



MARCH 4, 2015

Senate Passes Student Testing 'Safe Harbor,' GOP Announces Testing Advisory Committee

The Senate unanimously passed legislation that would grant "safe harbor" to students taking the Partnership for Assessment of Readiness for College and Careers (PARCC) testing this year, as the Senate Republican Caucus announced an advisory committee on testing.

HB7 (Buchy), which prohibits student scores from the PARCC tests being used to hold a child back or to have an effect on their grades, was the only bill on the Senate's agenda, passing with an emergency clause to make it effective with the governor's signature.

The bill was amended by Sen. Bill Seitz (R-Cincinnati) on the floor, who said it cleared the House and the Senate Education Committee with language that could still strip a scholarship from a child under an EdChoice or other school choice scholarship if they refuse to take the PARCC tests. The amendment would allow the student to keep the scholarship and is only in effect for this year.

"It's not fair to call this a safe harbor bill if it is not a safe harbor for everyone," Seitz said.

Senate Education Chairwoman Peggy Lehner (R-Kettering) said on the floor that most standardized tests don't have an effect on a student's grade, and the bill reassures parents that the PARCC will not have an effect either.

Sen. Randy Gardner (R-Bowling Green) said the bill is just a warm-up to what the Senate plans to do to address concerns about standardized testing, with both he and Lehner alluding to their later announcement on the testing advisory committee.

Senate Democratic Leader Joe Schiavoni (D-Austintown) said the Legislature will still need to make adjustments to the testing structure based on feedback from the public. He said they have to make sure they are taking steps in the right direction.

After session, Senate President Keith Faber (R-Celina) said they are not sure what the Ohio Department of Education was going to do when it comes to safe harbor for the PARCC tests this year, so they wanted to clarify the law. He said the bipartisan support of the bill recognizes the issues all Ohioans are having with the testing.

Later, Republican members of the Senate Education Committee and Faber held a press conference to announce the creation of the Senate Advisory Committee on Testing. The committee will be made up of educational experts from across the state and lawmakers and will make recommendations to the Senate on state-required assessments. Faber said the Senate wants to be responsive to parental concerns on testing.

Lehner said that in the midst of concerns over the PARCC tests, there are concerns on what she called the "dizzying array" of tests in some schools. She said they do not believe it is a problem they can handle alone, and have asked the education community to help.

She said she is impressed with the willingness to participate, noting, "We could have easily filled this committee three times over." She said not a single participant turned down a request to join the advisory committee.

The committee will begin meeting later this month, possibly as early as next week. Some of the recommendations are expected in the spring, including on the PARCC tests, and could be moved on by the Senate by the end of June.

John Marschhausen, the superintendent of Hilliard City Schools, said he's been vocal in his concerns about the amount of time spent on testing, but he has also told parents not to opt their children out of them. He said going through the PARCC tests this year will give them opportunities to learn and be reflective about them, and hopefully they can draw feedback to bring to the committee.

Lehner said the content of the tests will be on the table, and discussions could include abandoning the PARCC tests or changing them.

"We are going to leave no stone unturned on this particular issue," she said.

But she said the focus is not limited to just the PARCC tests. She noted that local districts often have their own tests they give on top of the state tests.

Lehner said there will likely be a chance for the public to speak before the committee, but she said they don't just want to hear about how bad the tests are.

"The purpose of the committee is to find workable solutions, not hear we have a problem," she said. "We know we have a problem."

Faber added that parents should continue voicing concerns to legislators.

Lehner anticipates the committee will meet at least once a week before the Legislature goes on spring break, and at least every other week after that.

