



To: State Board of Education
Re: Legislative Update
Date: June 7, 2013

State Activity

Senate Activity

The Senate met on Thursday and passed [House Bill 59](#) (Amstutz, R-Wooster), the biennial budget, by a vote of 23-10.

Introduced Bills

[House Bill 193](#) (Brenner, R-Powell), to revise current high school diploma requirements including state administered assessments

This Week's Committees

House Education Committee

The House Education Committee met on Wednesday. The committee held its second hearing on [House Bill 158](#) (Brenner, R-Powell/ Patmon, D-Cleveland), to authorize nonrefundable tax credits for donations to nonprofit entities providing scholarships to low-income students enrolling in nonpublic schools. The following witnesses offered proponent testimony:

- Jason Warner, School Choice Ohio
- Dan Dodd, Ohio Association of Independent Schools
- Beth Lear, Ohio Coalition for Quality Education

The committee also heard [House Bill 8](#) (Roegner, R-Hudson/ Kunze, R-Hilliard), to revise school safety law. The following witnesses offered proponent testimony:

- Julie Santa Rita, School Board Member
- Jeffrey Lehner, Former Chief of Police for Montpelier, Ohio

The committee also heard sponsor testimony on [House Bill 113](#), to specify that school districts and chartered nonpublic schools may excuse from high school physical education students who participate in a school-sponsored athletic club, from Representative Antonio (D-Lakewood) and Representative Henne (R-Clayton).

The final piece of business before the committee was [House Bill 171](#), to permit public school students to attend and receive credit for released time courses in religious instruction conducted off school property during regular school hours. Representative McClain (R-Upper Sandusky) and Representative Patmon (D-Cleveland) offered sponsor testimony.

Senate Education Committee

The Senate Education Committee met on Tuesday and Wednesday. The committee held hearings on [Senate Bill 96](#) (LaRose, R-Copley Township), to require one unit of world history in the high school social

studies curriculum. Senator LaRose offered sponsor testimony. The following witnesses offered proponent testimony.

- Corbin Moore, Ohio Council of Social Studies
- Brad Maguth, University of Akron

The committee also held hearings on [House Bill 167](#) (Heard, D-Columbus/ Grossman, R-Grove City), to authorize certain school districts to levy property taxes, the revenue from which may be shared with partnering community schools; to require such districts to place such a levy on the ballot at the next general or special election to prescribe the creation of the position of independent auditor for such a school district, subject to voter approval; to authorize the mayor of the city in which such a school district is located to sponsor community schools; and to declare an emergency. Representative Heard and Representative Grossman offered sponsor testimony. The following individuals offered proponent testimony.

- Michael Coleman, Mayor of the City of Columbus
- Rhonda Johnson, President of the Columbus Education Association
- Michael Dalby, Columbus Chamber of Commerce
- Alex Fischer, CEO of the Columbus Partnership
- Carol Perkins, President of the Columbus City School Board of Education
- Emmanuel Remy, Northland Community Council
- Andrew Boy, United Schools Network

Senate Finance Committee

The Senate Finance Committee met on Tuesday and Wednesday to hold hearings on [House Bill 59](#). The following witnesses provided testimony on the education provisions of the bill:

- Robert Hancock, Treasurer of the Hamilton City Schools
- Erin Kutnow, Parent of gifted student

The committee made the following changes before passing the bill.

- Increases the Straight A fund appropriation by \$50 million per fiscal year
- Adjusts the nonpublic school line item appropriations to maintain parity with the public school formulaic appropriation changes
- Makes school funding formula changes
- Provides that a student receiving an Ed Choice scholarship may remain eligible for a reduced level of scholarship if the family income rises above 200% of the federal poverty level up to 400% of the federal poverty level
- Increases GRF appropriation item 200550, Founding Funding, by \$5 million in FY14. Specifies that the funds must be used to reimburse school districts for the cost of the Jon Peterson Scholarship deductions taken for students who did not attend a public school in their resident district in the previous year, and specifies that the payment amounts may be prorated if the amount is not sufficient
- Closes only the Fall 2013 application period for new Jon Peterson Special Needs Scholarships
- Makes Straight A Fund modifications- additional appointee to the governing board and removal of limitations on awards
- Removes monthly ADM and instead requires two ADM counts per school year- one in October and one in February
- Requires the State Board of Education to adopt rules for alternative certification for principals in the New Leaders for Ohio's Schools program created by the bill
- Clarifies that only districts offering all-day kindergarten for the first time and those districts already charging tuition for all-day kindergarten may charge tuition

