately receives all powers articulated in R.C. 3301.10 regarding the reconstituting of schools that current law allows to be phased in on an annual basis.
* Additionally, while I stated earlier that I believe it is good that the proposal requires a representative from a teacher’s labor organization to be a member of the SIC, it is unfortunate that the appointee is a nonvoting member for this important role.
* Finally, the proposal contains a number of dates that are confusing and present concerns on how the timing would impact affected school districts.
  + Section 733 states that notwithstanding R.C. 3302.10(A)(2), and “not earlier than” October 15, 2019, an ADC may be dissolved if the majority of the State Transformation Board (STB) approves the dissolution. This appears to mean that my school district would receive no relief from ADCs until that date, which happens to be after the next state report card is released. If the ADC is not dissolved, the district stays under R.C. 3302.10 under the proposal but if dissolution happens, then the SIC process would not begin until January 1, 2020 for districts like mine for which an ADC was created to enter into a contract with an improvement organization.
  + This is further complicated by the lag in various state report card component grades and how that impacts when the clock starts ticking for when the school district is subject to the provisions or R.C. 3302.10 or 3302.101 when a district may enter into a contract with a school management organization; receive professional development from ODE; and receive financial and administrative priority from ODE. Hopefully this can be better clarified to reflect intent and help impacted school districts better understand how the timing of these performance measures impact their ability to demonstrate improvement and restore complete local control.

Thanks again for the opportunity to present testimony and weigh in on this important matter. I appreciate the Senate’s willingness to make improvements in this area and your shared values in wanting to do what is best to help children and families in school districts such as mine.