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Ohio Senate Primary and Secondary Education
Senate Bill 37 Sponsor Testimony
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Chairman Brenner, Vice Chair Blessing and members of the Senate Primary and Secondary Education Committee, thank you for allowing us the opportunity to provide testimony on Senate Bill 37.

This bill will extend provisions from the previous General Assembly's Senate Bill 358 regarding end-of-course examinations, graduation flexibility, and federal testing waivers through the 2020-2021 school year. As Ohioans continue to experience consequences of the pandemic, the education community will require continued flexibility.

The pandemic has created an unprecedented disruption in all our lives and in particular the education of 1.7 million children in Ohio schools. It has been estimated that students are accumulating 80 to 90 days of school this year compared to 180 days pre-COVID. With the Governor reporting that Ohio schools plan to return to mostly in-person or Hybrid instruction by March, just in time for spring testing, it is imperative that we extend these measures.

Senate Bill 37 will extend some students' ability to use a course grade in lieu of an end-of-course exam for the purpose of gaining points toward graduation in high school. Allowing the course grade to substitute for the test score is appropriate to ensure students in remote learning situations who can't take an end-of-course exam remotely are able to graduate and do not have to take exams long after a course has ended.

Additionally, it extends the ability of teachers, principals, and counselors to use real time local data to determine if a student is on track for graduation through this year. Using real time local data is the most efficient way to determine where a student is in their education. The Ohio Department of Education's own website states, "Districts and schools are using real-time data and information to inform student-centric decision-making and action taking and (to) fuel school or district improvement." The required diagnostic tests provide the real-time data necessary to address a student's learning lag, versus standardized test results provided months later in the Fall. For this same reason, the bill includes a waiver of the administration of state tests that are not federally required. These assessments, which are not part of the federal accountability system, in some instances have already started being administered. Considering our current pandemic numbers and vaccination distribution issues, it would not be wise to gather students unnecessarily if at all avoidable. Even though another previously mentioned provision allows course grades to be used in lieu of these exams, schools would still be required to administer these

exams without this provision. This completes the package that allows students to graduate without meeting all of the requirements prescribed in law.

To be proactive, the bill does include a method for the Superintendent of Public Instruction to be able to execute a federal waiver for state tests. This way, if a federal waiver becomes available, the Superintendent must engage with stakeholders and the Executive to weigh accountability with safety, before accepting a waiver. This is important because of the timing of state tests: if schools have to wait any longer on legislative action, especially during a budget cycle, we may easily miss the window for thoughtful consideration.

Notably, the bill does retain the requirement to administer the ACT & SAT tests because it is likely that students who take advantage of the free administration of these tests end up applying to college, when they might otherwise not. This test administration is good for increasing the number of students going to college, but it is still up to individuals whether they feel comfortable to take the test or not.

We'd like to emphasize that while there certainly are members of the education community who would like to test, the threat of negative consequences of testing -the most serious of which would be failure to graduate- is enough to halt testing at this time.

Without the extension of these provisions, the uncertain learning conditions in the 2020-2021 school year will continue to be even more stressful for teachers, students and families. Our communities are under enough stress facing continued food and housing insecurity, along with joblessness that is exacerbated by multiple issues with our unemployment system. Any pressure we can relieve here so that the focus is on teaching and learning, rather than testing and evaluating, will help our students succeed in the long term.

It is in the best interests of students that we do what we are able to help teachers maintain an environment free of the additional pressure caused by unnecessary standardized testing. School districts tell us that they have been successful in measuring student progress through required diagnostic testing that creates student data in real time for decision making. It is critical that we continue to allow districts to adjust to changing circumstances without unnecessary hindrances by the state with the goal of getting reliable, real-time data.

The U.S Department of Education is encouraging states to give as much flexibility as possible. They have given guidance and have started providing some Federal Waivers. Just yesterday, they sent out Guidance to States on Assessing Student Learning During the Pandemic stating, "In addition to encouraging flexibility around assessments, ED is allowing states to request a waiver for every Student Succeeds Act's accountability and school identification requirements. This flexibility will explicitly include waiving the accountability provisions relating to having a 95 percent test participation rate."

Before moving on to questions, I would like to read a few quotes my office received from counselors and teachers for you to consider.

"I have a senior who is short on graduation points. Her family has lost 4 loved ones since February due to health issues. Other family members are extremely at risk, so she is not comfortable coming into the building to test. But if she doesn't test, she won't graduate. Are we as a state comfortable with allowing a student to not graduate due to some test that may or may not assess a student's qualifications for graduation during a global pandemic?"

“One of our seniors has moved to be with her grandmother due to COVID-19 restrictions. She was unable to get back to take her OSTs this month.”

“My students have not been in a school building since last March. How can we subject them to a standardized test? I think we need to ask ourselves why we think it's important. It isn't.”

Again, thank you for the opportunity to testify, we will be happy to answer any questions the committee at this time.