- Requires that schools use foundation funding that is received for economically disadvantaged students on any of the following: extended school day and school year, reading improvement and intervention, instructional technology or blended learning, professional development in reading instruction for teachers of students in kindergarten through third grade, dropout prevention and school safety and security measures
- Revises the requirement that student participation in the PSEO program be based solely on the college's established "admission" standards, to instead be based solely on the college's established "placement" standards for credit-bearing, college-level courses
- Removes the gifted funding study
- Updates the law with regard to services that schools may receive from educational service centers
- Regarding the Parental School Transportation Subsidy, restores current law and changes the minimum amounts to \$225. Provides \$2.5 million in FY15 for this subsidy
- Requires the Department of Education to issue composite grades to community school operators that manage, in whole or in part, more than one Internet- or computer-based community school, based on the grades issued for the e-schools managed by the operator. Requires that an e-school managed by an operator described above be subject to sanctions or permanent closure based on the lower of the composite grade of the operator or the grade that the individual e-school received. Specifies that a student who transfers from one e-school to another e-school managed by the same operator is considered "continuously enrolled" for purposes of state assessment administration. Specifies that the resulting two e-schools from a separation under the bill may not add grade levels
- Reinstates the following provisions from the As Passed by the House version of the bill: (1) Affords students enrolled in chartered or nonchartered nonpublic schools and students receiving home instruction the opportunity to participate in an extracurricular activity at the school of the student's resident school district to which the student would be otherwise assigned under specified conditions. (2) Permits the superintendent of any school district to afford any student, who is enrolled in a nonpublic school and is not entitled to attend school in that district, the opportunity to participate in a school's extracurricular activities if, (a) the nonpublic school in which the student is enrolled does not offer the extracurricular activity, and (b) the extracurricular activity is not interscholastic athletics or interscholastic contests or competition in music, drama, or forensics. (3) Requires the superintendent of any school district to afford any student receiving home instruction and who is not entitled to attend school in that district the opportunity to participate in a school's extracurricular activities, if the activity is not offered by the student's resident district. (4) Prohibits a school district, interscholastic conference, or organization that regulates interscholastic conferences or events from imposing eligibility requirements on nonpublic school or homeschooled students that conflict with the amendment's provisions. Also, adds the following new provisions: (a) Authorizes a school district board of education to require students enrolled in chartered or nonchartered nonpublic schools and students receiving home instruction who are participating in an extracurricular activity in that district to enroll and participate in not more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity. (b) Requires the district board, if it chooses to implement the course requirement described above, to admit students seeking to enroll in an academic course to fulfill that requirement as space allows, after first enrolling students assigned to that school
- Removes provisions of the bill that (1) specify that no more than three members of a joint vocational school district (JVSD) board be affiliated with or a member of a labor organization and (2) require two members of the board to be selected based on their experience in career

development and career counseling for grades K-12 and career counseling for adult education. Authorizes each educational service center (ESC) that is a member of a JVSD to appoint members to the JVSD's board (in addition to requiring each school district that belongs to a JVSD to make appointments to the board, which is already provided in the bill). Requires that the total number of members appointed to the JVSD board be equal to the number of members on the JVSD's board prior to the bill's effective date.

