

Jan Resseger sounds a warning regarding SB295 which would punish high poverty school districts

Resseger's warning about the disruption which SB295 would cause is reminiscent of the catastrophic, non-productive, senseless impact of HB70 which was enacted ten years ago. Under HB70, the school communities of East Cleveland, Youngstown and Lorain suffered immensely. The design of SB295 ensures that some districts would be adversely affected in the future.

Ohio State Senator Pushes New Version of Punitive Plan to Restructure or Take Over Low-Scoring Schools

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Andy Brenner, the Chair of the Ohio Senate Education Committee, is once again pushing the Ohio Legislature to pass an old fashioned, test-and-punish school accountability bill, Senate Bill 295, in this last week of the legislature's lame-duck session without sufficient public accountability or hearings. The bill would significantly restructure or close the schools in some of Ohio's poorest communities. A hearing on the bill is scheduled for this afternoon.

Brenner, "[an entrepreneur in the real estate and mortgage fields](#)," who earned a Masters of Arts in Teaching from Liberty University Online, is known for the now disproven theory that if teachers work harder and smarter, they can immediately ensure their students score higher on standardized tests. His new bill is modeled after No Child Left Behind (NCLB), which promised to make every American child proficient by 2014. Of course, we now know that NCLB's threatening educators and school districts with scary sanctions failed to produce uniformly proficient students despite all the threats to close or charterize so-called "failing" schools, or fire and replace all the staff.

In a December 11, 2024 report for the *Cleveland Plain Dealer*, [Laura Hancock explains](#): "Under Senate Bill 295, charter school operators, Ohio public or private colleges or universities, state-approved education management organizations, or regional educational service centers could take charge of... poor performing public schools. The bill also would allow the school to remain open if the principal and at least a majority of licensed staff are replaced. If the entire school district has triggered closure criteria, the district could consolidate with another... The bill provides new definitions of a poor-performing school based on rated components in the school report cards. A school would be rated as poor performing if it received a performance index score in the bottom 5% of the state, in addition to a value-added progress score in the bottom 10%." "The bill would apply to district-operated (public), charter, and STEM schools serving fourth grade and above."

Hancock explains that Senate Bill 295, which Senator Brenner is trying to shove through the lame-duck session this week before the end of the legislative session, "was introduced on June 24, shortly before lawmakers returned to their districts for a recess that didn't end until the week after the Nov. 5 election. The bill originally was filed with general boilerplate language that said it was the intention of the legislature to revise school closure requirements. A 106-page substitute bill introduced Dec. 3 replaced the boilerplate language with specifics, which hadn't been added to the bill's official website as of Tuesday afternoon (December 10, 2024). Legislative staffers are rushing to update dozens of bills online during the year-end lawmaking frenzy."

Hancock reminds readers that the last Ohio test-and-punish school accountability mandate was House Bill 70. Passed in 2015, House Bill 70 created appointed academic distress commissions as overseers for so-called "failing" school districts. There was an uproar of protest in Youngstown, Lorain, and East Cleveland when the schools were taken over and managed by state appointed CEOs who were, in Youngstown and Lorain, unfamiliar with the communities and the schools. When there was not significant academic improvement in the state report card ratings in the three districts under state takeover, in 2021

the legislature created a path by which these school districts could shed their academic distress commissions and return to local control by submitting three year improvement plans. And in the FY2024-FY2025 state budget bill, due to pressure from Lorain's legislators, the legislature finally let Lorain's schools off the hook. Clearly the state's strategy for taking over school districts had neither helped students nor raised these districts' state ratings.

Today, in the case of Senator Brenner's proposed Senate Bill 295, the penalty would likely have a broader reach than the old House Bill 70. Hancock quotes the president of the Ohio Federation of Teachers, Melissa Cropper pointing out: "Because the requirements for closure or restructuring are based upon bottom percentages, there will always be schools that meet the criteria, even if those schools are meeting state standards. As low performing schools are closed, other schools that are higher ranked will now be in the bottom 5% even if they show no decline in their own rating."

It is well known that a school district's aggregate standardized test scores correlate more closely with the economic level of the district's population than with the quality of the schools' programming and teachers. What Senator Brenner, whose district includes the wealthy, exurban Olentangy public schools, never acknowledges is that his new bill is an attack on school districts serving concentrations of poor children. And while Senator Brenner specializes in devising punitive systems for low scoring schools and school districts, Ohio's legislature, in which Brenner chairs the Senate Education Committee, has not yet fully phased in and funded the Fair School Funding Plan, which is designed to provide equity and to invest in school districts serving children in poverty. Ohio's legislature also recently established a universal voucher program currently diverting a billion dollars a year from the state budget to private schools.

Experts explain the correlation of any school district's aggregate standardized test scores with the economic level of the district's families. Daniel Koretz, the Harvard University expert on standardized testing explains: "One aspect of the great inequity of the American educational system is that disadvantaged kids tend to be clustered in the same schools. The causes are complex, but the result is simple: some schools have far lower average scores.... Therefore, if one requires that all students must hit the proficient target by a certain date, these low-scoring schools will face far more demanding targets for gains than other schools do. This was not an accidental byproduct of the notion that 'all children can learn to a high level.' It was a deliberate and prominent part of many of the test-based accountability reforms.... Unfortunately... it seems that no one asked for evidence that these ambitious targets for gains were realistic. The specific targets were often an automatic consequence of where the Proficient standard was placed and the length of time schools were given to bring all students to that standard, which are both arbitrary." ([The Testing Charade](#), pp. 129-130)

And here is Regents Professor of Education Emeritus at Arizona State University and past president of the American Educational Research Association, [David Berliner describing](#) what test scores show: "(T)he big problems of American education are not in America's schools. So, reforming the schools, as Jean Anyon once said, is like trying to clean the air on one side of a screen door. It cannot be done! It's neither this nation's teachers nor its curriculum that impede the achievement of our children. The roots of America's educational problems are in the numbers of Americans who live in poverty. America's educational problems are predominantly in the numbers of kids and their families who are homeless; whose families have no access to Medicaid or other medical services. These are often families to whom low-birth-weight babies are frequently born, leading to many more children needing special education... Our educational problems have their roots in families where food insecurity or hunger is a regular occurrence, or where those with increased lead levels in their bloodstream get no treatments before arriving at a school's doorsteps. Our problems also stem from the harsh incarceration laws that break up families instead of counseling them and trying to keep them together. And our problems relate to harsh immigration policies that keep millions of families frightened to seek out better lives for themselves and their children... Although demographics may not be destiny for an individual, it is the best predictor of a

school's outcomes—*independent of that school's teachers, administrators and curriculum.*" (Emphasis in the original.)

[view graph [here](#)]

Finally it is helpful to look at the 2019 graph published by Rich Exner, the Cleveland *Plain Dealer's* former data wonk. [Exner examined](#) the correlation between Ohio's state school report card grades and the school districts' average family income and parents' level of education. While in 2024, the Ohio Legislature now ranks schools using a 1-5 scale (with 5 representing the top-ranked schools) instead of assigning letter grades, the correlation between family income and school district ratings remains the same. Ohio's school district report cards—and legislation like today's proposed Ohio Senate Bill 295—do not consider the opportunity gaps that challenge students who live in impoverished conditions.