Members of the advisory include: teachers Dar Borradaile, Miami Valley Career and Technical Center, Melissa Cropper, Georgetown Exempted Village Schools, Amy Holbrook, Mad River Local Schools, Kimberly Jones, Columbus City Schools, Shari Obrenski, Cleveland City Schools, Billie Sarich, Grandview Heights City Schools, Kay Wait, Toledo City Schools; superintendents Adrian Allison, Canton City Schools, Jan Broughton, Fairfield Union Local Schools, April Domine, New Albany Plain Local Schools, Marschhausen, Keith Millard, Hamilton City Schools, Paul Imhoff, Upper Arlington City Schools; curriculum and testing specialists

Cheryl Irish, Miami University, Machel Kline, Columbus City Schools, Jim Mahoney, Battelle for Kids, Char Shryock, Bay Village Schools, Julie Sellers, Cincinnati City Schools; State Board of Education members Michael Collins and Todd Jones; educational experts Earl Oremus, Marburn Academy, Andy Boy, United Schools Network, Jessica Voltolini, Ohio Department of Education, Chris Knight, Catholic Schools, Diocese of Toledo; legislators Lehner, Sen. Cliff Hite (R-Findlay) and Sen. Tom Sawyer (D-Akron).

Lehner said a parent representative will be named later. The lawmakers also said the House is invited to join the advisory committee, but has indicated it is unable to at this point. She said it is an open invitation if they want to join later.

House Education Committee Chairman Bill Hayes (R-Granville) said Wednesday that his chamber plans to address the issue through deliberations on HB74 (Brenner). The legislation from Rep. Andrew Brenner (R-Powell), the committee vice chairman, is aimed at reducing time spent on assessments and giving local districts more control on which assessments to use, among other provisions.

Hayes said House members are already getting lots of outside input on the bill every day. "The public is advising us," he said.

"We need to get a bill out of here that deals with the present situation," he said.

Brenner introduced HB74 in February, and it had its first hearing in Hayes' committee last week.

Yost Pushes Governance, Accounting Changes for Charters; Committee Vote Set

Auditor Dave Yost formally presented his recommendations on bolstering the charter school accountability system to House lawmakers Wednesday, many of the proposals familiar from the findings of his recent attendance audit. House Education Committee Chairman Bill Hayes (R-Granville) and HB2 sponsor Rep. Kristina Roegner (R-Hudson) said many of his points were well taken and could find their way into legislation.

Hayes said after the day's HB2 hearing that he expects to accept a substitute bill or omnibus amendment at a hearing Monday, March 9, then vote the bill out of committee Wednesday, March 11. The final version will likely wrap in some charter school provisions from Gov. John Kasich's budget proposal, suggestions by witnesses and interested parties, and priorities Yost identified, Hayes said. But he added that he wants to maintain the focus on governance and accountability, warning against widening the scope of the bill too much to address other charter school policies.

Yost led off by stating his philosophical support for school choice while also acknowledging problems with Ohio's oversight of the charter system, which has generated \$27 million in audit findings for recovery since 2001 and 22 convictions for wrongdoing since he took office in 2011.

The auditor suggested the following changes:

- Aligning the withdrawal rule for charters with the truancy law applied in traditional schools. Yost's attendance audit turned up evidence that schools could continue to get funding for a student who shows up periodically just to avoid triggering the required withdrawal after 105 missed hours.

- Better defining and distinguishing between blended learning and online schools, to clarify how blended learning schools can provide the equivalent of the required 920 hours of instruction.
- Imposing fiduciary duty on charter school treasurers, and allowing the sponsor to stand in the place of a disbanded school board in pursuing action against a treasurer for violation of fiduciary duty.
- Letting the Ohio Department of Education (ODE) know the identities of students, to address the problem of multiple SSID numbers being generated for individual students. Yost said Ohio is an outlier among states in this prohibition for ODE while letting other agencies like the Ohio Department of Taxation (ODT) and Ohio Department of Health (ODH) keep sensitive, personally identifiable data.
- Placing liens on community school buildings for some duration to protect against early-failing schools' getting a financial windfall by retaining properties originally paid for by the public.
- Changing the accounting standards for charter schools to give more information about how operators spend money.
- Specifying ODE's role in overseeing charter schools and eliminating its ability to sponsor schools, which he said is a conflict of interest.
- Phasing out traditional districts' ability to sponsor their own conversion schools.
- Adding more detail to the objectives sought in the sponsor ranking system established in 129-HB555.
- Creating incentives for high-performing sponsors.

