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OHIO EDUCATION ASSOCIATION

OHIO SENATE EDUCATION COMMITTEE

SB 168 – Opposition Testimony

November 14, 2023

Chair Brenner, Vice Chair O’Brien, Ranking member Ingram, and members of the Committee:

My name is Matt Dotson. I am a lobbyist for the Ohio Education Association (OEA), and I have served for 21 years in OEA’s Government Relations Department. On behalf of OEA’s approximately 120,000 members, thank you for the opportunity to provide opposition testimony on Senate Bill (SB) 168.

SB 168 proposes wide-ranging regulatory statutory changes that intend to provide “regulatory flexibility” to schools and districts across the state. These changes would impact standards for hiring educators, teacher evaluations, professional development, dyslexia intervention training, nonteaching staff reductions, as well as eliminate numerous statutes the legislations deems “obsolete.”

After review of the legislation and analysis of the potential impact of the proposed changes, OEA is opposed to SB 168. Many of the changes contained in the bill would undermine the ability for Ohio’s students to have access to high-quality student services. To the extent some of the bill’s proposals seek to address educator shortages, OEA recommends avoiding approaches that lower hiring and licensure standards. OEA stands ready to work on comprehensive policies to address the root causes of education staff shortages (e.g. see OEA’s Educator Voice Academy recommendations on Teacher and Education Support Professional Recruitment and Retention) in ways that strengthen and support the education profession.

The following are OEA’s positions on the specific policy proposals contained in SB 168 and we are happy to provide any additional feedback.

OEA is an Interested Party on the following provisions:

Teacher evaluation – alternative framework: Although OEA does not support the alternative teacher evaluation framework language as drafted, OEA could support allowing districts to opt-out of the Ohio Teacher Evaluation System (OTES), if the bill requires adherence to certain standards and guidelines for crafting quality evaluation systems. OEA recommends the bill be amended to require the Educator Standards Board to develop standards and guidelines that alternative teacher evaluation frameworks must adhere to. Further, in order to increase the likelihood of success, locally derived evaluation systems should be developed in collaboration with teachers and adopted through the local collective bargaining process.



Dyslexia professional development: OEA is an interested party regarding flexibility for districts to determine the number of professional development hours a teacher must complete regarding dyslexia instruction. Under Ohio law unchanged by the bill, dyslexia professional development must be between six and eighteen clock hours. More local control in determining appropriate levels of dyslexia professional development only holds promise if this flexibility is implemented in collaboration with educators. The infrastructure for such collaboration already exists through Ohio's collective bargaining law and Local Professional Development Committees (LPDCs) made up of teachers and administrators. The purpose of LPDCs is to review the course work and other professional development activities proposed and completed by educators to determine if the requirements for renewal of educator licenses has been met.

Professional development credit for license renewal: OEA is an interested party regarding the proposal to permit a professional development committee to grant as credit towards continuing education requirements a professional development training required by statute.

District exemption from certain statutory requirements: OEA is an interested party regarding the bill's clarification that an Ohio law exempting highly rated school districts from certain statutory requirements can be renewed every three years, if the district continues to quality. In order to qualify, a district must meet the following criteria on the state report card: 1) At least an 85% performance index score; 2) An "A" grade for performance indicators (eliminated by the bill); 3) At least a 93% four-year adjusted cohort graduation rate and at least a 95% five-year rate.

School calendar – public hearing: OEA is an interested party regarding the provision stating that a school district public hearing on a proposed school calendar can be held as an individual public hearing or as part of another public hearing. OEA notes the importance of transparency and community involvement whenever possible.

OEA opposes the following provisions:

Employment of non-licensed individuals as classroom teachers: OEA opposes employment of non-licensed individuals outside of existing alternative (e.g. non-traditional) licensure pathways that establish minimum initial qualifications and also require the individual to be working towards becoming fully licensed. Ohio's alternative/non-traditional teacher preparation and licensure programs are designed to facilitate entry into the classroom by individuals who are not fully licensed, but who hold at least a bachelor's degree and are actively working towards earning full licensure. The SB 168 unlicensed teacher proposal does not offer flexibility or outcomes that are preferable to Ohio's existing alternative/non-traditional teacher licensure pathways. Therefore, OEA recommends the unlicensed teacher provision be removed from SB 168 and that Ohio encourage aspiring educators to use existing alternative/non-traditional licensure pathways.

