

# Education Update

To: LWVO

From: Joan Platz

Education Update for October 26, 2009

1) 128th Ohio General Assembly: The Ohio House and Senate will hold committee hearings and sessions this week. The Senate Education Committee will meet, but not the House Education Committee.

\*Governor Strickland announced on October 22, 2009 that Ohio had been designated as a "Leadership State" by the Partnership for 21st Century Skills (P21), Ken Kay President. P21 brings together the business community, education leaders, and policy-makers "to define a powerful vision for 21st century education to ensure every child's success as citizens and workers in the 21st century." The Partnership encourages schools, districts, and states to advocate for the infusion of 21st century skills into education, and provides tools and resources. Other 21st Century Skills Leadership States are Arizona, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Nevada, New Jersey, North Carolina, South Dakota, Wisconsin, and West Virginia.

To read the full press release from the Governor's Office please visit <http://www.governor.ohio.gov/News/PressReleases/2009/October2009/News102209/tabid/1290/Default.aspx>

\*Secretary of State Jennifer Brunner issued a press release on October 22, 2009 notifying the public that all county boards of elections have created websites with local information for voters. According to the press release, "Recent elections have shown an increasing trend of the public accessing election results online. All 88 county boards of elections will now be able to provide that timely information, including hours of operation, the location of board offices, information on board operations, and election results."

Links to all of the sites can be found at the Secretary of State's webpage at <http://www.sos.state.oh.us/SOS/elections/boeDirectory.aspx>.

2) HB 318 - Income Tax Freeze Approved: On October 21, 2009 the Ohio House approved Am. HB 318 (Sykes) entitled "The Education Funding Protection Act" by a vote of 55 to 44. Two amendments were approved before the bill passed.

Pending referral, this bill is scheduled for hearings this week in the Senate Finance and Financial Institutions Committee, chaired by Senator Carey.

HB 318 includes the changes in Ohio's tax system proposed by Governor Strickland to raise approximately \$844 million to use to close a projected budget deficit of \$851 million for this biennium. The remaining funds needed to balance the budget will be made through budget cuts, according to the governor.

The recently approved budget, Am. Sub. HB 1, now has a budget deficit, because of the loss of anticipated revenue from video lottery terminals (VLTs), which were to be installed at Ohio's horse racing tracks in May 2010. The VLT provision was included in Am. Sub.

HB 1, but was made impossible to implement after the Ohio Supreme Court issued a ruling on September 21, 2009 saying that the VLT provision was subject to referendum. To make-up the revenue that would have come from the VLTs, Governor Strickland proposed a temporary freeze of the state personal income tax rates at 2008 levels, postponing the final 4.2 percent reduction in rates set forth in 126-HB66. The bill also includes another provision to reduce the salaries of lawmakers by five percent. The tax freeze would be effective through June 30, 2011.

During the two days of hearings on HB 318 held on October 19 and 20, 2009 before the House Finance and Appropriations Committee chaired by Representative Sykes, committee members debated other ways to raise state revenue to cover the \$851 million deficit, such as proposals to consolidate and streamline state government included in HB 25 (Adams) and HB 240 (Sears) Medicaid Reforms. Committee members also debated whether or not the proposal was a tax increase, and at one point Chairman Sykes queried, "If it's not a tax cut, and it's not a tax increase, it must be a tax freeze."

Testifying in support of the bill in the Finance Committee were J. Pari Sabety, Director of the Office of Budget and Management; Rich Levin, Director of the Ohio Department of Taxation; Gayle Channing Tenenbaum from the Campaign to Protect Ohio's Future; Jerry Collamore, legislative director for Ohio Job and Family Services Association, Lisa Hamler-Fugitt from the Ohio Association of Second Harvest Food banks, and submitting written testimony, John Honneck from the Center for Community Solutions. No one testified against the bill.

Several committee members responded sympathetically to the testimony presented by Lisa Hamler-Fugitt, who described the impact of the economic crisis and the recent budget cuts on Ohio families.