Rep. Mike Henne (R-Clayton) asked if lawmakers should create more financial culpability for sponsors whose schools fail quickly. Yost said HB555 helped to address that issue but suggested the state might want to impose capitalization requirements on those who want to start a new school. He said it made sense not to have such requirements at the outset when Ohio wanted to encourage startup schools, but that now the state has a "robust" sector and can require more of new schools.

"No bank will start your business with a 100 percent loan," Yost said.

Roegner said she liked his suggested accounting change but had heard from some that it would cost charters a lot of money. Yost acknowledged some costs involved but said they would not be "exorbitant" and would mainly involve new or updated software, staff time to make those changes, and training time for fiscal personnel. "None of these are huge cost centers," he said.

Yost told Rep. Debbie Phillips (D-Athens) the suggested accounting change does not require the same depth of financial reporting as for traditional district schools.

Rep. Andrew Brenner (R-Powell), noting Yost's comments about charter school facilities, asked whether a revolving loan fund might be a good way to address the issue. Yost said he'd not considered that possibility before but said it sounded promising.

The committee also received written testimony Wednesday from the Ohio 8 Coalition of large

urban districts and a joint statement from the Ohio Association of School Business Officials (OASBO), Ohio School Boards Association (OSBA) and Buckeye Association of School Administrators (BASA).

Ohio 8 testimony stated that HB2 and charter school provisions of the budget proposal are good but should be supplemented to include stronger audit and financial disclosure requirements for charter schools and greater protections to prevent failed schools from reopening.

Written testimony from the school management groups likewise praised the main thrust of HB2 but lodged objections to the ban on school sponsors' selling goods and services to their schools. They wrote that while they understand the intent of avoiding conflicts of interest, the ban will likely create unnecessary costs for sponsoring districts by preventing the charter schools from taking advantage of districts' economies of scale.

After the hearing, Roegner said Yost's suggestions were "well-founded and thoughtful."

The suggestion to change the SSID system to allow ODE to know students' names drew opposition from Brenner, the committee's vice chairman, who noted lingering concerns about testing vendors' access to and use of personally identifiable student data. Brenner and Hayes said that issue is likely too complicated to be addressed in HB2. Colleen Grady, House Republicans' education adviser, said a simpler solution might be to allow Yost to audit the current SSID system.

Brenner also said he thinks the issue of the 105-hour rule is more complicated than Yost's proposals suggest.

Legislative Committee Reports

HOUSE ECONOMIC AND WORKFORCE DEVELOPMENT

Rep. Baker: 614-466-0961

Wed., Mar. 4, 2015

HB1 WORKFORCE GRANT PROGRAM (SCHURING K, MANNING N) To establish the Workforce Grant Program, to authorize an income tax credit equal to 25% of the student loan payments a grant recipient makes per year, and to make an appropriation.

Kent Trofholz, executive director of the Ohio Association of Career Colleges and Schools, asked the committee to consider a change in the bill to include students attending career colleges and schools in the Workforce Grant Program.

"Bear in mind that our certificate, diploma and degree programs are regulated and held to the same standards as those of the other sectors of higher education," he said. "But more important, career colleges and schools have a proven track record of providing the most efficient, highest return on investment of all sectors of higher education."

He said that graduates of Ohio career colleges and schools work in Ohio, keeping their talent, skills and tax money in the state. Such students are a good investment in Ohio, and should not be excluded from the Workforce Grant Program, he said.

In response to Rep. Smith's statistical questions, Trofholz clarified that his association consists of 240 career colleges. Colleges with multiple campuses would be counted more

than once, as each campus is an individual member and pays its own fees. They are all for-profit, privately owned schools that are registered with the Ohio Board of Regents or the State Board of Career Colleges.

Baker agreed that it would be helpful to add career colleges and schools to the bill, and suggested that Trofholz get in touch with the bill's sponsors, Reps. Schuring and Manning.

