



**The Alliance for High Quality Education
Interested Party Testimony – Senate Bill 320
Senate Education Committee
June 24, 2020**

Chair Lehner, Vice Chair Brenner, Ranking Member Fedor, and Members of the Senate Education Committee, thank you for the opportunity today to offer Interested Party testimony on Senate Bill (SB) 320.

My name is Anthony Podojil, Ph.D., and I am the Executive Director of The Alliance for High Quality Education (AHQE*). Prior to joining the Alliance as its executive director, I served as superintendent for the West Geauga Local Schools for thirteen years. I earned my doctorate at Cleveland State University in the area of Urban Educational Administration.

The Alliance offers Interested Party testimony for SB 320. Because of timing constraints, I was first able to discuss this bill with the Alliance Executive Committee earlier this morning. While the Alliance is still evaluating the bill As Introduced, I felt it was important to participate in testimony today. Thanks to Sen. Matt Huffman and this Committee for providing an opportunity in which to discuss the issues facing school districts and superintendents as they continue planning for the start of the 2020-21 school year.

While we generally support proposals that emphasize and restore local control, the Alliance Members have concerns regarding the expansion of local control when it is directly related to the health and safety of students and staff specific to the COVID-19 pandemic.

Over the past several weeks and months, the Alliance has been vocal in communicating to the Governor's office and ODE the critical importance of having school leaders and practitioners at the table with Department of Health leadership to collaborate regarding establishing the COVID-19 health and safety guidance for school re-opening. We have been clear that we believe that the state should establish minimal guardrails and guidelines for all schools.

While it is important that there is consistency across the state, we have been clear not to ask for super restrictive one-size fits all requirements without consideration of what is happening locally, in each county, and regionally across the state. For example, we would

oppose the state requiring that no more than one student can sit on a seat in a school bus without first considering the current health conditions occurring in the area or region the district is located in.

Once these minimum guardrails are established, whether they be for school transportation and/or classroom operations, school district boards, administrators and educators should then exercise local control to make plans and open their doors to students again.

We feel strongly that Department of Health officials and county departments of health should not make decisions regarding re-opening schools in a vacuum. Just like the process that was implemented by the DeWine administration regarding re-opening requirements for every other industry, school leaders should be informing the health department's thinking regarding school reopening.

Similarly, we do not believe school leaders should make health and safety decisions regarding re-opening independently without consultation, advice and guidance from local and state health officials. School superintendents and school board members do not have the health expertise necessary to provide them complete autonomy in making pandemic decisions. This means that decisions should be made in a collaborative manner; a partnership between school leaders and health experts is critical.

The various provisions in SB 320 would place schools in the sole position of determining whether to be open for instruction for the 2020-2021 school year and, if a district or school opens, in determining what health safety measures and guidelines to implement to address COVID-19. This provision places the level of responsibility directly on school boards. This would be a unique and extraordinary responsibility that is not in-line with the many other instances in which schools are required to operate within state health and safety guidelines as they make decisions about programs and operations. For example, schools must adhere to fire and building code requirements, FDA food safety guidelines, administration of medication in schools, etc. These health and safety guidelines are established to insure uniformity and a level of safety for all students regardless of their location.

Our biggest concern is liability. The question of providing COVID-19 liability coverage for both government and private entities has been proposed in other pieces of legislation not yet approved by the General Assembly. Without inclusion of additional protections, requiring school boards and school leaders to make unilateral decisions about health and safety will expose school districts to a whole range of new liability.

Currently, the majority of school district insurance policies do not cover decisions related to pandemics. Under most school district general liability insurance policies, there is a definitive exclusion for COVID-19 claims via "communicable disease exclusions." Consequently, school boards will not be covered to make decisions independent of health department guidelines.

Regardless of what direction SB 320 takes, the question of liability and sovereign immunity for school districts must be addressed legislatively as soon as possible.

In summary, the Alliance believes that it is important to work with the Governor, the Department of Health, the Department of Education, and the General Assembly in finalizing school re-opening guidance for the 2020-21 school year. We believe the administration is listening to the concerns expressed from education stakeholders and are working on an approach that is more regional in nature, utilizes the expertise of the local health directors and the feedback from superintendents related to what will and will not work in terms of reopening school next fall. We feel strongly that this type of approach will allow districts to utilize the health and safety guidelines in a more collaborative manner whereby they can develop reopening plans that fit their communities and the students they serve.

Thank you again for the opportunity to provide testimony today. I am happy to answer any question you have at this time.

*The Alliance for High Quality Education is a consortium of 73 high-performing school districts located throughout the State of Ohio including the Toledo, Cleveland, Akron-Canton, Columbus, Dayton, and Cincinnati areas. The Alliance for the last twenty-five years has represented its members' interests on matters of state education policy and funding, as well as contributing to fostering high quality educational opportunities for students in their districts and those across the state.