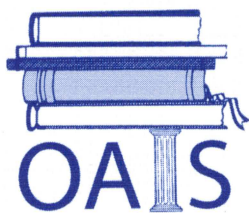


- Agnon School
- Andrews Osborne Academy
- Birchwood School
- Canton Country Day
- Cincinnati Country Day
- Cincinnati Hills Christian Academy
- Columbus Academy
- Columbus Jewish Day School
- Columbus School for Girls
- Columbus Torah Academy
- Gilmour Academy
- Grand River Academy
- Hathaway Brown School
- Hawken School
- Hershey Montessori School
- Hudson Montessori School
- Lake Ridge Academy
- Laurel School
- Lawrence School
- Linden Grove School
- Lippman Day School
- Mansion Day School
- Marburn Academy
- Maumee Valley Country Day
- McGuffey Foundation School
- Miami Valley School
- The New School
- Old Trail School
- Olney Friends School
- Ratner School
- Ridgewood School
- Ruffing Montessori School - Cleveland Heights
- Ruffing Montessori School - Rocky River
- Schilling School for Gifted Children
- Seven Hills School
- Spring Garden Waldorf School
- Springer School and Center
- Summit Country Day
- University School
- Village Academy Schools
- Wellington School
- Welsh Hills School
- Western Reserve Academy



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May 13, 2015

Senate Finance Committee
K-12 Education Subcommittee
Testimony re: HB 64
Ohio Association of Independent Schools
Dan Dodd, Executive Director

Chairman Hite, Vice Chair Sawyer, and members of the committee, thank you for the opportunity to present testimony on behalf of the Ohio Association of Independent Schools regarding House Bill 64. OAIS supports some of the changes made by the House in HB 64 and would urge the Senate to consider clarifying some provisions contained within HB 64 and adding other provisions. These provisions should be added to improve the educational climate for OAIS member schools and also to improve the financial investment made by the state in some of the programs mentioned.

High School Athletics Reform

It is a generally accepted principle of the Ohio High School Athletic Association (OHSAA) that athletic participation by high school students is an integral part of a student's academic experience. Unfortunately, the association continues to enforce and encourage rules and by-laws that specifically prohibit students attending private schools from playing any sports based on their national origin, while allowing other private school students and public students from other countries to play. The OHSAA also continues to enforce "recruiting" restrictions on private schools that inhibit a school's basic freedom of speech and marketing efforts, even if those efforts are completely unrelated to athletics.

The OHSAA's current bylaws specifically prohibit any foreign or out-of-state students enrolled at a school in Ohio from participating in any OHSAA-sanctioned sporting events or any club sporting events in sports sanctioned by the OHSAA. The OHSAA bylaws do allow an exception for exchange students. This means that students attending a private school since the 6th grade may not play any sports in grades 9-12, yet a student who is here for one year may participate. The current bylaw is clearly meant to discriminate against private schools, which are more likely to enroll students in schools for multiple years, as opposed to exchange students who often attend public schools.

Another OHSAA bylaw dealing with so-called "recruiting" forbids private schools from sending any communication to a student or parents of a student with a name on the address label. Mailings are must be addressed to "Occupant" or "To the Parents of a Student in the Household," even if the contents of the mailing do not make

a single reference to athletics. This is because any communication on behalf of a school is labeled “recruiting” by the OHSAA. Again, this restriction is directed at private schools, which are much more likely to engage in marketing, whereas public schools are free to use the directory information available to them to send materials specifically to students if they so choose.

The principals or administrators of member schools vote for the approval or disapproval of OHSAA bylaws. Approximately 85% of the member schools of OHSAA are taxpayer funded public schools, with principals paid with taxpayer dollars voting in their official capacity as public school principals. While the OHSAA claims to be a private organization, it would essentially cease to exist without the participation and dues paid by taxpayer funded public schools. Other states, such as Pennsylvania and Florida, have created legislative oversight committees in the past to right the wrongs of their associations. OAIS requests that the House and Senate specifically forbid discrimination based on national origin or residency, so long as the student attends a high school in Ohio. OAIS also recommends that the General Assembly create a joint oversight committee to address the concerns of private schools that are either OHSAA members or cannot be because of the organization’s restrictions.

College Credit Plus

Last year, the General Assembly and the Governor approved sweeping changes to the state’s post-secondary enrollment program by establishing College Credit Plus. The new program streamlines the operations of the old programs by making them more interactive and easier to navigate for schools and students alike. Many OAIS member schools participated in the old post-secondary enrollment program and plan to participate in College Credit Plus.

