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SENATE BILL 298
SPONSOR TESTIMONY
BEFORE THE
SENATE FINANCE COMMITTEE

APRIL 26, 2016

Chairman Oelslager, Vice Chair Coley, Ranking Member Skindell, and members of the Senate Finance Committee, thank you for allowing me to present sponsor testimony on Senate Bill 298, a bill that would increase oversight and transparency of online charter schools, or “e-schools”, to fully account for their attendance and the tax dollars they receive.

This legislation follows revelations reported by *The Columbus Dispatch* that Provost Academy, Lakewood Digital Academy, and Akron Digital Academy exaggerated their enrollment numbers, resulting in hundreds of thousands of dollars being over-billed to taxpayers. In the case of Provost Academy, the school reported an enrollment of 162 students, but in reality only 35 students were attending full-time. With just under 40,000 students enrolled in e-schools statewide, these schools are projected to receive \$275 million in state funding this year.

I believe that e-schools can play a role in educating students who are in unique circumstances – such as an athlete who is required to travel most days, or a student who has been continuously bullied and has trouble in social situations. However, I fear that the students who need the most intervention – the ones who are at risk of dropping out of school entirely – are slipping through the cracks because of the current lax attendance and accountability requirements in these online environments.

Senate Bill 298 would provide much needed accountability, transparency, and uniform standards that are currently lacking to provide for the oversight of e-schools, specifically their attendance policies. It should be noted that not all of the provisions contained within this legislation are new ideas. Some of them were vetted in the charter school workgroup and included in earlier versions of SB 148 or HB 2, while others were recommendations from the State Auditor and the Ohio Department of Education.

Attendance

Both e-schools and brick and mortar charter schools go through a scheduled attendance audit every five years to verify enrollment data. This is known as Full Time Equivalency, or FTE Review. In addition, charter schools are required by statute to report their enrollment numbers annually to the Department of Education for the calculation of state funds. By contrast, traditional public schools are required to report their data on a much more consistent basis – three times per year – but are also continuously updating their enrollment information on a much more real-time basis. The other key

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difference here is that in brick and mortar schools, teachers take attendance at the beginning of every class. Traditional public schools are also subject to pretty strict truancy standards.

Other than the requirement that e-schools offer no less than 920 hours per year of learning opportunities, there are no specific statewide standards related to the number of hours per day or week that e-school students must be engaged in learning. In an environment where a teacher is not physically able to see students in a classroom, this lack of accountability is very concerning.

To help address these concerns, Senate Bill 298 requires each e-school to keep an accurate record of how long each individual student is actively participating in learning in every 24-hour period. This information must be reported to ODE on a monthly basis, and ODE would be required to make this report available on their website.

Senate Bill 298 also attempts to close the 105 hour loophole, which is a recommendation from Auditor Yost. Under current law, a student is automatically withdrawn from school if they are absent for 105 consecutive hours. However, if that student shows up for just one hour during that 105 hour time period, the clock resets. This bill would keep the 105 hour rule in place, but would also require each community school to comply with all attendance requirements and standards established by the State Board to create an additional layer of oversight. It also creates an exception to the 105 hour requirement for high performing e-school students, recognizing that many high-performing e-school students don't necessarily need to be engaging in the learning platform to be benefiting from their online instruction.

Senate Bill 298 would require a teacher who is licensed by the Ohio Department of Education to certify the accuracy of student participation logs (in e-school calculations of FTE) on a monthly basis. This idea came from a provision that was included in the Ohio Department of Education's Draft 2016 FTE Manual. This manual provides guidance for ODE's five-year audit of community school attendance.

From travelling across the state and speaking to teachers and administrators, I learned that it is not uncommon for a student to enroll in an online school, then reenroll back into their original public school district in the same calendar school year. I've heard countless complaints that when these students return to their public school district, they are far behind in their learning, which can have consequences on the public school district's report card. This legislation states that if a student has been enrolled at an e-school for more than 90 days, but returns to their public school district in that same year, the student's test scores are counted on the e-school's report card and not the report card of the public school.

Transparency, Accountability, and Oversight

When a parent is deciding on education options for their child, having all of the facts is necessary to make an informed decision. Senate Bill 298 would increase transparency by requiring that e-school governing board meetings be live-streamed with proper public notice. It also requires every e-school advertisement bought with public funds must include a disclaimer with the school's most recent state report card grade.

Other important provisions include:

- Adopts the 2003 e-school standards recommended by the State Board of Education;
- In the event that a student's academic performance declines, the student's parent/guardian, teachers, and principal must evaluate the student's continued enrollment in the school;
- Limits blended learning schools to schools sponsored by exemplary rated sponsors only (another recommendation by the Auditor);
- Requires e-school sponsors to report a school's failure to comply with online learning standards to ODE;
- Requires e-schools to report their student mobility rate on their report cards;
- Creates a bipartisan "E-school Funding Commission" to study what the actual costs are to run an e-school. The 17-member committee would include representation from all relevant stakeholders, including charter school and e-school advocates.

Conclusion

While this bill focuses on strengthening the oversight of attendance policies and the accurate accounting of tax dollars, it's also about ensuring our children receive a quality education. Today, even some of the strongest supporters of charter schools agree that online schools must do a better job.

The Walton Family Foundation, which has given hundreds of millions of dollars to charter schools across the United States, says it's time to make changes to e-schools. The Foundation has called for creating new accountability standards after a study it funded revealed how poorly e-schools are teaching students compared to traditional schools. The Foundation's director said recently that: "Funders, educators, policymakers and parents cannot in good conscience ignore the fact that students are falling a full year behind their peers in math and nearly half a school year in reading annually. For operators and authorizers to do nothing would constitute nothing short of educational malpractice."

I believe that stronger attendance standards are the cornerstone of much-needed reforms. To put it simply: if students aren't logging in, they aren't learning. When that happens, tax dollars are squandered and students lose out on the education they need and deserve.

Chairman Oelslager and members of the committee, thank you again for the opportunity to testify on Senate Bill 298. This bill serves as a starting point to what I hope will lead to meaningful change and reform. I am happy to answer any questions you may have at this time.