According to her testimony poverty and hunger are increasing in Ohio, and the tax freeze is just one of several steps that should be taken to increase state revenue overall and rebuild a safety net for Ohio families. These steps include the following:

- Reconvene and appoint a new Welfare Reform Oversight Committee to hold field hearings and county evaluations on the impact of HB 1 and prior year budget reductions.
- Convene the House Ways and Means Committee to examine the impact of HB 66 on the reduction of the personal income tax and the CAT tax rates on the state's competitiveness and job creation assertions.
- Suspend and scrutinize all tax loopholes and credits to ensure that Ohio's tax system is equitable, fair, and balanced between individuals and business interests.
- Provide adequate funding to ensure government services are available and accessible in a time of economic recession and/or depression.
- Levy sales tax on lobbying, public relations services, and debt collection.
- Implement a temporary sales tax increase to fund vital health and human services to ensure our neediest citizens' basic needs are met.

-Roll back the personal income tax rates across the board to 2005 levels.

3) This Week at the Statehouse:

TUESDAY, OCTOBER 27, 2009

\*The Senate Education Committee, chaired by Senator Cates, will meet on Tuesday, October 27, 2009 at 4:00 PM in the North Hearing Room.

The Committee will hear testimony on the following bills:

-HB19 (Harwood) Dating Violence Prevention, which would require school districts to adopt a dating violence policy and to include dating violence prevention education within the health education curriculum.

-SB180 (Husted) Expand E-Charter Schools, Teacher/Principal Evaluations, and Teach for American. This bill would allow new internet or computer based community schools to open under certain conditions; requires the use of student performance data in evaluating teachers and principals for licensure; and qualifies Teach for America participants for a professional educator license.

-SB167 (Cates) School Performance Ratings, which would revise the performance ratings for school districts and buildings.

-SB173 (Cates) Delay Rules for School Districts, which would delay for one year the effective date of rules regarding school districts' expenditure of funds for core teachers and the requirement for districts to provide all-day kindergarten for all kindergartners.

WEDNESDAY, OCTOBER 28, 2009

The Senate Finance and Financial Institutions Committee, chaired by Senator Carey, will meet on October 28, 2009 at 9:30 AM in the Senate Finance Hearing Room. The Committee will hear testimony on HB 318

(Sykes) Income tax freeze, pending referral, including testimony from the Office of Budget and Management and the Ohio Department of Taxation. The Committee will also hear testimony on SB177 (Seitz), Tax Law Changes, which partially decouples Ohio law from recent tax law changes, and makes an appropriation.

\*The House State Government Committee, chaired by Representative Gerberry, will meet on October 28, 2009 at 2:30 PM, in Hearing Room 017. The Committee will hear testimony on the following bills:

-HB263 (Koziura) Video Lottery Terminals, which authorizes the playing of video lottery terminals at D liquor permit premises, regulates the use of video lottery terminals, requires licensure of video lottery terminal manufacturers, distributors, and operators; and exempts VLTs from certain state taxes.

-HB210 (Morgan) General Assembly/5 Percent Salary Reduction, which decreases by 5 percent the salaries of General Assembly members and of the statewide elected executive officers until certain increases occur in the Gross Domestic Product of Ohio.

-HJR4 (Murray) Casino Gaming, which authorizes the conduct of casino gaming at facilities in specified locations in this state if approved by the electors of a county or municipal corporation and in accordance with laws enacted to regulate and restrict these facilities.

\*The House Ways and Means Committee, chaired by Representative Letson, will meet on October 28, 2009 at 3:00 PM in Hearing Room 114. The Committee will hear testimony on several bills, including HB308 (Foley) Marginal Income Tax Rate, which increases the marginal income tax rate applicable to individuals, estates, and trusts with taxable income greater than \$200,000.

#### 4) Reports on Early Learning:

\*The October 16, 2009 issue of the Center for Community Solution's, "State Budgeting Matters, Early Care and Education Funding in Ohio" by Susan Blasko provides a welcome history and analysis of state support for early learning opportunities and care for children ages three to five in Ohio.