However, some schools do not participate in College Credit Plus for a variety of reasons. One reason schools choose not to participate is that the curriculum directors and school division heads believe the “equivalent” courses at a local college do not match the rigor of their schools. Forcing a private school to accept the credit over objections as to whether or not the course is rigorous enough for the private school’s expectations is a violation of a school’s curricular freedom.

Another reason schools may not participate is the possibility of students choosing to opt out of classes required at the school for reasons unrelated to the pursuit of college credit. Some reasons a student chooses to take a college class instead of a class at a private school, such as because the student may not like the private school’s teacher, are not consistent with the desirable pursuit of college credit. Private schools should not be forced to accept this kind of rationale for taking those classes.

A third reason is the case of a college class not reflecting the curriculum of a private school and the school would still be forced to accept the college class as credit for the private school’s course requirements. For example, if a private school is secular and places a strong emphasis on evolution over millions of years as part of its biology class, a student could take a class at a college that teaches a creationism-based biology theory and the private school would be forced to accept that as credit. This is not to say that one is better than the other, but they are inconsistent, and the private school should not be forced to accept credit for a class inconsistent with the school’s curriculum.

The House reaffirmed the truly voluntary nature of the College Credit Plus program by adding language specifically noting that the statutes and rules regarding College Credit Plus are not applicable if the private school does not participate. Since then, I personally have heard from school heads who personally do not want to be forced to accept College Credit Plus as high school credit, but do believe that some of their students who are ready to take advanced classes at a college campus ought to be able to do so without forcing the entire school into the program. An example of this would be a student who is capable of taking an advanced math or

science class that is a higher level than that offered at the school and that course counting as an elective or for fulfilling a school's credit requirements. OAIS would request that clarifying language be inserted by the Senate to the House changes in HB 64 that would still allow students to take advanced classes at college campuses, even if the school does not participate.

Operating Standards

The Ohio Revised Code, through ORC 3301.07(D)(2), requires the State Board of Education to set minimum standards for public and nonpublic schools to follow. For private schools, contained within the section listed above is language that specifically requires the State Board of Education to,

“... consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.”

The State Board of Education recently revised the Operating Standards for K-12 schools. The interpretation of the current statute by the Department of Education requires private schools to follow the same standards as public schools, with exceptions for rules that are based on statutes specifically directed at public schools.

The Board created a special committee to craft new Operating Standards and the committee leadership said stakeholder feedback from private schools was welcome. Unfortunately, all of the feedback was ignored. The previous and current Operating Standards do not even differentiate between public school districts and private schools in the definitions section (a request to recognize a difference was ignored). The current standards sought to impose new mandates upon private schools and it was not until the Lieutenant Governor's CSI office inquired with the Department and questioned the anti-private school language in some of the standards that the State Board relented and the Board modified some of the problematic language.

If anything, the process of the adoption of these standards made it clear that private schools are an afterthought in the deliberations of the State Board of Education. By focusing all of its attention on what is best for public schools, what is best for private schools is given virtually no attention. For ISACS-accredited schools, the ISACS accrediting standards are what matters most to us, yet we are still bound to follow the ill-fitting Ohio Operating Standards. The sequence of events regarding the revision of the Operating Standards illuminates the need for the state to recognize that ISACS-accredited schools are inherently different from public schools and both sectors should not operate under the same set of standards. OAIS asks the Senate to give ISACS-accredited schools the statutory independence to follow their own standards that pertain to the governance, curriculum and personnel in the school.

Graduation Testing

Two years ago, thanks to members of the General Assembly and Governor Kasich, HB 59 contained an exemption from end-of-course exam requirements for schools accredited by the Independent Schools Association of the Central States (ISACS). At that time, as it is now, Ohio is virtually the only state in America to require independent schools to be chartered by the state, administer state graduation exams chosen by the state and then mandate a certain score in order for the school to issue a school diploma to a student. The provision approved in HB 59 recognized the unique place within Ohio's educational system that ISACS-accredited schools occupy and provided freedom from unnecessary testing burdens.

After HB 59 was signed into law, HB 487 changed the law again regarding graduation requirements. By expanding the freedom for ISACS-accredited schools to other chartered nonpublic schools, HB 487 deleted the

ISACS exemption and allowed a testing opt-out in exchange for publishing the average national assessment of college and career readiness scores of each graduating class by quartile. Again, this provision is more than what most states require in terms of testing for private schools. However, HB 487 specified that this provision did not become effective until October, 2015. In the meantime, a committee consisting of House and Senate appointees, plus members of the private school community would convene to determine what graduation requirements are appropriate for private schools.

