

135th OHIO GENERAL ASSEMBLY



Hearings held last week

The House Primary and Secondary Education Committee, chaired by Representative Adam Bird, met on February 13, 2024 to **receive testimony on the following bills:**

- **SB168 Education Regulation Law Changes (Michele Reynolds):** With regard to education regulation reform and requirements for certain reemployed retirants and to amend the versions of sections 3301.0714 and 3314.03 of the Revised Code that are scheduled to take effect January 1, 2025, to continue the changes on and after that effective date. The Senate approved the bill on December 13, 2023 by a vote of 24 to 7 along party lines, with Democrats opposing the bill.

The **intent of the bill is to provide schools with more flexibility to hire educators and staff.** Proponents include the business community, school superintendents, administrators, school business officials and school board members.

Opponents believe that the proposed changes in law could undermine student access to high-quality educators and services, by weakening the educational requirements to become a licensed teacher, and weaken collective bargaining.

Senator Michele Reynolds presented sponsor testimony on the bill, which she said, "...enacts educational reforms and provides needed regulatory flexibility for our schools to more efficiently operate and provide an education to our children."

She told the committee that SB168 is the result of conversations with school officials and stakeholders. Later, when responding to questions from committee members, she referred to the bill as "top down" because it includes many recommendations from members of the Buckeye Association of School Administrators. She added that she also talked to other stakeholders, including school counselors and the teachers' unions.

SB168 would do the following:

- Exempts districts from certain statutory requirements.

- Modifies employment, evaluation, and licensure requirements for teachers and other school employees. Educators would only need a bachelor's degree to receive and maintain a state teaching license. The bill would also allow school districts to hire an individual who has at least a master's degree and has passed a content examine for any teaching position. The individual would also be required to complete professional development. The bill also allows school districts to develop alternative frameworks for evaluating teachers and principals instead of using OTES.
- Codifies an administrative rule that permits the State Board to issue a one-year nonrenewable permit to certain qualified out-of-state educators.
- Eliminates seniority as a preference when making reductions in nonteaching staff positions.
- Makes corrective or clarifying changes to provisions of HB 33 of the 135th General Assembly pertaining to unlicensed employee RAPBACK requirements.
- Changes certain professional development requirements related to dyslexia training and the coordination of continuing education and professional development.
- Eliminates a requirement that districts enter into supplemental contracts with teachers assigned to teach classes outside of the normal school day.
- Clarifies that a school district is not required to hold a separate, individual public hearing on a proposed school calendar, but that the calendar may be addressed as part of another public hearing or meeting.
- Requires that the record of proceedings of a board of education meeting be read at the board's next regular meeting, instead of at the next succeeding meeting.
- Permits public schools that use an online learning model to complete most statewide achievement and diagnostic assessments remotely in an online format.
- Modifies payment and tutor registration procedures for the *Tutoring and Remedial Education Program*.
- Requires a school district that conducts an intradistrict enrollment lottery to engage in certain deadline and notice procedures.
- Creates an exception to the 30-minute timeframe within which students must be picked up following the end of school day if students are provided academic services provided by a school employee and limits those services to up to one-half hour.
- Permits a community school sponsor that was rated "exemplary" on its most recent evaluation to sponsor up to 200 community schools
- Eliminates the requirement that community schools conduct monthly reviews of the residency of enrolled students.
- Eliminates e-school enrollment limits.

- Eliminates the requirement that each sponsorship contract include a provision requiring the sponsor to report annually the results of the academic and fiscal performance evaluation.
- Modifies the notice requirements for certain reemployed STRS and SERS retired members.
- Removes a number of policies and programs from the laws governing the Department of Workforce and Education and the State Board of Education that are obsolete or no longer necessary.

Several committee members raised concerns about the various components in SB168, including those related to transportation fines; reducing the education requirements for teachers; and alternative teacher evaluations.

Representatives Beryl Piccolantonio and Dontavius Jarrells raised **questions about fining school districts for not transporting students within 30 minutes of dismissal, noting that school districts have been struggling to** find qualified bus drivers and are expected to transport more private and charter school students, which has increased the number of stops and the miles buses travel. The amount of money school districts are paying in fines could be used to pay higher wages to attract more bus drivers.

Senator Reynolds acknowledged that SB168 does not solve the school transportation problem in Ohio, but she thought that including exceptions in the bill, including staff supervision of students, would provide more flexibility to local districts. In response to a later question she said that lawmakers need to consider other options for transporting students to school, including Uber.

Representatives Beryl Piccolantonio, Joe Miller, Gayle Manning, and Don Jones also noted that **reducing the education qualifications for teachers ignores the fact that teachers need to be knowledgeable about how to work with students in a classroom in addition to content knowledge.**

Senator Reynolds responded by saying that **the spirit of the bill is to** help schools find teachers by giving them more flexibility, but she is open to suggestions about how to improve the bill if the suggestion will help solve a problem. Representative Jones said that he was interested in adding a requirement that principals spend more time in the classroom before becoming an administrator, because often principals don't have enough practical experience working with students.

Representative Gayle Manning told Senator Reynolds that **principals are key to a successful school climate, but there are no education programs to prepare someone to be a principal.** Senator Reynolds said that she is willing to work on that amendment, which is similar to a recommendation from school counselors to create an education program to prepare school counselors, which is included in the bill.