Even though Ohio lawmakers have shown bipartisan support for early care and learning over the past years, the recent economic crisis led lawmakers to cut funding for early childhood programs by more than \$281 million in Am. Sub. HB 1, the FY10-11 budget. But, the report notes that policy changes also included in Am. Sub. HB 1 will improve the quality and administration of early learning programs through the newly created Center for Early Childhood Development within the Ohio Department of Education (ODE). The Center will provide an infrastructure "to rebuild a system that can meet the developmental and educational needs of Ohio's children."

The report includes historical information about early care and education programs in Ohio starting in 1991 when the state made a historical investment of General Revenue Fund (GRF) dollars in the state funded Head Start program, and began state support for school districts to provide pre-K programs through Public Preschool Programs. The number of children in early learning programs increased from 118,328 in 1997 to 196,148 in 2003. Declines in state funding for early learning programs began in FY2004, and funding for state-supported Head Start also shifted more and more to funds from the federal program -- Temporary Assistance to Needy Families Program (TANF). By 2006 Head Start Plus, supported by TANF funds, was renamed the Early Learning Initiative (ELI).

TANF funds were exhausted at the end of FY2009. This led to a \$240 million deficit in the budget for early childhood education programs in spite of a \$277 million allocation from the GRF to support early learning in Am. Sub. HB 1, the FY10-11 budget. As a result, the Early Learning Initiative was eliminated, and funding for Ohio's Early Childhood Education (formerly Public Preschool) was also reduced.

According to the report, "With the elimination of ELI and the reduction in Public Preschool, Ohio has fallen behind many other states in access to state-funded pre-kindergarten programs.

Nationwide, 38 states, including Ohio, offered pre-kindergarten programs in FY 2008. Without ELI, Ohio drops to the bottom of the list, serving only 5,700 of

the state's estimated 300,000 children ages three and four in state-funded pre-kindergarten programs."

To read the full report please visit

<https://www.communitysolutions.com/images/upload/resources/sbmv5n13.pdf>

\*The Pew Center on the States' Pre-K Now Campaign, Marci Young project director, released a report on October 22, 2009 entitled "Votes Count: Legislative Action on Pre-K Fiscal Year 2010". This report evaluates state budgets to determine which legislatures consider high quality pre-K among their top education reforms. Research shows that quality early learning helps children succeed in school and contributes to the economic vitality of a state.

According to the report, there are many examples from Florida, Maine, Maryland, and Oregon that show how states have used resources from the American Recovery and Reinvestment Act to support pre-K programs.

The report also notes the following:

- Twenty-nine states and the District of Columbia increased or held steady funding for pre-kindergarten education.

- Nine states and the District of Columbia include pre-K in their school funding formulas, allocating per-child funding for 4-year-olds based on enrollment.

- Thirteen legislatures increased investment in existing programs by nearly \$130 million: Alabama, Arkansas, California, Colorado, Florida, Georgia, Kansas, New Jersey, New Mexico, Oregon, Tennessee, Texas and Virginia.

- Two states that previously had no state pre-K programs approved pilot initiatives: Alaska and Rhode Island.

- Nine states and the District of Columbia anticipate increases through the school funding formula (Texas is included in this group as well but counted only once in the tally of 23 states with increased investments).

- Six states maintained investments at FY09 levels: Delaware, Kentucky, Minnesota, Missouri Nevada and Pennsylvania.

- Ten states decreased funding: Connecticut, Illinois, Louisiana, Massachusetts, Michigan, New York, North Carolina, Ohio, South Carolina and Washington.

For more details about "Votes Count," please visit

<http://www.pewcenteronthestates.org/preknow>.

5) Partial Settlement in 16 Year Old Special Education Lawsuit:

Federal Judge John D. Holschuh of the U.S. District Court for the Southern District of Ohio, Eastern Division, ruled on October 20, 2009 that a consent order in a partial settlement of Doe v. State of Ohio was fair, reasonable, and adequate. The settlement was negotiated in response to a class action lawsuit brought by Ohio Legal Rights Services to ensure that children with disabilities in Ohio receive a free appropriate public education (FAPE) under the federal Individuals with Disabilities Education Act (IDEA). A second claim regarding the inequities in Ohio's school funding scheme for special education will continue to trial.