Next, Bruce Johnson, president of the Inter-University Council of Ohio, gave proponent testimony for the bill. The council worked with Schuring to provide input and language on the Workforce Development Program design for 130-HB664, which has been reintroduced as HB1.

"The proposal is especially timely considering Ohio faces a severe talent gap that threatens our continued economic recovery and growth," Johnson said. Ohio has a high demand for highly educated and well trained university graduates, he said.

Baker asked what Johnson would say to high school students who perhaps aren't destined for a four-year degree, but instead a two-year associate's degree.

Johnson said that no one should rule out a four-year degree, because Ohio is facing a shortage of qualified workers, but there is still a need for workers with associate's degrees, and high school students should be encouraged no matter what their next step is.

Lastly, proponent testimony was provided by Dan Navin, assistant vice president of tax and economic policy for the Ohio Chamber of Commerce.

Navin said the Chamber of Commerce believes HB1 addresses several aspects of "Ohio's workforce development puzzle": upgrading the skills of the potential and existing workforce, offering financing options for education and providing incentives to keep students in Ohio after graduating.

He supported Trofholz's suggestion that career colleges and schools be included in the Workforce Grant Program.

The committee had no questions for Navin.

HOUSE FINANCE SUBCOMMITTEE ON PRIMARY AND SECONDARY EDUCATION

Rep. Cupp: 614-466-9624

Wed., Mar. 4, 2015

HB64 OPERATING BUDGET (SMITH R) To make operating appropriations for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of state programs.

Jon Gubera, senior director of government relations for the College Board, offered testimony explaining the board's history and general information about the Advanced Placement (AP) program.

He said AP courses help students achieve their goals more effectively in high school and college. He said AP courses also aid in the cost of college, as a student achieving a score of 3, 4, or 5 (out of 5) can attain college credit from an Ohio public institution. He also

noted that data show AP courses employed at the same time as dual enrollment yields the best results for students. He noted Ohio is behind Michigan, Indiana and Illinois in students taking AP courses and in achievement levels of those students taking them.

Chairman Cupp asked if Gubera recommended any strategies for raising the number of students taking AP courses.

He said for school districts that don't currently have AP courses, a single pilot course is often the right way to get the program off the ground. He said another strategy would be for the state to encourage a summer "boot camp" for potential AP teachers and students.

In response to a separate question, he told Cupp that the cost of the AP course is free, as the high school teacher serves as the instructor. He said each exam costs \$91, but can be reduced to as little as \$12 per exam for qualified students with access to federal programs. He said Indiana, for example, picks up the tab for every AP math and science exam regardless of student family income level, because the state is focusing on achievement in science, technology, engineering and math (STEM). He said for Indiana's program, each dollar invested returns \$4 to the state.

Further, he told Cupp that school districts with fewer students can have a successful AP program. He said the first AP course he taught had seven students at first, and quickly rose to 35 students after word got out about the benefits. He said building an AP program normally takes dedicated teachers to communicate to students and parents the advantages of AP. He added that there are a number of online courses available.

He told Rep. Kunze that Indiana was able to achieve greater AP involvement because the state set a goal to have 25 percent of students complete a course. He said the state based its model off of Maryland, known for high AP achievement and participation.

After Patterson said Ohio has had issues with dual enrollment success, Gubera said that program necessitates great communication between college and high school instructors, as well as adequate funding. He said Ohio is in a good position to emulate Indiana because the Buckeye State already offers college credit for AP courses and allows for online learning. He said the state should focus on statewide goals and targeted spending. He said many states focus on science and math but that he is partial to AP government.

In response to another question from Patterson, he said one way to motivate teachers is to offer bonuses for AP course completion by their students. He said Florida employs this method, and has worked extremely well.

Gubera told Cupp that Virginia allows for AP exams to substitute for state end-of-course exams.

Testifying next was Matt Verber, state policy director for StudentsFirst Ohio. He praised several aspects of the budget bill's provisions related to charter schools. However, he said his organization has concerns regarding teacher evaluation provisions.