The SB 168 unlicensed teacher proposal does not necessarily provide hiring flexibility beyond what already exists under Ohio's alternative/non-traditional licensure pathways, which provide hiring flexibility while maintaining quality supports that benefit students and local communities. Further, the SB 168 proposal has downsides for both students and the unlicensed individuals who may choose the

SB 168 pathway. These down-sides include side-stepping a broader system of preparation and quality controls included in Ohio's alternative/non-traditional licensure pathways and requiring unlicensed individuals to invest significant time and energy without ever getting on a track towards earning the employment credential of a professional educator license. Therefore, the SB 168 unlicensed teacher option could end up being a disservice to aspiring educators by encouraging them to use a pathway that gets them quickly hired but never on track to becoming fully licensed (which means they lose out on a statewide employment credential).

Prohibits giving preference to seniority in nonteaching employee staffing reductions: OEA opposes eliminating Ohio law that requires school districts to give preference on the basis of seniority when making reductions in nonteaching staff. OEA also opposes new language proposed in SB 168 that states school districts "shall not give preference on the basis of seniority except when making a decision between two employees with comparable evaluations." To wholly prohibit consideration of seniority as a factor when making reductions needlessly limits the flexibility of administrators, many of whom likely consider experience (i.e. seniority) to be a relevant factor in developing and retaining a quality workforce. Expressly prohibiting the consideration of employee experience as a factor in retention is not in the interests of students, administrators, employees, or local communities.

Further, a blunt prohibition on considering experience in employee retention risks unfairly denying retirement benefits to late career nonteaching employees who may be very near vesting their retirement yet lose their employment and retirement in a reduction in force because Ohio law prohibits a superintendent from considering seniority.

Requiring courses to be taught outside the normal school day for no additional pay: OEA opposes eliminating a requirement that districts enter supplemental compensation contracts with teachers assigned to teach classes outside the normal school day. Requiring teachers to take on additional course instruction outside the normal school day is objectively unfair and diminishes the professionalism of teachers. There is already a shortage of teachers.

Senior or lead professional educator licenses: OEA opposes eliminating the requirement that an applicant for a senior professional educator license or lead professional educator hold at least a master's degree. In the alternative, OEA recommends maintaining the master's degree requirement but asking the Educator Standards Board to develop a menu of equivalent benchmarks if an applicant for a senior or lead professional educator license does not hold a master's degree.

Removal of obsolete provisions: OEA objects to the characterization of the following Ohio Revised Code sections as "obsolete" and opposes elimination:

- A requirement that the Department publish a report regarding victims of student violence. 3301.0714(B)(1)(o)
- The requirement that the Department provide copies of reports to school districts and the public profiling each school building in the district and a public notice requirement related to these reports. 3301.0714(H)
- A requirement that the Department encourage, seek out, and publicize innovative and exemplary school-parent and school-business partnerships. 3301.131

- An exemplary parental involvement grant program, administered by the Department. 3301.134
- An annual reporting requirement from leaders of each seminary, academy, parochial, or private school. 3301.14
- Requirements related to supporting school districts with programs for children of migrant agricultural laborers. 3301.30
- The Governor’s Effective and Efficient Schools Recognition Program, which recognized the top 10% of schools based on factors such as student and fiscal performance. 3302.22
- Requirement that districts/schools adopt a resolution addressing college and career readiness and financial literacy in its curriculum for seventh and eighth grade. 3313.6015
- Requirement that the Department establish a committee to develop report card models for charter schools. 3314.012
- Standards that trigger the closing of poorly performing community schools. 3314.35
- A grant program for teachers who hold certificates or licenses issued by the National Board of Professional Teaching Standards. 3319.55
- A requirement that the Department study and share with school districts promising practices in Ohio and throughout the country for teachers with certain professional licensure. 3319.56

OEA supports the following provision:

Pupil Services Permits: OEA supports requiring that an individual who holds at least a bachelor’s degree must be issued a professional pupil services license in the area of school counselor or school psychologist, provided the applicant otherwise satisfies criteria for the professional pupil service license and relevant subject areas that are prescribed by the State Board.

Chair Brenner, this concludes my testimony. Thank you for the opportunity to provide opponent testimony on SB 168. I am available to answer any questions from members of the committee.