



*The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.*

## OHIO EDUCATION ASSOCIATION

### Senate Education Committee

#### SB 319 Testimony

**June 10, 2020**

Good morning Chair Lehner, Ranking Member Fedor and members of the Senate Education Committee. My name is Jeff Wensing. I am Vice-President of the Ohio Education Association (OEA) and I am here on behalf of approximately 122,000 of our members.

Thank you for the opportunity to testify today on SB 319. OEA appreciates much of the work done by the Ohio General Assembly in both HB 197 (Omnibus Measures on Coronavirus) and Senate Bill 319 (Education Law COVID-19), which make many important changes to education law in response to the COVID-19 health crisis.

SB 319 includes positive provisions on teacher evaluations, high school graduation, services to special needs students, and adjustments to funding formulas. However, OEA opposes a provision in the bill that would provide greater furlough authority to school districts and ESC boards through June 30, 2021. OEA also opposes a provision in the bill that would change how HB 197 Section (M) would impact the contract status of certain teachers with incomplete evaluations due to the state-ordered closure of school buildings.

**The following is an overview of OEA 's positions on SB 319:**

#### **High School Graduation**

OEA supports the provision of SB 319 that would permit a student who was scheduled to take or retake an end-of-course exam in the 2019-2020 school year to use their final course grade to satisfy conditions for graduation. HB 197 took care of this issue for the class of 2020, but other students should not be required to take an end-of-course exam for a test they took last year in order to accumulate points they need to graduate.

#### **Suspension of State Testing**

State-mandated achievement tests are logistically difficult and can induce anxiety under the best of circumstances. Returning to the classroom for the coming school year is filled with uncertainty and



challenges our staff and students have never faced. As was done with the suspension of testing for the 2019-2020 in HB 197, OEA asks legislators to continue to be cognizant of these challenges and provide appropriate flexibility so that the focus can be on safely engaging students in learning.

*OEA recommends suspending the Fall administration of the 3<sup>rd</sup> grade ELA test for the coming school year.* Two administrations of the ELA test are not federally required. Further, consideration should be given to seeking a federal waiver to suspend all state testing next school year if our schools continue to be impacted by split schedules, distance learning or other configurations that would make testing impractical.

### **Third Grade Guarantee**

SB 319 contains a number of provisions related to the Third Grade Reading Guarantee. OEA does not believe that high-stakes decisions should be based on test scores. Rather, this should be a local decision. As stated previously, OEA recommends suspending the Fall administration of the third grade ELA test. Testing in the Spring may prove to be impractical depending on the realities we may be facing at that time.

HB 197 provided that, for the 2019-2020 school year, no school would retain a student in the third grade based solely on the third grade guarantee unless the principal of the school building in which a student is enrolled and the student's reading teacher agree that the student is reading below grade level and is not prepared to be promoted to the fourth grade. *OEA recommends that SB 319 be amended to extend this language to the coming 2020-2021 school year.*

### **Services to Special Needs Students**

OEA supports the provision in SB 319 that would permit non-classroom personnel to provide professional services to students with disabilities (e.g. occupational therapy, physical therapy, social worker, counselor, etc.) electronically or via telehealth communication for the balance of the 2019-2020 school year and the entirety of the 2020-2021 school year. This is an extension of the same provision in House Bill 197. These services provide critical support for students and should be maintained.

### **School Funding Adjustments**

OEA supports the provision in SB 319 that seeks to address the adverse financial burden placed on school districts as a result of the continued devaluation of Ohio's coal and nuclear-powered electric power plants that are located within district boundaries. For a district to qualify for an additional payment in FY 2020, it must have lost 10% or more of its public utility tangible personal property (PUTPP) valuation between tax year 2017 and tax year 2019. The comparison for FY 2021 would be between tax year 2017 and 2020. To recalculate the state aid for these districts, the Ohio Department of Education would use the previous school funding formula while also using the most recent property valuation data.

This provision would benefit four districts. Generally, these districts have a diminished ability to compensate for these tax losses. The current state foundation funding formula will not replace the loss of revenue these districts are experiencing because all school districts are currently flat-funded.

