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Senate Bill 162: Interested Party Testimony
Ohio Senate Education Committee
Tuesday, November 14, 2023

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram, and members of the Committee:

My name is Robert Davis. I work in Government Relations for the Ohio Education Association. On behalf of OEA's 120,000 members, thank you for the opportunity to provide testimony as an interested party on Senate Bill 162.

Senate Bill 162 requires school districts to provide academic intervention services to students who score limited on state assessments in math, English language arts, or both. These intervention services must be offered free of cost to the student and must not supplant the student's core academic instructional time. The bill establishes that intervention services can be offered directly through the school, through a vendor, or a combination of both. The services can range from tutoring, additional instructional time, an extended school calendar, or other programs.

SB 162 is certainly well-intentioned and seeks to address a real problem. Too many students are struggling in key academic areas. We should make every effort to get them up to speed and on a pathway to academic success.

OEA appreciates that the bill allows districts flexibility in the manner to provide interventions. A "one-size-fits-all" approach is unlikely to be successful. Every effort should be made to avoid adding duplicative requirements. Districts should be able to utilize things they are already doing such as interventions identified under the Ohio Improvement process, those related to dyslexia or the Third Grade Reading Guarantee, or other intervention programs already in place. Likewise, different students may benefit from different interventions. Some measures such as tutoring, or an extended school calendar would require parental involvement and buy-in for a student to access and benefit from them.

There are, however, a few areas of concern surrounding this legislation. One is that the bill focuses solely on the state assessments in math and ELA to identify students. While SB 162 is rightly written to allow a student to exit the program based on demonstrating being at grade level on a diagnostic assessment; any student that scores limited on a state assessment becomes a qualifying student under the bill. This approach ignores that classroom educators have far more information about what a student knows and their capabilities than that single test score. Educators know that a child is more than a test score. Test anxiety, not taking a test seriously, a bad day, parental opt outs are all reasons a score on a state assessment may not be the best indicator of what a student knows and can do. Sometimes a low



score on a state assessment is the outlier. SB 162 should allow schools to exempt students who have demonstrated by the preponderance of evidence that they are performing at least at grade level.

Another concern about the bill is the cost associated with providing services and the capacity of schools to meet these requirements. The fiscal note for SB 162 prepared by LSC notes that the costs of implementation “could be significant but are highly uncertain.” Costs will vary by district based on the number of students, the types of interventions utilized, and other factors. This will require resources—not just money, but time and personnel as well. Redoubling efforts to get students up to speed, especially after the disrupted learning opportunities from COVID, is worth doing. However, we ask the legislature to be responsive to the needs of districts in helping to provide the needed resources to accomplish the goal.

We will also caution against a singular focus on test scores. A student’s performance is often impacted by factors outside of the classroom. We must not forget the needs of the whole child. Instead of solely academic interventions, schools will need to continue to try and address the basic, social, and emotional needs of students to help them be successful.

Finally, OEA will note that since Ohio now has universal eligibility for voucher programs, there is an unlevel playing field with this bill that needs to be addressed. SB 162 should be amended to ensure that students attending private school with tuition paid with public tax dollars are taking the same achievement tests as students in public school. Further, private schools should be held to the same requirements established by SB 162 for voucher students who meet the qualifications of the bill.

Recommended amendments:

In light of our concerns about the bill, OEA recommends the bill be amended in the following ways:

- Exempt students from being qualifying students under the bill if they received a grade of “C” or better in the subject or class and had performed at or above grade level on the last two diagnostic assessments in the subject.
- Provide that students attending private school via the EdChoice or Cleveland voucher programs take the same state assessments as public-school students, and that those schools are subject to the same requirements for qualifying students under the bill.

Chair Brenner, this concludes my testimony. I stand ready to answer questions from members of the committee.