Representative Joe Miller pushed back when Senator Reynolds **talked about the spirit of the bill to provide schools more flexibility, because he feels that the bill does the opposite.** He noted that the bill oversteps the collective bargaining process, which exemplifies local control and collaboration between boards of education and unions, when it allows school districts to ignore the seniority of its non-teaching staff when reducing staff due to budget constraints.

Senator Reynolds responded by saying that this provision came from superintendents. If the system was working it wouldn't have been a recommendation, but she added that she is open to finding other solutions to help districts resolve fiscal issues.

Representative Josh Williams **was concerned that SB168 allows schools to create an alternative evaluation system instead of following the statewide system.** He said he didn't want local boards of

education and unions to use diversity, equity, and inclusion requirements in alternative evaluations, and wanted to possibly add an “anti-woke” amendment to the bill.

Senator Reynolds said that she didn’t have his concerns in mind when drafting the bill, but was trying to give school districts more flexibility to evaluate STEM and career technical educators in an effort to support workforce development programs in schools. She added once again her willingness to improve SB168 with amendments.

- **HB339 Nonchartered Educational Savings Account (Gary Click):** To establish the Nonchartered Educational Savings Account Program.

HB339 would allow families whose children attend non-chartered, nonpublic (NCNP) schools, also known as “08 schools,” to establish educational savings accounts (ESA) funded by the state beginning in the 2025-2026 school year.

Currently students attending these schools are not eligible to participate in the EdChoice expansion program included in HB33, the FY24-25 Operating Budget, because “08” schools do not go through the department’s chartering process. **They are generally religious schools that want to offer their own curriculum.** They comply with a minimum set of state rules outlined in the Ohio Administrative Code Rule 3301-35-08, which is why they are referred to as “08” schools. HB33, the FY24-25 Operating Budget, **included the rule into law** making the rule obsolete. **See Section 3301.0732 ORC [HERE](#).**

According to Representative’s Click’s sponsor testimony on January 19, 2024, some of the NCNP schools are losing students to other private schools that are participating in the EdChoice expansion. “The unintended consequence of utilizing the voucher program in HB33 [Edwards] rather than the educational savings program is to eliminate this population of students from school choice. This means that their parents continue to pay twice for education: once through taxation and a second time through tuition.”

SB168 would require the Department of Education and Workforce to use state operating funds to meet the program’s ESA financial obligation, similar to the way state scholarship programs are funded. The bill establishes an ESA amount for each student equal to 90 percent of the statewide average base cost per student, or around \$5,916. The **average base cost amount in June 2023 was \$7,352**. The Legislative Service Commission’s fiscal note estimates that if all “08” students established educational savings accounts in FY26, **state expenditures would increase by \$238 million** based on an enrollment of 32,000 students. [HERE](#).

Over 50 witnesses testified or submitted proponent testimony on the bill. Keith Hamblen, who has been an advocate for “08” schools for 29 years, and is the superintendent of the Lima Christian Academy and the executive director of the Buckeye Christian School Organization, said that “08” schools believe in the “separation of church and state.” Providing those who attend “08” schools a Nonchartered Educational Savings Account will “fill the hole existing in providing universal school choice in our state.”

Many of the witnesses **made a distinction between separation of church and state and accepting funds from the government to pay for school**. The fact that the schools will remain “nonchartered” reinforces the separation of church and state, because these schools, which are basically religious, do not want to implement state requirements for operating a chartered school.

To some witnesses, accepting funds from the state to pay for school tuition does not compromise their position on the separation of church and state, because, according to their testimony, the funds are from taxpayers, rather than the government, and the families who attend these schools are taxpayers.

Committee members raised some concern about the wide variety of educational services that the ESA can be used for including tuition and fees; tutoring or intervention services; occupations, behavioral, physical, speech-language and audiology therapies; textbooks and instructional materials; and after-school summer and education programs.

Witnesses said that HB339 also includes accountability measures. It requires that students who are receiving the ESA to take an assessment, which has been approved by the student's parent, to determine the educational progress of the student; requires the school to maintain records of how the ESA is used; requires parents to endorse the use of funds by a school; and requires the Department of Education and Workforce to verify that the school meets requirements in law regarding minimum standards education, health, fire, and safety. Section 3301.0732 **Minimum education standards for nonchartered nonpublic schools** [HERE](#).

Source: **House Primary and Secondary Education Committee Meeting** February 13, 2024, [HERE](#).

Source: **The Ohio Channel House Primary and Secondary Education Committee Meeting** February 13, 2024, [HERE](#).

Bills introduced last week

- **HB407 Disciplinary School Records** (Gayle Manning and Bill Seitz) Regarding chartered nonpublic schools that participate in certain scholarship programs and disciplinary record requirements for schools and amends the version of section 3314.03 of the Revised Code that is scheduled to take effect on January 1, 2025, to continue the change on and after that date.
- **HB408 Meals for Public School Students** (Darnell Brewer and Ismail Mohamed) To require public schools to provide meals and related services to students.
- **HB411 Increase Base Teacher Salary** (Joseph Miller) To increase the base teacher salary to \$50,000.