The committee created by HB 487 met several times over the course of five months and completed its work. A bipartisan group of committee members endorsed a proposal for the General Assembly to adopt. The proposal requires every private school to publish its graduation requirements online, publish how students will be assessed while enrolled at the school (including the use of standardized tests) and requires each student to meet all of the curriculum requirements mandated by the state and the school before a student receives a diploma.

The House did not adopt the committee's recommendations as part of House Bill 64. Instead, the House reinstated the ISACS-accredited school testing exemption for students attending these schools who are not on a scholarship. For students on an EdChoice or Jon Peterson Scholarship, state testing would still be required in order to receive a diploma from the school.

We are incredibly grateful to the House for reinstating the exemption that both houses of the General Assembly approved two years ago. OAIS still urges the Senate to incorporate the graduation requirements committee's recommendations and allow schools to choose the pathway for issuing diplomas that is most consistent with the private school's mission and curriculum. However, if the Senate does not adopt the bipartisan committee recommendations for all private schools and instead opts to reaffirm the House exemption for ISACS-accredited schools that the Senate introduced two years ago in HB 59, OAIS would respectfully request the Senate to amend the testing provisions for scholarship students in two ways.

First, the diploma requirements for scholarship students should be the same as those for non-scholarship students. Whether it is the Jon Peterson Scholarship students attending Marburn Academy or the Lawrence School, or the EdChoice students attending Columbus Torah Academy (CTA), those students should not face an additional obstacle to receiving a school diploma that a non-scholarship student does not face.

The graduation test mandate for the students attending Marburn and Lawrence is government interference with what a private institution can do and is doing much better than the public alternative. The administrators and teachers at these ISACS-accredited schools are board-certified professionals (the Jon Peterson Scholarship rules require such certification) and they are in a much better position to determine the student's capabilities than the state is through the use of a standardized test. Students attending Marburn and Lawrence have overcome a tremendous amount of adversity with hopefully less adversity awaiting them because of the specialized instruction they received at these schools. OAIS would ask that you recognize the judgment of these certified professionals and allow them to make the decision of who may or may not receive a school's diploma based on the student's coursework and performance on testing selected by the professionals at the schools. Adding another layer of standardized tests for students who are inherently not "standard" only gets in the way of their education with little ascertainable benefit for the state.

The same arguments for Marburn and Lawrence are also applicable to CTA, which accepts EdChoice students. All students graduating from CTA, like all students graduating from all private schools in Ohio, receive a diploma from the school, not the state. The professional administrators and teachers at those schools should have the ultimate authority to make the determination as to who receives the *school's* diploma. The right of the school to make a determination on a student's qualifications for a diploma should not be subservient to a state mandate for standardized tests.

Second, O AIS does not oppose the state's request of standardized testing for accountability purposes. O AIS schools believe, however, that the testing already used by the schools should serve as an adequate alternative to satisfy the state's needs. Marburn and Lawrence students are consistently assessed with standardized assessments to determine the student's growth and ability to understand the material presented. The use of those assessments is consistent with the plan created for each student by the professional staff with input from the parents and the student. The Senate already recognized the validity of what Marburn and Lawrence do from a testing perspective and allowed (in HB 487) flexibility for students in grades 3-8. The same flexibility ought to extend to high school students as well.

CTA also uses standardized assessments as a regular part of its assessment system to determine student growth and competency. None of these schools should be forced to add more standardized tests in order to satisfy a state need. I would point out that the Fordham Institute and the Foundation for Excellence in Education, two organizations both relied upon by the General Assembly for their expertise on school choice issues, both recognize the need to allow private schools to use recognized and credible norm-referenced tests in order to meet state accountability requirements.

Whether it's a student on a Jon Peterson or EdChoice scholarship, if the state of Ohio insists on publicly reporting testing results for so-called accountability purposes, we do not object. O AIS school heads leading schools accepting scholarships are willing to share their testing results to meet such a requirement. The mandates and interference by state government are the source of our opposition to the current policy.

Thank you for the opportunity to present testimony on behalf of O AIS and thanks to each of you for your service to our great state. I look forward to working with you on these issues and I'd be happy to answer any questions you may have.