The OLRS became involved in this case in 1993, when plaintiffs asked to intervene in one of the lawsuits challenging Ohio's system for funding schools originally filed by school districts and the Ohio Coalition for Equity and Adequacy of

School Funding. The original school district plaintiffs withdrew from the case following the DeRolph school funding decision in Perry County.

According to an OLRs press release, the consent order in Doe v. State affects over 250,000 children with disabilities, and will bring the Ohio Department of Education (ODE) into compliance with federal regulations regarding granting waivers, monitoring school districts for compliance with IDEA, and investigating complaints filed by parents or students. The settlement requires the ODE to do the following:

- Ensure public access to information from the state's monitoring activities and to publicly post local school district compliance with the Individuals with Disabilities Education Act (IDEA) requirements.

- Provide oversight when waivers are requested to bypass specific special education service delivery ratios (class size, provider to student ratios, etc.). Parents whose children with disabilities may be affected by these waivers must be given notice of such requests before a decision is made on the waiver request.

- Provide additional notice to parents/guardians about the complaint process and information about advocacy resources after a state-level complaint is filed.

- Conduct a more thorough investigation of complaints about claimed violations of rights under the IDEA and ensure that violations of the law are corrected in a timely manner.

- Deny complaint timeline extensions (except in extraordinary circumstances) unless the request is agreed to by both the parent/guardian and the school district.

To read more about the settlement, please visit <http://www.olrs.ohio.gov/asp/doeconsentapproved.asp>.

6) Update from the Ohio Department of Education (ODE):

\*Family and Civic Engagement Grants: The (ODE) and the Ohio Family and Children's First Cabinet Council, First Lady Frances Strickland, chair, recently announced a new grant program called the 21st Century Learning Centers Family and Civic Engagement in Schools Initiative.

Twenty-five teams that include representatives from Family and Children First Councils, Educational Service Centers, and school districts, will be selected through a competitive grant process to receive funding to participate in this initiative. The purpose of the initiative is to develop a model that aligns services and systems to support students and their families, and increase student achievement and well-being. An online Family and Civic Engagement Bidders Conference will take place on November 2, 2009, from 10-11:30 AM.

For information about the initiative please contact Jennifer Vargo by email at [jennifer.vargo@ode.state.oh.us](mailto:jennifer.vargo@ode.state.oh.us) or by phone at 614-995-0231.

Information is also available at this website:

<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=428&ContentID=75665>

\*PASS form update: The ODE made the first payment under the new Evidence-Based Model (EBM) last week. This new funding methodology is outlined on the new Pathway to Student Success (PASS) form, which replaces the SF-3 form. Two manuals are also available to explain the EBM and each line on the form: Pathway to Student Success (PASS)

Form: An Evidence-Based Model and Pathway to Student Success (PASS)

Worksheet: Line-by-Line. To access the PASS form for each schools district and the manuals please visit

<http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=1001&Content=75698>

\*Credit Flexibility: Credit flexibility is a provision of the Ohio Core legislation to help more students graduate from high school ready for colleges and careers. The state's Credit Flexibility Plan requires local boards of education to adopt and have policies in place to comply with the state guidelines by the start of the 2010 school year. The ODE has developed a checklist for local boards to use in the development of local credit flexibility policies. For more information about the credit flexibility plan and requirements for local boards, please visit

<http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1427&ContentID=61432&Content=74346>

\*Academic Content Standards Revision: The ODE anticipates releasing the revised draft of academic content standards for English language arts, mathematics, social studies, and science during the second week of November. The drafts will be available on the ODE's Web site for review and public comment.

The revised standards will be Web-based and supported by model curricula which will include content statements, instructional strategies, and links to instructional resources.

According to the ODE, the standards, model curricula, and assessments will take approximately three years to complete and begin implementation.

The ODE is encouraging educators to participate in discussion groups and professional conversations around the standards, and will provide a Webcast and a toolkit as resources to support discussions.

Reviewers will have the opportunity to provide feedback electronically, individually, or collectively as a reviewing group.

Content area organizations will be encouraged to host focus groups to foster conversations and facilitate feedback about the standards.

