

Ohio Senate Education Committee
Testimony of Melanie Elsey
SB 319
June 9, 2020

Chairman Lehner, Vice Chair Brenner, Ranking Member Fedor, and members of the Senate Education Committee, I appreciate the opportunity to testify in support of a portion of SB 319 - specifically section 17, paragraph (L) on lines 541 - 549.

On background, HB197 was approved with an omnibus amendment to serve as the State's "response to the declared pandemic and global health emergency related to COVID-19." Section 17 in that bill provided uncodified language to exempt every student in the state in every conceivable educational setting from the State's assessment requirements - except one.

Section 17(L) as passed in HB 197 waived one of the three assessment report options for home educated students and inadvertently did not waive the assessment report which includes the portfolio review/written narrative. It is inconceivable that, in the midst of trying to prevent exposure and spread of COVID-19, both assessors and families are expected to meet (to fulfill this requirement) not knowing if either is carrying or has been exposed to the virus.

Section 17(L) as proposed in SB 319 provides a simple fix to the oversight by waiving the entire academic assessment report instead of just the standardized assessment requirement for parents to include in their notifications of intent to home educate for this next academic year.

This paragraph does not seek to amend the rule for assessing home educated students. It merely waives a requirement (based on the State's declared emergency) that has been waived for every other student population in the state for the purpose expressed in HB 197 - to "ensure the safety of students, families, and communities are prioritized" and additionally expressed through the ODH director's orders to avoid the imminent threat of exposure to COVID-19 with significant risk of substantial harm to the elderly and people with weakened immune systems and chronic medical conditions.

Please permit me to provide one example of why this is important and actually urgent in terms of the timing of getting this approved.

There is a home educating family in Stark County with four children. Grace is their youngest. She is 8 years old. She was born with a chromosomal deletion which has caused severe congenital anomalies and cognitive disabilities. When Grace contracts a "normal" upper respiratory flu virus she experiences uncontrolled epileptic seizures - up to 50 per day. Seizures can continue for up to 2 weeks after she has recovered from the viral infection. This type of "normal" virus also causes her to experience benign acute myositis, which causes her to lose muscle control in her legs and renders her unable to walk.

Grace is medically fragile. It is hard to imagine how her body would respond to the more severe contagion of COVID-19.

This family has always used the portfolio review/written narrative option for meeting the homeschool assessment report requirement for their children. The problem for this family is two-fold. Their assessor is not available because she is adhering to ODH guidance because she is in the age category that would place her at a greater risk for contracting COVID-19. In addition, any exposure of any of the children (who will go through the assessment review) to the COVID virus will put Grace at a much higher risk of contracting it and experiencing severe consequences.

This is one example. There are likely hundreds of families who use the portfolio review/written narrative option and either have special needs children with medically compromised health or live with someone who fits the parameters of being at a higher risk for contracting this unique contagion.

The State Board recognized the higher risk for these families and passed a resolution at last month's board meeting to direct the State Superintendent to recommend to the General Assembly and advocate for the exact language that has been proposed in SB 319. I have attached the resolution for your convenience.

Thank you again for the opportunity to share the importance of quickly resolving this concern. I would be glad to answer any questions you may have.



Resolution

28. RESOLUTION APPROVING RECOMMENDATION TO THE GENERAL ASSEMBLY REGARDING REQUIREMENTS FOR THE SUBMISSION OF ACADEMIC ASSESSMENT REPORTS FOR STUDENTS RECEIVING HOME EDUCATION

The State Board of Education ("Board) hereby **APPROVES** the recommendation for a legislative change as follows:

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other;

WHEREAS, on March 9, 2020 Governor Mike DeWine declared a state of emergency "for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19...to protect the lives, safety, and health of the citizens of Ohio";

WHEREAS, on March 14, 2020 Dr. Amy Acton, Director of the Ohio Department of Health, ordered "that all school buildings that provide any kindergarten through grade twelve instruction in the State of Ohio are to be closed to students" in order to avoid an imminent threat with a high probability of widespread exposure to COVID-19;

WHEREAS, on April 29, 2020 Dr. Amy Acton's order for the closure of all schools was extended to June 30, 2020 and designated to "remain in full force and effect until the State of Emergency declared by the Governor no longer exists or the Director of the Ohio Department of Health rescinds or modifies the Order.";

WHEREAS, in March 2020 Dr. Amy Action issued multiple statewide orders prohibiting the operation of businesses and gatherings that would risk the spread of COVID-19 (e.g. March 21, 2020 closure of dance studios that provide dance lessons to children in a group setting or in one on one classes);

WHEREAS, on March 20, 2020 U.S. Secretary of Education Betsy DeVos announced that the U.S. Department of Education would grant states waivers providing relief from federally mandated testing requirements for the 2019-2020 academic year;

WHEREAS, on March 27, 2020, Governor Mike DeWine signed Am. Sub. H.B. 197 of the 133rd General Assembly "in response to the declared pandemic and global health emergency related to COVID-19";

WHEREAS, Section 17 of Am. Sub. H.B. 197 of the 133rd General Assembly waives assessment requirements for public and private students in grades kindergarten through grade twelve;



Resolution

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WHEREAS, Section 17(L) of Am.Sub.H.B.197, as enrolled, states, "No school district shall require the parent of any student who was instructed at home in accordance with section 3321.04 of the Revised Code for the 2019-2020 school year to submit to the district superintendent the results of a standardized achievement assessment administered to the student as a condition of the district allowing the student to continue to receive home instruction for the 2020-2021 school year";

WHEREAS, the waiver of this assessment requirement for home educated students was intended to prevent exposure to the COVID-19 virus, but the language in Section 17(L) of Am.Sub.H.B.197 does not waive the requirement for parents who choose to demonstrate a home-school student's achievement through a written narrative pursuant to Ohio Administrative Code section 3301-34-04(B)(2);

WHEREAS, these remaining assessment requirements will place an undue burden on families and will potentially place the student and/or the assessor in proximity that would risk exposure to the COVID -19 virus;

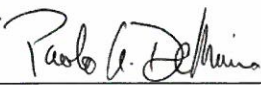
THEREFORE, BE IT RESOLVED, that the Board approves the recommendation for a legislative change that provides that no school district shall require the parent of any student who was instructed at home in accordance with section 3321.04 of the Revised Code for the 2019-2020 school year to submit to the district superintendent any academic assessment report required pursuant to Ohio Administrative Code section 3301-34-04(B) as a condition of the district excusing the student from compulsory school attendance in order to continue to receive home instruction for the 2020-2021 school year; and

BE IT FURTHER RESOLVED, that the Board hereby directs the Superintendent of Public Instruction to prepare a recommendation, subject to the approval of the President of the Board, to the Primary and Secondary Education Committee of the Ohio House of Representatives and the Education Committee of the Ohio Senate containing the recommendation approved herein;

BE IT FURTHER RESOLVED, that the Superintendent submit the recommendation to the aforementioned committees of the General Assembly and take any appropriate action to advocate for its adoption.

I certify that the above is a true and correct copy of the action taken by the State Board of Education at its meeting on May 12, 2020.

Columbus, Ohio
May 13, 2020



Paolo DeMaria
Superintendent of Public Instruction