



Testimony Before the Ohio Senate Education Committee
Senate Bill 66
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Good afternoon.

Chairman Brenner, Vice Chair O'Brien, Ranking Member Ingram, and members of the Ohio Senate Education Committee. Thank you for the opportunity to testify about Senate Bill 66 and the transfer of student records. My name is David Manor. I am an attorney at Advocates for Basic Legal Equality, Inc. (ABLE). We are a non-profit regional law firm that provides free legal assistance in civil matters to help individuals and groups living on low incomes in 32 counties in Western Ohio achieve self-reliance, equal justice, and economic opportunity.

Specifically, I work in our Meaningful and Appropriate Education practice group. We are attorneys and paralegals who believe just and equitable education can help children living on low incomes achieve what they are striving for to learn, graduate, and have a good life and job in the future. We work with parents and caregivers to advocate for their children to get what they need from their schools, including appropriate educational services for children with disabilities. It is on behalf of those parents and children that we testify.

I am here to provide supporting testimony for requiring public and private schools to transmit educational records to a child's new school within five (5) school days of request. ABLE continues to believe Senate Bill 66 is critically important to student and classroom success and supports its passage.

When schools timely transfer records, students moving between schools can be served appropriately and continue to progress in school. Sadly, moving schools is common for children, and schools are serving an ever-changing student population. Without the timely transfer of records, not only are students suffering, but school staff are overwhelmed. If staff cannot access critical information regarding their students' history or needs, disruptions for the entire classroom may be the result.

Literature and research on mobility among school-age children highlights that this legislation is needed for many Ohio children. Student mobility, as we use the term, is the event of students moving into and out of schools, whether from one building to another within a single district or from one district to another.

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In 2012, the Fordham Institute and Community Research Partners, along with other partners, published a study of student mobility across Ohio.¹ The research concluded that the prevalence of student mobility is considerably greater than most appreciate or fully understand, stating “student mobility verges on the epidemic in inner-city schools.”

While our attorneys work with children in many school districts across the 32 counties we serve, the extent of mobility in one of the districts where many of our clients reside, Toledo Public Schools, is an illustrative of the issue. Over 25% of students in grades K-7 and almost 40% of students in grades 8-12 were not continuously enrolled in the District between 2009 and 2011. When looking at data for between-building mobility, the numbers become even more daunting. Almost 40% of students in grades K-7 and over 50% of students in grades 8-12 were not continuously enrolled in the same school between 2009 and 2011. So, over half of the District’s high school students changed schools during that two-year period. To succeed, each of those students would need their records timely transferred to a new school.

Students move schools for a variety of reasons. A student may enroll in a school better suited to their needs or a parent may get a new job or promotion. Alternatively, a student might experience family turmoil like divorce, or the family may experience housing instability like home foreclosure or eviction. While we do not always know the reasons, we do know that certain populations of children are more likely to be mobile than others, including children in poverty, children in foster care, children who are homeless, and migrant children.

While these children often possess remarkable resilience, they also face formidable challenges. According to a 2003 study from Project HOPE with the College of William and Mary:

- Frequent school changes have been correlated with lower academic achievement;
- Mobile students are half as likely to graduate from high school;
- Mobile students are twice as likely to repeat a grade; and
- It may take four to six months to recover academically from a school transfer.²

These findings make it imperative to ease the way for students to succeed when they must change schools. Requiring that schools transfer records within five (5) school days will help, for example, ensure students are assigned the right courses in high school and improve chances for graduation. Over the last year, we have received calls from parents seeking help to obtain their child’s transcript from a previous school that is delaying or refusing to release it. Without the official transcript, the new school is required to have the child repeat courses for graduation. Knowing they are repeating courses, the students are harmed and worried they will not graduate

¹ *Student Nomads: Mobility in Ohio’s Schools*. (November 2012). Community Research Partners for the Thomas B. Fordham Institute. Retrieved February 12, 2021 from <https://files.eric.ed.gov/fulltext/ED537559.pdf>.

