



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 Testimony

Senate Sub. HB 154

Scott DiMauro – President, Ohio Education Association

September 10, 2019

Chair Lehner and members of the Senate Education Committee, my name is Scott DiMauro. I am currently in my 29th year in education, including 16 years in the classroom as a high school social studies teacher, and currently serve as the president of the Ohio Education Association (OEA). On behalf of the OEA’s 123,000 members, thank you for this opportunity to provide feedback on the Senate’s substitute bill for HB 154.

The draft bill under consideration makes a variety of proposals intended to address ongoing problems with the Ohio law (HB 70 131st G.A.) authorizing state takeovers of local school districts. This testimony will highlight specific feedback and recommendations regarding the draft bill. However, this does not represent a comprehensive outline of all issues and concerns raised by OEA in a previous letter to the Chair (dated August 29, 2019).

Although OEA opposes the current draft bill, we acknowledge the stakeholder feedback process is ongoing and the final product is a work in progress. OEA looks forward to working with the Ohio General Assembly to find common ground in solving the fundamental problems presented by Ohio’s state takeover law. To that end, OEA is hopeful that our constructive feedback to policy makers can facilitate the identification of problems with the state takeover law and the development of real solutions. We appreciate the Chair’s commitment to a non-punitive school improvement framework that depends on local control and stakeholder buy-in, acknowledges the time needed for meaningful improvement, and recognizes the need for flexibility in ensuring that each community’s improvement plan reflects the unique needs of that community.

Our focus in providing feedback is two-fold: First, to help all students in challenging learning environments overcome these barriers and become life-long learners. Second, to support the work of front-line educators serving students in especially challenging learning environments.

Classroom teachers are the front-line educators in our public schools. Our service to students is benefitted greatly when we have support and collaboration from others who share our commitment to the success of our students, including parents, education support professionals, principals, administrators, and locally-elected school boards.

As an overview to the following OEA feedback, the current draft bill contains some positive elements and constructive concepts that can serve as a foundation for improvement with continued stakeholder input. However, the major shortcoming of the draft bill continues to be the lack of checks-and-balances to the unilateral authority granted to the Director () of the School Improvement Commission (). The Director and School Improvement Committee would replace the Chief Executive Officer (CEO) and Academic Distress Committee (ADC) that exist in current law. The recommendations below are intended to address this fundamental flaw in Ohio's state takeover law and the current draft bill.

OEA recommendations:

1) Return local control to school districts and communities currently under the control of an Academic Distress Commission/CEO before the 2020-2021 school year.

Local control and community oversight play a fundamental role in both the operation and funding of public schools in Ohio. Those closest to students are in the best position to understand and assess the needs of the students in any given community. State takeovers break this system of local control and citizen-based accountability.

- OEA proposes to amend the ADC dissolution process in the draft bill to require the School Transformation Board (STB) to approve terms for a district's petition for dissolution and a transition to local control before the 2020-2021 school year. The current draft bill only allows current ADC districts to petition for dissolution between February 15, 2020 and June 30, 2020, and there is no guarantee of a return to local control. Therefore, it remains unclear whether, or when, the current ADC districts will be released from the problems of state control.
- OEA also proposes to automatically dissolve the current ADCs and provide these districts the same report card "restart" on the state takeover clock that all other districts would receive under the draft bill. By treating current ADC districts equally with all other districts, they will have the same fair opportunity to start fresh under whatever state takeover framework the General Assembly ultimately approves.

2) Return all collective bargaining rights taken away under the current state takeover law (HB 70; 131st).

State takeover laws do not create a school improvement environment by taking away educators' collective bargaining rights. Removing bargaining rights is a punitive and counterproductive measure that undermines school improvement. Effective school improvement actions taken by the General Assembly should support educators, not punish them. However, the draft bill aggravates this situation by taking bargaining rights away even faster than under HB 70. This is a mistake.

The removal of bargaining rights by the current state takeover law and the draft bill is a fundamental flaw that is based on false assumptions about the role of collective bargaining in school improvement. Teachers and education support professionals use the collective bargaining process as their formal voice to petition school district leaders for the kinds of supports they know will help them serve students in the classroom. Collective bargaining rights provide

educators a necessary opportunity to advocate for their student's needs, which is even more critical in districts that have especially challenging learning environments.

School leaders and decision makers also benefit from collective bargaining because they provide an important feedback mechanism to support district-wide collaboration around school improvement. A state takeover law that removes teacher collective bargaining rights will fail. School districts that receive an "A" rating on Ohio's report cards also have collective bargaining agreements. These important rights should be maintained and protected in all school districts.

OEA also proposes to remove district board policies and collective bargaining agreements as one of the factors to be included in a root cause analysis under Section 3301.283 of the bill. Collective bargaining is not the reason why some schools perform below expectations. The bill wisely requires an analysis of factors that may include leadership, governance, and communication; curriculum and instruction; assessment and effective use of student data; human resources and professional development; student supports; fiscal management; or other issues preventing full or high-quality implementation of improvement plans. If a root cause analysis identifies one of these issues and it is covered in a collective bargaining agreement, OEA believes it is appropriate for management and the union to address the issue at the bargaining table.

3) Increase and strengthen teacher membership on the School Transformation Board (STB) and the School Improvement Committee (SIC).

Input and feedback from active front-line educators will improve and inform the work of the STB and SIC as they seek to understand the barriers to learning faced by children living in poverty. Ensuring a meaningful role and a formal voice for at least one teacher on the STB and SIC will provide an important resource to these entities. This is in the interest of the students we are trying to help.

- OEA proposes that membership on the School Transformation Board should include at least one active teacher member (currently there is no active teacher member).
- OEA also proposes that the active teacher member on the SIC should have voting rights. The draft bill requires one teacher member on the SIC, but without voting rights. (Note that under current law, the designated educator member of an Academic Distress Commission does have voting rights.) The role and authority of the SIC should also be expanded, relative to the broad unilateral powers granted to the SIC Director.

In closing, thank you for engaging stakeholders in this important legislative effort to serve students by resolving problems and flaws with Ohio's state takeover law.

Any successful legislation will reflect a recognition that state takeovers are an inherently ineffective and inefficient policy model for collaborative school improvement.

Again, thank you for this opportunity to testify. I am available for any question the Chair or the committee members may have.

Thank you.