



December 9, 2016

Ohio Legislature Passes Legislation to Address Student Truancy

Yesterday, the Ohio House of Representatives concurred with Senate amendments to House Bill 410. The bill prohibits the use of suspensions and expulsions as penalties solely because of unexcused absences, requires schools to establish individualized absence intervention teams for habitually truant students and requires school districts to provide data to ODE on truancy. Having passed both houses, the bill is heading to Governor Kasich for his signature.

During the week, the bill was amended in committee and on the Senate floor to include the following provisions:

- Exempt schools with rates of chronically absent students below five percent
- Bars suspensions from being carried over the summer into the next school year
- Allow school districts to adopt a policy that permits students to makeup work due to a suspension

SB 3 Passes Legislature

Senate Bill 3, which makes multiple changes to education law, passed the House by a vote of 56-29 and is now heading to the Governor for his signature. The bill would allow certain districts to be exempt from some policies such as hiring licensed teachers, class size restrictions and mentoring new teachers. OEA opposes these provisions of the bill.

To qualify for the exemptions, a school district must have received all the following on the most recent report cards: at least 85% of the total possible points for the performance index score; a grade of "A" for performance indicators met; a four-year

graduation rate of at least 93% and a five-year graduation rate of at least 95%. Since the bill was passed last year by the Senate, the number of qualifying districts has dropped substantially from around 120 to 18 based on the latest report cards.

The bill also contains a cap of 2% of the school year on the amount of time spent on the administration of state and district-wide assessments and limits the amount of time on practice tests to 1% of the school year.

On Wednesday, December 7, the House Education Committee adopted additional amendments before voting out the bill on a party-line vote. One amendment restored “blizzard bag” language that had been deleted by the committee two days earlier, but clarified that schools no longer had to submit such plans to ODE. Notably, the committee refrained from including provisions that would have weakened charter school accountability.

SB 329 Would Expand Sunset Review Process to Include Most Executive Level State Agencies; Unions to Ask Gov. Kasich to Veto It

SB 329, which OEA opposes, was approved by the House at the end of the lame duck session. It had been previously passed by the Senate. The measure would establish a means for the Ohio General Assembly to periodically review state departments that are currently part of the Governor's cabinet. The standing committees of the legislature must consider and evaluate the usefulness, performance, and effectiveness of a department under review. Unless a department is renewed by the General Assembly, it will cease to exist. Under the current Sunset Review Law, agencies and commissions are generally subject to review, but state departments are not.

SB 329 has been criticized as an unnecessary and dangerous gimmick. Lawmakers already have a similar power to review state agencies and make changes during the biennial state budget bill process. But the automatic sunset provisions in SB 329 could lead to risky brinksmanship if the legislative branch seeks to hold state departments “hostage” in order gain leverage over the executive branch. The Ohio Department of Education is not included on the list of state departments subject to mandatory review, but the bill authorizes the Senate President and the Speaker of the House to direct a standing committee to do so.

Senate President Faber said in sponsor testimony that the bill is a “legislative tool against big government.” Other proponents have called the bill a “rebalancing” of the power between the legislative and executive branches.

SB 329 was passed 22-8 in the Ohio Senate on September 18, 2016. All Democrats voted “No,” along with Republican Sen. Tom Patton (R-Strongsville). In the House, the bill appeared to be in a holding-pattern as to whether it would receive a vote. On December 8, 2016, the last day of lame-duck session, the bill was sent to the House

floor where it passed 59-32 on a party-line vote. All Democrats voted “No.” Public employee unions are preparing to request Governor Kasich to veto the bill.

Unemployment Bill Stalls, Compromise Sought for Next Session

Anticipated action on a bill to address unemployment benefits abruptly stalled earlier this week. After several weeks of hearings by a joint committee on unemployment compensation, legislation was introduced (HB 620) and slated for quick passage during lame duck session. While the bill did not include the drastic cuts called for in earlier legislation considered by the House, the bill was strongly opposed by labor groups due to benefit cuts. Business groups testified in favor of the bill.

Analysis by the nonpartisan Legislative Service Commission revealed that 83% of the cost of reaching solvency would be based on benefit reductions to unemployed workers. House leadership announced that labor and business interests will meet to try to come up with a compromise to address the solvency of the unemployment compensation trust fund by next April.

Amendment Would Preempt Local Increases in Minimum Wage

An amendment added to Senate Bill 331 would prohibit municipalities from increasing the minimum wage above the statewide level. The state minimum wage will be \$8.15 an hour in 2017. In May, Cleveland residents were slated to vote on a phase-in of a \$15 an hour minimum wage. The amendment also restricts municipalities from enacting such provisions as sick leave and paid family leave that apply to private employers. These changes were added to a bill that dealt with regulations on pet stores (SB 331). The bill as amended has cleared both houses and is now heading to the Governor.

Other Legislative Actions

Provisions of HB 48 dealing with guns in school safety zones and on college campuses were added to SB 199. The bill would allow valid gun license holders to have guns in a motor vehicle in a school safety zone if they do not leave the vehicle or lock the vehicle. Additionally, licensees could carry guns on the premises of a college or university if the governing body of the institution adopts a policy that allows it. Additionally, the bill would prohibit a business from having a policy against allowing licensees from transporting or storing firearms in the person’s motor vehicle. The House passed SB 199 by a vote of 68-25 late Thursday. The Senate voted 22-8 early Friday morning to agree to the changes. The bill now heads to Gov. Kasich for his signature.

- HB 438, sponsored by Representative John Patterson (D- Jefferson), was passed by both branches. It includes several education-related bills. The bill will designate the week prior to the week of Thanksgiving as “Ohio Public Education Appreciation Week;” require that the health curriculum of each school district include instruction on the positive effects of organ and tissue donation; permit districts to not evaluate school counselors who are on extended leave or have submitted notice of retirement; and includes the provisions of HB 148 (Patterson) that requires the School Facilities Commission to give priority funding to school districts that resulted from certain types of mergers or consolidations.