"First, the bill repeals the contingency that accomplished teachers must have average or higher student growth scores in order to not receive a full evaluation. Also, the bill repeals the requirement that evaluators must conduct at least one observation of and hold at least

one conference with accomplished teachers in the years they do not receive a full evaluation. At this time, accomplished teachers receive a full evaluation once every three years, and these provisions would deprive accomplished teachers of important feedback that could help them continually improve their instruction in the years they do not receive a full evaluation," he said.

He also criticized evaluation components of the bill and the requirement that schools measure student growth according to guidance issued by the Ohio Department of Education (ODE) if assessments are not available for the grade or subject. He said districts should have greater flexibility.

In response to a question from Rep. Phillips, Verber said he considers conversion schools to be significantly different than charter schools.

Matt Williams, vice president of policy and advocacy for KnowledgeWorks, offered testimony next. He said his organization supports Gov. Kasich's call for up to 10 "competency-based" education pilots for K-12, funded at an aggregate of \$2.5 million per year. He said this education model allows for more personalized learning and higher achievement for all types of students. He said the model allows for students to achieve mastery of subjects at different rates, and does not focus on being in a particular grade. He described advancement in terms of "levels" instead of "grades."

He noted his organization is calling on the General Assembly to ensure these pilots are implemented at the district level, instead of just at the school level. He also suggested \$2.5 million of Straight "A" funds should be added to the allocation for these programs to ensure the grants are district-wide and invest in essential tools, assessments and professional development necessary.

He told Cupp students would be grouped by ability level, and can vary depending the subject matter. He said this allows for faster achieving students to move ahead in certain areas of strength but move slower in more personally difficult subjects.

He told Kunze some Ohio schools employ elements of this model, but that it is not being done fully anywhere at this time. He said the closest place this model has been implemented is Kentucky.

He said in the classic grade model, he was able to slide by only learning 75 percent of the material in a subject in a grade, causing him to miss out on 25 percent of that knowledge. He said this model would have allowed him to achieve 90-100 percent of subject mastery. "It's a tighter intervention model."

He told Kunze that the program allows for end-of-course exam preparation, as those requirements do not disappear.

Former Rep. Stephen Dyer, education policy fellow at Innovation Ohio, offered criticism of the school funding formula, saying it is too complicated and does not necessarily move funding where it is needed. He cited an example of two districts side by side, one losing much of its state funding while the other was on the high end of funding gains from the state. He said the solution should be simple.

"Return to the 20-mill charge off. Two budgets ago, the state kept the 22-mill charge off from 128-HB1. Dropping the 2 mills would be about \$500 million -- or roughly the equivalent of the net increase in this budget over last. But the distribution would be far more equitable because it's based on what districts actually raise. It essentially bases the charge off on what a district receives when it gets to the floor - where many districts currently reside anyway. I would like to see the charge off calculated on what a district actually raises on a mill, multiplied by 20, rather than the previous method of using valuation. Then the state picks up the cost over that 20 mills," he said.

He also criticized Ohio's charter school situation, noting a number of "solutions," including the following:

- Fund charters based on what it costs the charter to educate the child, not the district.
- Direct fund charters from the state, not have it come out of the district's aid.
- Allow high performing charters access to a new state fund that would essentially constitute a local funding amount.
- Allow high performing charter schools to collect capital funding.
- Close charters after three to four years of failing, not six to seven.
- Adopt the national standards for charter school sponsors.
- Require all sponsors, schools and operators to adhere to the same open records and meetings laws as any public school and district, including having all their financial records and contracts open for inspection.
- Require anyone overseeing, operating or running a charter to file reports with the Ohio Ethics Commission to identify any potential conflicts of interest.

He told Rep. Derickson he is supportive of capital funding for charter schools, as long as they are high performing. He said this could help with upfront costs for buildings and allow the schools to avoid "shady" operators.

He told Phillips he prefers his funding model because it is not based on property valuation, it is based on actual money raised by levies.

In response to another question from Phillips, he said charters should be funded based on the need for operations, support services and instructional services. He said direct state funding of charter schools would clean up a lot of the funding mess and keep school districts from losing money.