² Popp, P., Stronge, J., Hindman, J. (November 2003). *Students on the Move: Reaching and Teaching Highly Mobile Children and Youth*. Project HOPE, The College of William and Mary. Retrieved November 11, 2019 from https://nche.ed.gov/wp-content/uploads/2018/11/highly_mobile.pdf.

on time. Unfortunately, without this legislation to protect students, we cannot assist these families.

Further, in our experience, the challenges highlighted in the research are often exacerbated for children with disabilities. For example, my colleagues and I work with children with mental health diagnoses that negatively impact them in school, necessitating Individualized Education Programs (IEPs). These IEPs describe the specially designed instruction, services, and supports required to meet their needs and provide free and appropriate education. To develop the IEPs, schools conduct extensive evaluations. The evaluations often reveal that the children struggle in several areas.

The struggles and challenges faced by mobile students are often magnified for a child with a disability. The issue is further exacerbated when the child's IEP, evaluations, and other educational records are not transferred to the new school. These records are vital to inform the new school's staff of the student's specific needs and how to serve those needs through specialized instruction, services, and support.

For example, a child with a more severe diagnosis of autism or a specific learning disability may need a variety of different accommodations, including a small specialized classroom, or even an aide. These students need a variety of specialized supports that may not be present in a general education classroom. Without a timely record transfer, these students are forced into a classroom without needed special education services, which is simply setting these children up to fail.

I want to highlight a story from one of our clients to show just how harmful the failure to timely transfer records can be for students with disabilities. This story is not unique.

Clarissa³ is a child with a disability, whose specialized services are teaching her the skills needed to change some serious behavioral challenges. We helped Clarissa's mom get an IEP with specially designed instruction, related services, and accommodations that were helping Clarissa progress academically and functionally.

Just before the start of the academic year, as a result of housing instability, Clarissa and her mom moved. While Clarissa remained in the same school district, she changed school buildings. Clarissa's mom enrolled her at the new school on the first day of the academic year and informed the building staff that Clarissa was a child with a disability and that she was on an IEP. The school assured mom that they would get the IEP and records right away.

However, eight (8) school days later, the school still had not received and implemented Clarissa's IEP. During that time, Clarissa was in the general education setting rather than the special education classroom designed to serve her. She was not provided with her much-needed instruction on adapting and coping skills, which her evaluation identified as an area of great need and could have helped her through the transition. And she was not provided with the accommodations necessitated by her disability. She regressed significantly.

³ Child's name is changed to protect confidentiality.

In short, she was not set up for success at the beginning of the year, nor were her teachers who did not know how to best serve her. In addition to educating Clarissa, a new student with unknown needs, Clarissa's teachers were tasked with educating over 20 of her peers. The demands placed on teachers are already great, and these teachers were expected to serve Clarissa without knowing her history or the instruction that suits her.

Only after we contacted the school, Clarissa's records were transferred. Once Clarissa's records arrived, the school put her IEP services in place, and Clarissa was able to learn and progress in the appropriate setting again. But it took the involvement of an attorney before the records were transferred between two school buildings within a single school district.

Yet, it is not only the new children in the classrooms who struggle when records do not transfer. The general education teacher is left without support of specialized services the child needs. Teachers are forced to try their best to help on all the child's needs, but without the extensive training of supportive professionals like counselors, occupational therapists, speech-language therapists, or intervention specialists. Teaching is already a difficult profession, so Ohio must not ask a general education teacher to educate special education students with not only no support, but no written record of this student's disabilities and no record of what already been shown to work. The other students in the classroom also suffer when necessary information does not transfer quickly. The teacher, being forced to try different things to figure out how to help the new student, has less time and energy for teaching and helping the other students in their class. But when records transfer timely, the supports new students need can be quickly put in place so that the teacher and all students have better chances to succeed.

Although there is no federal standard, a statutory deadline for the transfer of records is absolutely critical for the meaningful and appropriate education of children with disabilities, in addition to highly mobile children more generally. That is exactly what is proposed in Senate Bill 66. As a state, we must act to ensure that our increasingly mobile student populations are served through the transitions in their lives. Timely transferring records can provide some amount of consistency and continuity during what can be a very uncertain time for students.

Thank you again for the opportunity to testify. And I welcome any questions.