Ohio State Board of Education Legislative Update

To: State Board of Education
Re: Legislative Update
Date: May 18, 2012

State Activity

Senate Activity

The Senate met on Wednesday and passed the following bills:

- House Bill 487 (Amstutz, R-Wooster), the mid-biennium budget review, by a vote of 25-8
- Senate Bill 341 (Niehaus, R-New Richmond and Kearney, D-Cincinnati), to revise the law governing the School Employees Retirement System, by a vote of 33-0
- Senate Bill 342 (Niehaus, R-New Richmond and Kearney, D-Cincinnati), to revise the law governing the State Teachers Retirement System, by a vote of 31-2
- Senate Bill 343 (Niehaus, R-New Richmond and Kearney, D-Cincinnati), to revise the law governing the Public Employees Retirement System, by a vote of 33-0.

The Senate met again on Thursday and insisted on their amendments to House Bill 487 (Amstutz, R-Wooster), the mid-biennium budget review, by a vote of 25-8.

House Activity

The House met on Wednesday and refused to concur with the Senate amendments to House Bill 487 (Amstutz, R-Wooster), the mid-biennium budget review, by a vote of 0-80.

Introduced Bills

House Bill 547 (Pillich, D-Montgomery), to modify the school district reimbursement schedule for the loss of revenue from the tangible personal property tax phase-out

This Week's Committees

Senate Education Committee

The Senate Education Committee met on Tuesday and held their first hearing on House Bill 437 with Representative Roegner (R-Hudson) and Representative Patmon (D-Cleveland) offering sponsor testimony. This legislation would increase the number of miles a school board may authorize its motor vehicles for out of state travel.

The committee held its second hearing on House Bill 375 (Butler, R-Oakwood) to allow school districts to sell real property to private, nonprofit institutions of higher education. Tom Winters, trustee at Ohio Dominican University, offered proponent testimony before the committee favorably reported the bill.

The committee also held their third hearing on Senate Bill 335 (Turner, D-Cleveland and Lehner, R-Kettering), which would revise management of municipal school districts and community schools located within municipal school districts to levy property taxes the revenue of which may be shared with

qualifying community schools had its second hearing. The following individuals offered opponent testimony:

- Dave Cash, Ohio Association of Charter School Authorizers
- Gerald Henley, Urban Education Strategy Group
- Don Freeman, Cleveland Education Committee
- Norma Freeman, Urban Educational Justice League
- Rhonda Hills, Urban Educational Justice League
- Donny Walker Brown, Urban Educational Justice League
- Alfred Porter Jr., Urban Educational Justice League

The following witnesses offered proponent testimony:

- Eric Wobser, Cleveland Municipal School District Board of Education
- David Boone Jr., Student
- Melissa Cropper, Ohio Federation of Teachers
- Eboni Blockum, Student
- Nataia Golson, Student
- Jerald King, Student

Senate Finance Committee

The Senate Finance Committee met on Tuesday and held its sixth hearing on House Bill 487 (Amstutz, R-Wooster), the mid-biennium budget review. The committee accepted an omnibus amendment which contained the following education related provisions:

- Requires school districts adhere to a plan approved by the Ohio School Facilities Commission in maintaining facilities acquired under the Commission's programs
- Deletes the House changes that would have abolished the eTech Commission and increases the appropriation authority for the 935402 line item by $300,000 in FY13
- The Department of Education shall review its unencumbered, unobligated FY12 GRF appropriation as well as its FY 12 prior year GRF encumbrances to identify balances that are no longer needed to support obligations of the Department of Education's budget in an amount of up to $600,000 to transfer to FY13 for the purpose of providing startup funding for an agricultural STEM school. The Superintendent of Public Instruction shall certify the amount of prior year encumbrances that are available to transfer in FY13 to the Director of Budget and Management. The Director of Budget and Management shall transfer appropriation equivalent to the amount certified by the Superintendent of Public Instruction to FY13 appropriation line item 200455, Community Schools and Choice Programs.
- Removes the House added amendment that sunsets the Digital Learning Task Force June 30, 2012, restoring the June 30, 2013
- Makes a corrective change to the Cleveland Scholarship Pilot Program language that was added by the House to specify that the net tuition amount is the tuition minus any financial aid, discounts, and adjustments to which the student is entitled

The committee met again on Wednesday and favorably reported this legislation.

House Education Committee

The House Education Committee met on Tuesday and held their first hearing on Senate Bill 316, the Education MBR, with Senator Lehner (R-Kettering) offering sponsor testimony.

