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SENATE BILL 39
SPONSOR TESTIMONY
BEFORE THE
SENATE EDUCATION COMMITTEE

MARCH 1, 2017

Chairwoman Lehner, Vice Chair Huffman, Ranking Member Sykes, and members of the Senate Education Committee, thank you for allowing me to present sponsor testimony on Senate Bill 39. This bill would increase oversight and transparency of online charter schools, or “e-schools”, to fully account for their attendance and the tax dollars they receive.

Senate Bill 39 is the updated version of Senate Bill 298 from last General Assembly. After four hearings in the Senate Finance Committee, I incorporated feedback into this bill from my colleagues across the aisle, from interest groups, and from constituents. One of the new provisions in Senate Bill 39 affirms that e-schools must “provide” rather than “offer” 920 hours of learning opportunities to students in each academic year. The Electronic Classroom of Tomorrow (ECOT) claims in a lawsuit against the Ohio Department of Education (ODE) that the law does not require e-schools to actively educate students as long as class materials are made available online. This language adjustment simply affirms and reinforces what both ODE and the courts have determined to be the law.

Other new provisions in this version of the bill include the following:

- Adds a provision specifying that when the Auditor issues a Finding for Recovery from an audit of a community school, that money is returned to the school district
- Removes the provision that would limit blended learning schools to schools sponsored by exemplary rated sponsors only
- Exempts district sponsored e-schools from the requirements of the bill
- Remove the provision that would eliminate career tech funding for e-schools

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 students who need the most intervention – the ones 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.

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 each year 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. Traditional public schools are also continuously updating their enrollment information on a much more real-time basis. The other key difference here is that in brick and mortar schools, teachers take attendance at the beginning of every class, and traditional public schools are subject to pretty strict truancy standards.

Other than the requirement that e-schools provide 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 39 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 39 would also 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.

When a parent is deciding on education options for their child, they deserve to have all the facts. Senate Bill 39 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 to include a disclaimer with the school's most recent state report card grade.

This bill includes several other common sense requirements as well. For example:

- 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
- 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 an exemption to the 105-hour rule for high performing e-school students
- 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

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. Unfortunately, the evidence is growing that some online schools are failing too many of our children.

Last month, researchers at New York University and the Rand Corporation released a new study of online charter schools in Ohio. They found that students at full-time e-schools perform worse on state assessment tests than similar students in brick-and-mortar charter schools and traditional public schools. The findings reinforce a national study conducted by Stanford University in 2015.

I believe that stronger attendance standards are critically important—now more than ever.

Chairwoman Lehner and members of the committee, thank you again for the opportunity to testify on Senate Bill 39. 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.