He told Patterson it can be debated on what "high performing" charter schools are, but said, "If you get below a 'C,' it's hard to argue you are high performing."

SENATE CRIMINAL JUSTICE

Sen. Eklund: 614-644-7718

Wed., Mar. 4, 2015

SB44 CHILD CAR SEAT-PRIMARY OFFENSE (SCHIAVONI J) To allow the enforcement of child car seat, booster seat, and seat belt requirements as a primary offense.

Sen. Schiavoni gave proponent testimony and said the bill would make a violation of the child restraint law a primary offense, as opposed to a secondary offense.

"The bill has been vetted by several interested agencies at the state and local level including the State Highway Patrol, the Department of Public Safety, the Prosecutor's

Association, and the Ohio Association of Justice whose input is reflected in the bill language," he said.

The sponsor also told members that passing the bill "would put Ohio on par with 38 other states where child restraint law is already a primary offense."

Schiavoni mentioned companion legislation in the House and said the bill before the committee differs from the House version in terms of the age restriction and a provision regarding admissibility of evidence into criminal proceedings.

Sen. Thomas asked why the bill would not apply to taxis and Sen. Skindell offered the committee insight about legislation not applying to "vehicles for hire."

SENATE WAYS AND MEANS

Sen. Peterson: 614-466-8156

Wed., Mar. 4, 2015

See separate story on the presentations by Ohio Department of Taxation Deputy Tax Commissioner Nick Cipiti and former Tax Commissioner Tom Zaino on tax expenditures.

SB6 JOINT COMMITTEE ON OHIO COLLEGE AFFORDABILITY (JONES S, EKLUND J) To increase the maximum income tax deduction for college savings contributions to \$10,000 annually for each beneficiary.

Sens. Jones and Eklund presented sponsor testimony on SB6 with Sen. Jones explaining to the committee that the bill "seeks to increase the state income tax deduction allowed for contributions to an Ohio 529 college savings program from \$2,000 to \$10,000."

Referencing the average student loan debt in Ohio of \$29,090, which is higher than the national average, Jones said this would help young Ohioans obtain a college degree without amassing an overwhelming amount of debt.

Noting that Ohio parents can invest in other states' 529 plans, Jones said this bill puts Ohio on a par with neighboring states. "Michigan allows a deduction of up to \$5,000 for single filers and \$10,000 for joint filers, while Illinois allows for a \$10,000 deduction for single filers and a \$20,000 deduction for joint filers. Pennsylvania allows a deduction for contributions of up to \$14,000 for single filers and \$28,000 for joint filers, and West Virginia allows a deduction for the full amount of any contribution. Indiana gives a 20 percent tax credit up to \$5,000 in contributions per individual tax return per year, with a maximum yearly credit of \$1,000."

She also said the bill creates a Joint Committee on Ohio College Affordability which would be charged with reviewing the cost of higher education in Ohio and with making recommendations to reduce the cost of attending colleges and universities in the state.

Eklund said he is co-sponsor of the bill because it is "a reality bill ... it helps families account for today's economic realities. It conforms a good program to the realities of raising kids in Ohio today."

Asked by Sen. Beagle how this meshes with the Senate president's efforts to reduce the cost of higher education in the next budget by 5 percent in SB4, Jones said there is no one solution to lowering the cost of higher education in the state. Jones added that some of that requires attacking the underlying cost drivers of higher education -- which will take time.

This bill is more immediate. She sees the two efforts as complementary not competing proposals.

Committee Chairman Sen. Peterson commented that the committee should look to addressing this bill before Sen. Jones' children go to college. She told him that's three years.

Focus Education © 1997-2015 Hannah News Service, 21 W. Broad Street, Suite 1000 Columbus, Ohio 43215

Focus Education is a report on issues related directly and indirectly to the Ohio education community. *Focus Education* is a service of *Hannah News service*. For information send email to info@hannah.com or call (614) 227-5820. *Focus Education* may include selected articles from *The Hannah Report*, a newsletter that covers the Ohio legislature and state government, published daily by the Hannah News Service, Inc.