- Requires the Department of Education to adjust, as necessary, the transitional aid guarantee base of school districts that participate in the establishment of a joint vocational school district (JVSD) that first begins receiving funding under the JVSD formula in FY14 according to the amount received by the districts in FY13 for career-technical education students who attend the newly established JVSD in FY14. Also, requires the Department to establish, as necessary, the guarantee base of the new JVSD as an amount equal to the absolute value of the sum of the associated adjustments to the guarantee bases of the school districts participating in the establishment of the new JVSD
- Requires each chartered nonpublic school to administer the state achievement assessments to all of its students if at least 35% of its total enrollment is made up of students who are participating in the Educational Choice Scholarship Program, Autism Scholarship Program, Jon Peterson Special Needs Scholarship Program, or the Cleveland Scholarship Program. For each chartered nonpublic school that has a total enrollment in which less than 35% of students participate in the scholarship programs described above, maintains current law which requires the school, if it educates students in ninth through twelfth grades, to administer the Ohio Graduation Tests and permits the school to elect to administer the elementary state assessments
- Eliminates the requirement that chartered nonpublic schools that accept the Ed Choice Scholarship permit families of eligible students to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship
- Subject to a child's individualized education program (IEP), exempts a child with a disability from all of the following: (1) The physical education requirement to graduate from high school; (2) The physical activity pilot project; and (3) School body mass index screenings. Specifies that a child with a disability must not be included in the measure established by the State Board of Education to gauge (1) student success in meeting physical education benchmarks, (2) compliance with local wellness policies prescribed by the federal "Child Nutrition and WIC Reauthorization Act of 2004," (3) whether a school district or building elected to administer the screenings for body mass index, and (4) whether a school district or building is participating in the physical activity pilot program.
- Increases GRF appropriation item 200408, Early Childhood, by \$10.05 million in fiscal year 2014 and by \$20.05 million in fiscal year 2015. Moves the Ready to Learn program and funding for the Ready, Set, Go . . . to Kindergarten Program and eliminates GRF appropriation item 200468, Ready to Learn, funded at \$5.05 million in each fiscal year. Modifies the Early Childhood Education program to qualify licensed child care providers for funding and require programs that are highly rated under the Step Up to Quality program to comply with the requirements of that program, instead of certain requirements of the existing program. Requires the Early Childhood Advisory Council to issue recommendations regarding an early childhood voucher program to the Superintendent of Public Instruction, the Governor's Office of 21st Century Education, the Speaker of the House, President of the Senate, and chairmen of the House and Senate Education Committees by October 1, 2013
- Authorizes the committees and subcommittees of a board of directors of a municipal school district transformation alliance to hold executive sessions as if the committee were a public

body with public employees. A provision in the bill authorizes the boards of directors of such entities to hold executive sessions under the same conditions

- For Educational Service Centers, specifies that the option to carry over funds at the end of a fiscal year applies only to both unexpended and unobligated funds, rather than funds that are only unexpended as under the bill. Removes the bill's provision that would permit an ESC client to use a portion of its carryover funds for a purpose other than those specified in its service agreement and requires that those funds only be used for services specified in the service agreement
- Modifies the requirements for a school district's installment payment contract for an energy conservation project. Removes a requirement that a contractor provide an energy guarantee bond for the full term of the contract in order to ensure payment of any shortfall in the projected energy savings, and instead specifies that the contractor must be responsible to pay for any such shortfall. Removes a provision that allowed the Ohio School Facilities Commission to reduce the term of such a contract to three years
- Specifies that individuals that provide services to a child under the Autism Scholarship Program are not required to obtain a one-year, renewable instructional assistant permit until December 20, 2014, rather than December 20, 2013. This amendment is supported by the Ohio Department of Education and is needed to allow enough time for State Board to create the certification process and then to allow providers time to understand the process and assist their instructional assistants, or aides, through the process
- Authorizes the Board of Education of a school district to pay money received from the sale of real property into the subdivision's general fund and used only to pay for nonoperating capital expenses related to technological upgrades and equipment to be used for instruction and assessment. Under current law, except for municipal school districts, such money must be paid into the sinking fund, the bond retirement fund, or a special fund for the construction or acquisition of permanent improvements. Current law provides municipal school districts, under certain circumstances, with authority to pay such money into the district's general fund
- Clarifies Senate-added language by requiring that students must be of at least kindergarten age or first grade age (in FY15) to qualify for the EdChoice expansion scholarship
- Cleans up Senate-added provision that allows Joint Vocational School Districts (JVSD) to enter into a fee for service agreement with an Educational Service Center (ESC).
- Increases the motor fuel tax reimbursement for city, exempted village, joint vocational, and local school districts and educational service centers for motor fuel purchased and used for school district and service center operations from 6¢ per gallon to 10¢ per gallon
- Reestablishes GRF appropriation item 200566, Literacy Improvement, with an appropriation of \$150,000 in each fiscal year and specifies that the funds be used for Read Baby Read

House Ways and Means

The House Ways and Means Committee met and held their second hearing on [Senate Bill 42](#) (Manning, R-North Ridgeville/ Gardner, R-Bowling Green), to authorize school districts to levy a property tax exclusively for school safety and security purposes. Dale Dawson, Vermillion Local School Board Member, offered proponent testimony.

