

*Ohio School Counselor Association  
Legislative Report*

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**House Bill 59 - Biennial Budget Bill**

The 130<sup>th</sup> General Assembly is off and running with the state's biennial budget bill. In February, Governor Kasich unveiled his budget proposal. On April 9, 2013, the House Finance Committee unveiled a substitute version of HB 59. They made several major changes to the Governor's proposal. Below are bullet points highlighting both the Governor's proposal and the changes the House Finance Committee made to these categories of policy.

- **Medicaid Expansion**

Governor's Plan:

Under the Affordable Healthcare Act, the federal government required states to expand Medicaid eligibility to 138% of the federal poverty level. However, when challenged in the Supreme Court, the court ruled that states could not be forced to enact the expansion, so that piece of the ACA was optional for states. Kasich has recommended that Ohio does move forward with the expansion, with the understanding that the federal government will pay 100% of this cost for three years, decreasing to 90% in 2020 and beyond. As a safeguard, included in HB 59 is a provision that Ohio has the legal authority and will automatically roll back the extension if the federal government changes the rules.

The Office of Health Transformation estimates that 366,000 Ohioans will newly enroll in Medicaid because of the expansion. 231,000 people who are currently eligible, but not enrolled in the program will enroll because of the so-called "woodwork effect". This population will not be reimbursed at 100% by the federal government, so Ohio will incur some additional expense because of this population.

House Version:

The House Committee removed the Expansion proposal from the legislation. Speaker of the House Bill Batchelder indicated at a press conference prior to the Committee meeting, that there was not enough support in the House Republican Caucus to pass the Medicaid Expansion. He explained that there isn't clear enough direction coming from Washington to implement the expansion. However, recognizing that behavioral health services are grossly under funded, the House did add an additional \$30 million per year to counties for mental health services and an additional \$20 million per year for drug treatment. (For a total of \$100 million new dollars in the biennium.)

On the floor of the House on April 18, 2013, Representative Barbara Sears (R – Sylvania) offered an amendment that Republicans said would continue the discussion on a Medicaid plan for Ohio but not an expansion. The amendment would require the House to introduce legislation "to reform the Medicaid program and Ohio's health care delivery system. It allows for the state to seek a waiver under the Social Security Act Section 1115 or a state Medicaid plan amendment or a combination of the two. It also calls for the Medicaid Director and the Director of the Governor's Office of Health Transformation to submit to the General Assembly terms of any federal approval obtained for Medicaid reform by Oct. 1, and requires the General Assembly to enact legislation by the end of the year or abandon any Section 1115 waiver or Medicaid plan amendment. Sears said the amendment allows legislators to continue to educate themselves on different options for Medicaid reform and allows a continued conversation.

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- **Tax Reforms**

Governor's Plan:

Cut taxes for small business owners in half on the first \$750,000 of earnings; cut the state income tax by 20 percent, and cut the state sales tax rate from 5.5 to 5.0 percent. At the same time, the Governor's proposal broadens the sales tax base to include most services and by raising the severance tax from 20 cents on a barrel of oil to 4.0 percent. The term "services" was defined in the bill to mean "any act performed for another for a fee, retainer, commission or other consideration." There were some exemptions including: medical and healthcare services; educational services; adult and child day care services; funeral services; and services of an employee rendered to his/her employer.

House Plan:

- The House also pulled out the proposed expansion of the sales tax base to include most services. The Chair of the Finance Committee, Representative Ron Amstutz, stopped short of saying the proposal was dead, but did say it was out of the bill for now. They also included an immediate 7% across the board income tax reduction that will be funded with the current state surplus. Amstutz and Batchelder indicated they will continue to work with the Governor's administration and the Senate to find ways to fund further reduction in taxes.

- **Education Reform**

Governor's Plan:

The Governor's proposal calls for the State Board of Education to review and revise the operating standards set for schools to make sure that the standards do not set requirements that exceed what is needed to ensure students attend safe and healthy places of learning and receive the same core curriculum.

Guarantees: These components represent the state resources necessary to help students succeed. However, over the course of the last 15 years, there have been significant and repeated changes to school funding in Ohio. Each of these changes included components that held districts harmless from changes related to the formula. These "guarantees" maintained funding levels or limited funding losses, regardless of a district's declining enrollment or increased taxing capacity. However, these guarantees are neither fair nor sustainable in the long term. As implementation of our funding formula without continued temporary assistance could destabilized a district's finances, each district is ensured the same level of funding for these core resources as was received in the prior year. It is important to note that the guarantee represents \$880 million over the biennium and will represents 7.4 percent of FY 2014 foundation funding to traditional public school districts.

Removed minimum staffing for Speech Pathologists and School Psychologists.

House Plan:

Maintains the footprint of the Governor's proposal with some adjustments. Restores minimum staffing for Speech Pathologists and School Psychologists. Provides a 100% guarantee of FY 13 funding for both, and caps increases at 6% for both years. Under the House plan, approximately 175 districts will remain on the "guarantee".

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Modifies language relating to minimum school year (Also see HB 32). Under the legislation, schools would be required to be open for instruction a minimum of:

- 455 Hours for kindergarten, unless the school has available all day kindergarten, in which case they shall be open a minimum of 910 hours;
- 910 hours for students in grades 1-6;
- 1,001 hours for students in grades 7-12.