The committee met again on Wednesday and held its third hearing on House Bill 525 (Williams, D-Cleveland and Amstutz, R-Wooster), which would revise management of municipal school districts and community schools located within municipal school districts to levy property taxes the revenue of which may be shared with qualifying community schools. The following offered opponent testimony:

- Richard Lukich, Constellation Schools
- Ron Adler, Ohio Coalition for Quality Education

The committee also held its second hearing on Senate Bill 316 (Lehner, R-Kettering), the Education MBR. The committee heard testimony from the following witnesses:

- Dick Ross, Director of the Governor's Office of 21st Century Education
- Stan Heffner, Superintendent of Public Instruction
- Rick Hickman, Director of the Ohio School Facilities Commission
- Lori Ward, Ohio 8
- Randy Flora, Ohio Education Association
- Justin Schulze

The committee accepted a substitute version of the bill. The substitute bill removed the following provisions:

- Report card changes
- Community school mandate panel
- Coursework credits required for graduation changes added by the Senate
- Community school new sponsorship entity
- Requirement to post community school contracts on ODE's website
- Modification of the eTech Ohio earmark
- Allowing single-gender community schools without a comparable school for the other gender
- Community school sponsor rankings that exclude some sponsors from the rankings
- Community school sponsorship geographic location restriction removal
- Requiring schools to provide state school report cards to students transferring into that school
- Student portfolio as a means to avoid retention
- Phonemic awareness requirement in reading intervention
- Blended learning definitions
- School treasurers as business managers of schools
- Changes provided by the Senate on the sale of school property

The committee met again on Thursday and held its fourth hearing on House Bill 525 (Williams, D-Cleveland and Amstutz, R-Wooster), which would revise management of municipal school districts and community schools located within municipal school districts to levy property taxes the revenue of which may be shared with qualifying community schools. The following offered opponent testimony:

- Debra Skul, Summit Academy Managent
- Dave Cash, Ohio Association of Charter School Authorizers

The following individuals offered proponent testimony:

- Lisa Thomas, Cleveland Municipal Schools Board of Education
- Jeffrey Johnson, Cleveland City Council
- Nneka Slade Jackson, Parent
- Cheryl McArthur, Parent
- Twyla Simpson, Parent
- Eugenia Cash, Parent

- Luther Johnson, Friends of the Cleveland School of the Arts
- David Boone Jr., Student
- Nataia Golson, Student
- Jerald King, Student
- Eboni Blockum, Student

The committee also held its third hearing on Senate Bill 316 (Lehner, R-Kettering), the Education MBR. The committee heard testimony from the following witnesses:

- C. Todd Jones, State Board of Education
- Damon Asbury, Ohio School Boards Association
- Barbara Shaner, Ohio Association of School Business Officials
- Darold Johnson, Ohio Federation of Teachers
- Ann Sheldon, Ohio Association of Gifted Children

Next Week's Committees

House Bill 487 Conference Committee

The Conference Committee on House Bill 487 (Amstutz, R-Wooster), the mid-biennium budget review, will meet on Tuesday in Room 313. The time for this meeting has not been announced.

The House Bill 386 Conference Committee

The Conference Committee on House Bill 386 (Blessing, R-Cincinnati), to revise gambling laws, will meet on Tuesday at 9:30 AM in Room 116.

House Education Committee

The House Education Committee will meet on Tuesday, May 22 at 1:00 PM or immediately following session in Room 313 of the Statehouse to hear the following bills:

House Bill 525 (Williams, D-Cleveland and Amstutz, R- Wooster), to revise management of municipal school districts and community schools located within municipal school districts to levy property taxes the revenue of which may be shared with qualifying community schools- 5th hearing- all testimony- possible amendments/ possible vote

Senate Bill 316 (Lehner, R-Kettering), Education MBR- 4th hearing- all testimony- possible amendments/ possible vote

House Health and Aging Committee

The House Health and Aging Committee will meet on Wednesday, May 23 at 9:00 AM in Room 116 to hear the following bill:

House Bill 543 (Anielski, R-Walton Hills), to enact the "Jason Flatt Act" to require public schools to train staff in youth suicide awareness and prevention- 2nd hearing- all testimony- possible vote

Federal Activity

FY13 Budget Update

This week, the Senate rejected five separate proposals intended to approve a fiscal year 2013 budget resolution. Budget resolutions are non-binding and do not require the President's signature, but they

establish spending levels and tax policies for the year. The House approved a FY 13 budget resolution but Senate Majority Leader Harry Reid has said the Senate will not approve one this year since the spending guidelines for FY13 were established by the Budget Control Act (BCA) approved last August.

House Education Subcommittee Holds Hearing on School Options

On Wednesday, the House Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled "Exploring State Success in Expanding Parent and Student Options". To view the testimonies and watch the webcast of the hearing, click here.

Senate HELP Committee Schedules Hearing on Seclusion and Restraint

The Senate Health, Education, Labor and Pensions (HELP) Committee has scheduled a hearing on June 28, 2012 entitled "Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students." In related news, the US Department of Education this week issued a resource document on seclusion and restraint which addresses principles to consider when developing or refining policies and procedures to support positive behavioral interventions and avoid the use of restraint and seclusion. The document may be accessed here.