As an aside, OEA also supports proposed modifications to SB 313 in the Senate Finance Committee that would provide more relief to districts on the funding formula guarantee and adjust the threshold for the initial valuation test.

Additionally, SB 319 would address an inaccurate claw-back of over \$400,000 (more than \$200,000 in both FY17 and FY18) in property tax revenue from Felicity-Franklin Schools. This occurred because there was believed to be an increase in local utility property. It was later identified that the utility was located in Kentucky and not within district boundaries. This provision would return the funds that were taken in error and also provide minimal funds to two other districts.

It is our understanding that SB 319 do would not require additional GRF funds. Instead, ODE would use an existing set aside to handle these fluctuations in values.

These provisions will provide important support to school districts that have lost financial resources due to the devaluation of power plants.

### **Employee Contracts**

HB 197 states that districts may elect not to conduct evaluations in the 2019-2020 school year, if the district board determines it would be impossible or impracticable to do so due to the COVID-19 school closure. HB 197 also states that “the district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2019-2020 school year.” Boards have used this process in many districts to complete evaluations.

When evaluations for 2019-2020 are incomplete, HB 197 requires current law be enforced regarding the impact on teacher contracts. Current law requires that a teacher employed by a school district in the last year of an extended limited contract, who is eligible for a continuing contract, but who does not have an evaluation completed, is presumed to have accepted employment under a continuing contract unless the teacher declines to accept the contract in writing on or before June 15. SB 319 seeks to reverse HB 197 by not enforcing this requirement to grant such teachers a continuing contract. Instead, SB 319 would grant these teachers a one-year contract.

OEA supports the HB 197 language on how to handle incomplete evaluations. As directed by HB 197, additional issues surrounding incomplete evaluations should be addressed at the local level through the collaborative process of collective bargaining.

### **Furloughs**

OEA opposes the SB 319 furlough provision.

Before reviewing the harm furloughs cause students, it is important to note that current law already gives district and ESC boards the authority to make temporary suspensions in employee contracts in the exact same manner of a furlough (See RC 3319.17 and RC 3319.172). Providing duplicative furlough authority through June 30, 2021 will foster confusion and distract from the work of safely returning students to school this Fall.

Current law does not prohibit a district or ESC board from offering continued insurance coverage or allowing furloughed employees to use their earned paid leave. SB 319 makes no substantive changes to the likelihood school employees would be offered such benefits. If there is an intent to provide some basic assistance and support to school employees who are furloughed, Ohio law should *require* boards to continue insurance coverage and allow use of earned paid leave.

The SB 319 furlough provision would prohibit a district or ESC board from guaranteeing individuals a choice to return to their prior positions. Current law does not provide such a guarantee, but neither does current law prohibit a board from making such a guarantee if the board wishes to do that. This provision is an overreach and will have harmful effects. If Ohio law is to address this matter, it should *require* that furloughed individuals be guaranteed a choice to return to their prior position.

More importantly, we must find better solutions to the challenges we face than resorting to furloughs, temporary suspensions of employee contracts, or whatever it may be called.

Furloughs hurt students by depriving them of the trusted educators they rely on. Furloughs will hurt the ability of students to learn, and cause the loss of extracurricular activities, longer food lines and fewer bus rides, or maybe no bus ride.

I ask you not to send the message to Ohio that one way to deal with the challenges we face is through furloughs. That is not a solution. Furloughs only exacerbate our challenges and make our problems harder to solve. Instead, I ask you to match the commitment to our students and schools shown by parents, citizens, educators, and school leaders amidst the challenges posed by COVID-19 and the subsequent school closings.

Finally, the duplicative furlough authority created for districts and ESC boards in SB 319 is based on the assumption there will be funding cuts for next school year on a magnitude that would require district-wide temporary staffing reductions across the state. Such cuts have not been announced. Questions remain about the possible use of rainy-day funds to sustain critical services to Ohioans. Discussions are occurring at the federal level about providing assistance to the states that could help with school funding. Before assuming the sky is falling, please make all efforts to maintain the support and funding needed to keep Ohio's schools fully functional for our students.

## **Conclusion**

Thank you for your consideration and the opportunity to testify today.