Other provisions include: Merging ODMH and ODADAS into the Ohio Department of Mental Health and Addiction Services. Current ODMH Director Tracy Plouck will serve as Director of the new merged Department. Creating a stand alone Department of Medicaid, this will be led by the current Medicaid Director John McCarthy.

The House of Representatives passed their version of the budget late on April 18, 2013 by a vote of 61-35.

The bill will now be sent to the Senate for deliberations. The Senate has already started their committee process, including testimony on April 17, 2013 from a panel on Education. The panel included State Superintendent Dick Ross and Early Education and Development Officer Angel Rhodes, of the Governor's Office of 21st Century Education. This was the initial education testimony before the Senate, but the policies will be flushed out in more detail before the Education Subcommittee.

A final version of the bill must be agreed to by both chambers and signed by the Governor by June 30, 2013.

**OSCA Representative Sarah Collins Participates on School Safety Panel; Pollock Also Testifies**

In reaction to the school shooting in Chardon and Sandy Hook, the Ohio Senate put together a school safety work group. Senator Peggy Lehner, Chair of the Senate Education Committee reached out to OSCA for a school counselor representative. Legislative Advocacy Chair, Sarah Collins, has made herself available to participate in discussions. Sarah participated in an initial meeting on January 29<sup>th</sup> at the Statehouse. Sarah was also invited to testify before a panel on February 12, 2013.

Additionally, the Senate established a joint committee to address school safety and the prevention of violent acts in public places. The bipartisan Committee on Safe and Secure Schools included members of the Senate Public Safety and Education committees and was co-chaired by Senator Frank LaRose (R-Copley) and Senator Peggy Lehner (R-Kettering).

“This committee will have two priorities – protection and prevention,” LaRose told reporters. “We want to make schools a safe place to learn and ensure professionals have the tools they need to identify those likely to commit offenses.” Lehner said mental health will be a major focus of the committee. “We hope to better identify the potential for this type of violent act and get help for those at risk,” she added. “This is a very challenging and complicated issue, but there is a very strong will within the Senate to tackle the problem.”

One issue Lehner wants to explore is what is being done to address bullying because that is a common thread among these incidents.

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Sarah Collins testified, on behalf of the Ohio School Counselor Association, before the Joint Committee on February 12, 2013 as part of panel with School Social Workers and School Psychologists.

*Sarah told the Committee - On a school based mental health team, School Counselors often serve as the gatekeeper for the referral process. In my school, all requests for intervention - be it academic or behavioral - are given to the School Counselors. From there, we pull all necessary stake-holders together to meet about the student's needs. Within the school system, we work side by side with other mental health professionals to provide holistic support to all students. School Counselors also serve as the bridge between counseling services offered by the school, which are often brief and solution focused, and community mental health agencies, where students can receive more in-depth services.*

Additionally, Gregg Pollock testified before Joint Committee, of behalf of the Ohio Counseling Association on February 26, 2013. Gregg testified that: *It is important that mental health counselors and school counselors work together in terms of communication and cooperation when it comes to dealing with school related issues such as bullying. I have seen firsthand the damage that bullying has on a personal and professional level and it is my hope that substantive changes can be made at the state level to increase awareness of this important issue.*

The Joint Committee will soon issue a report with their recommendation for possible legislation to address the issue of school safety. They will take into account testimony they have heard and suggested they received. Co-Chair Lehner has also indicated that a survey will be going out to members of the Senate to gauge support for certain proposals before final recommendations are made.

**Senate Bill 42 – School Safety Levies**

Senate Bill 42, sponsored by Senators Gayle Manning (R – North Ridgeville) and Randy Gardner (R – Bowling Green), would allow school districts to levy property taxes exclusively for school safety and security. In sponsor testimony, they indicated that the issue was brought to them by Vermillion School officials who requested the permissive change to state law, saying restricting funds raised for safety and security will ensure taxpayers that future school boards or superintendents won't have the ability to divert that money to other purposes.

The bill is also supported by the Fraternal Order of Police, the Ohio School Boards Association, Buckeye Association of School Administrators, the Ohio Association of School Board Business Officials, and the Ohio Education Association.

During the bill debate on the Senate floor, Senate Peggy Lehner, who co-chaired the Joint Committee on Safe and Secure Schools, indicated that SB 42 was not the beginning or the end of the discussion on school safety and that recommendations from her committee were forthcoming.

The legislation was considered by the Senate Ways and Means Committee. It was passed by the Ohio Senate on April 10, 2013 by a vote of 31-2. SB 42 has been referred to the House Ways and Means Committee for consideration.

**Hayes Introduces School Minimum Hours of Instruction Legislation**

House Bill 32, sponsored by Representatives Bill Hayes (R – Granville) and Bill Patmon (D – Cleveland) would establish a minimum school year for school districts, STEM schools, and chartered nonpublic schools based on hours, rather than days, of instruction. A similar proposal could be included in the budget bill.

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Under the legislation, schools would be required to be open for instruction a minimum of:

- 455 Hours for kindergarten, unless the school has available all day kindergarten, in which case they shall be open a minimum of 910 hours;
- 910 hours for students in grades 1-6;
- 1,001 hours for students in grades 7-12.

The legislation also requires that not later than 30 days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction. Each board would be required to publish notice of the hearing in a newspaper of general circulation in the district not later than 30 days prior to the hearing.

**How to Contact Your Lobbyists**

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