The following is a timeline for the standards revision process:

-November - Dececeber 2009: Posting of the drafts, focus groups, online feedback.

-January - March 2010: More editing and revision as a result of the feedback.

-April - June 2010: The State Board of Education resolution and adoption process.

June 2010 - March 2011: Creation and vetting of model curricula,

accompanying instructional strategies and resources, March 2011 - TBA (2012-2013?): Test item development, field testing, and adoption of a new assessment system.

For more information about the standards please visit

<http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1696&ContentID=66295&Content=75913>

7) Report Links Arts and Graduation Rate: The New York City based Center for Arts Education, Richard Kessler executive director, released on October 19, 2009 a report entitled "Staying in School: Arts Education and New York City High School Graduation Rates". The report includes the results of a two-year study of graduation rates of students in public high schools in New York City, and compares those rates to student access to and participation in arts education programs.

According to the report, New York City high schools with the highest graduation rates also offered students the most access to arts education. The results were based on an analysis of data collected by the city's Education Department from more than 200 schools over two years. Schools ranked in the top third by graduation rates offered students the most access to arts education and resources, while schools in the bottom third offered the least access and fewest resources.

The report also notes that schools in the top third typically hired 40 percent more certified teachers in the arts, and offered 40 percent more classrooms dedicated to coursework in the arts than bottom-ranked schools. They were also more likely to offer students a chance to participate in or attend arts activities and performances.

Several national studies note that students at risk of dropping out of school often cite participation in the arts as a reason for staying in school. Research shows that arts education programs also have an impact on the overall school environment and student academic achievement.

"These findings suggest that increasing students' access to arts instruction in schools with low graduation rates can be a successful strategy for lifting graduation rates and turning around struggling schools, not just in New York City, but nationwide."

The report includes the following recommendations for the New York City schools:

- Expand course offerings in the arts and state graduation requirements in the arts.
- Expand student access to the city's cultural arts sector.
- Ensure all schools have certified arts teachers.
- Require adequate classroom space for arts instruction.
- Dedicate resources to support arts instruction.
- Ensure school compliance with existing state regulations for arts education. The New York State Education Department should conduct a thorough and periodic audit of compliance with the New York State education regulations for the arts, and

develop a comprehensive intervention program for districts and schools out of compliance.

The New York State Education Department, City Comptroller, or other government entity should conduct an investigation and a public report on New York City high school compliance with graduation requirements.

The full report is available at <http://www.cae-nyc.org/>.

8) New Survey of Teachers Released: Public Agenda, a New York City-based nonprofit, nonpartisan research organization, and Learning Point Associates, released on October 19, 2009 the results of a nationwide study entitled, "Teaching for a Living: How Teachers See the Profession Today." The study is based on a nationally representative survey of 890 teachers, and provides a comprehensive view about teachers and the teaching profession; why teachers enter teaching; the school environment and leadership; the problems teachers face; and education reform.

The survey organized respondents into three broad categories: disheartened; contented; and idealists.

According to the results, two out of five American K-12 teachers appear disheartened and disappointed about their jobs. More than half teach in low-income schools and 61 percent cite lack of support from administrators as a major drawback to teaching.

Contented teachers make up 37 percent of teachers and are more likely to say that their schools are "orderly, safe, and respectful." About two-thirds of this group teach in middle-income or affluent schools, and the majority holds a graduate degree.

Idealist teachers make up 23 percent of teachers surveyed and are more likely to believe that "good teachers can lead all students to learn, even those from poor families or who have uninvolved parents."

More than half are 32 years old or younger and teach in elementary schools, and 36 percent say that, although they intend to stay in education, they plan to leave classroom teaching in the future for other jobs in education.

To read the full report please visit

<http://www.publicagenda.org/pages/teaching-for-a-living> and <http://edweek.org>.

9) Bills Introduced:

SB190 (Schaffer) Junior ROTC: Include Junior ROTC as a permitted elective within the Ohio Core Curriculum.

HB319 (Williams) School District Parents: Requires parents of students enrolled in school districts rated continuous improvement or lower to attend a parent-teacher conference.

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