Next Week's Committees

House Education Committee

The House Education Committee will be meeting on Tuesday, June 11 at 4:00 pm in Room 116 of the Statehouse to hear the following bills:

- [House Bill 18](#) (Patmon, D-Cleveland), with respect to metal detectors in public schools- 1st hearing- sponsor testimony
- [House Bill 58](#) (Gerberry, D-Austintown Township), to change the voting membership of the State Board of Education to consist of a member from each of several electoral districts with boundaries coinciding with the state's Congressional districts and a president to be appointed by the Governor if there is an even number of such electoral districts- 1st hearing- sponsor testimony
- [House Bill 96](#) (Strahorn, R-Dayton), to eliminate an exemption from the Public Employees' Collective Bargaining Law for specified educational employees- 1st hearing- sponsor testimony
- [House Bill 178](#) (Phillips, D-Albany), with respect to school safety drills- 1st hearing- sponsor testimony

Senate Education Committee

The Senate Education Committee will meet on Tuesday at 1:30 pm in the South Hearing Room to hear the following bills:

- [House Bill 167](#) (Heard, D-Columbus/ Heard, R-Grove City), to authorize certain school districts to levy property taxes, the revenue from which may be shared with partnering community schools; to requires such districts to place such a levy on the ballot at the next general or special election to prescribe the creation of the position of independent auditor for such a school district, subject to voter approval; to authorize the mayor of the city in which such a school district is located to sponsor community schools; and to declare an emergency- 3rd hearing- all testimony- possible amendments- possible vote
- [House Bill 14](#) (Pelanda, R-Marysville), with respect to a school district's withholding or transfer to another district or school of the records of a child who is alleged or adjudicated an abused, neglected, or dependent child- 1st hearing- sponsor testimony

The Senate Education Committee will also be meeting on Wednesday IF NEEDED at 10:15 am in the South Hearing Room to hear the following bill:

- [House Bill 167](#) (Heard, D-Columbus/ Heard, R-Grove City), to authorize certain school districts to levy property taxes, the revenue from which may be shared with partnering community schools; to requires such districts to place such a levy on the ballot at the next general or special election to prescribe the creation of the position of independent auditor for such a school district, subject to voter approval; to authorize the mayor of the city in which such a school district is located to sponsor community schools; and to declare an emergency- 4th hearing- all testimony- possible amendments- possible vote

House Ways and Means Committee

The House Ways and Means Committee will be meeting at 3:00 pm or after session in Room 116 to hear the following bill:

- [House Bill 107](#) (Baker, R-Westlake), to authorize tax credit for businesses that employ high school students in career exploration internships- 2nd hearing- proponent testimony

House Manufacturing and Workforce Development

The House Manufacturing and Workforce Development Committee will be meeting on Tuesday at 1:30 pm in Room 114 to hear the following bill:

- [House Bill 168](#) (C. Hagan, R-Alliance), to create a subprogram of the Post-Secondary Enrollment Options Program that permits students to participate in certified apprenticeship programs- 1st hearing- sponsor testimony

Federal Activity

House and Senate Education Committees Plan to Mark Up ESEA Reauthorization Bills

On Tuesday, Senator Tom Harkin (D-Iowa), the Chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee, introduced S. 1094, the *Strengthening America's Schools Act (SASA) of 2013*, a bill to reauthorize the Elementary and Secondary Education Act (ESEA), currently authorized as the No Child Left Behind (NCLB) Act. All Democrats on the HELP committee have co-sponsored the bill. The bill text, summary and one-pager can be found [here](#). The HELP committee plans to mark up SASA beginning Tuesday, June 11. It is unlikely that the SASA will receive any support from Republican committee members. Senator Lamar Alexander (R-TN), the ranking member, plans to introduce a Republican version that is significantly different than the Democrat version. On the House side, Representative John Kline (R-Minn), Chairman of the House Education and the Workforce, unveiled, on Thursday, the House Republican plan to reauthorize ESEA. H.R. 5, known as the *Student Success Act*, potentially could be marked-up the week of June 17. The text of H.R. 5 and a summary can be found [here](#). ODE staff will work on a comparison of the two bills.