



**Substitute Senate Bill 5 Testimony
Senate Insurance, Commerce & Labor Committee
February 15**

Chair Bacon, Vice-Chair Faber, Ranking Member Schiavoni, and Members of the Senate Insurance, Commerce & Labor Committee, my name is Damon Asbury, Director of Legislative Services of the Ohio School Boards Association (OSBA) and with me is David Varda, Executive Director of the Ohio Association of School Business Officials (OASBO). OSBA represents more than 3500 public school board members across the state. Our membership represents more than 99% of all Ohio public school boards — serving more than 1.9 million school children attending urban, suburban and rural school districts across Ohio. OASBO has over 1100 members who direct and supervise the school business operations of the over 700 school districts. School districts see firsthand the effects of the deficiencies in the current collective bargaining statute and other statutes restricting the flexibility of school districts to deliver a high quality education in this time of limited or declining resources.

Public school boards represent one of the oldest and most basic forms of American public service and democracy. Members are chosen directly by their communities to represent and provide stewardship to two of their most precious resources — their children and their money. These school boards employ school business officials to ensure that taxpayer dollars are efficiently and effectively used to support the educational goals of the district.

It is the desire and practice of our associations and our members to work collaboratively with parents, students, administrators, teachers, staff, educational associations, and community groups to make support of public education a high priority.

Collective bargaining has been the law of the State of Ohio since 1983. In those 28 years, boards of education and their administrative staff have negotiated literally thousands of contracts.

In general, our associations support the concept of collective bargaining. Properly conducted, the process provides a formal and accepted opportunity for labor and management to work together to resolve issues and in the ideal, identify ways to collectively improve student achievement. However, there are issues and concerns over the practical application of collective bargaining. Over the course of time, a combination of the law, court cases, SERB interpretations, and yes, even decisions at the local level, have led to a significant erosion of management rights and made it extremely difficult for local boards of education to effectively manage schools.

Our legislative platforms clearly state our position of this matter. In addition to our platforms we requested input from our members on this topic when it was clear that such reform was a major policy initiative of Governor Kasich and the 129th General Assembly. Simply stated, our associations believe that changes and modifications in the collective bargaining process are needed, particularly with respect to ORC Chapter 4117 and certain sections of Chapter 3319 relating to teacher evaluation, teacher tenure and reduction in force. For this reason, we endorse and support the major aspects of SB 5, particularly as many of SB 5 provisions remove

state mandates and return authority to locally elected boards of education and their administrative staffs. Our review of SB 5 indicates that most of the issues identified by our members have been addressed. In particular, our members' input suggested the following:

Bargaining should be restricted to a specific time period and the impasse provisions should be better defined. Chapter 4117 requires one of the parties to notify the other that they would like to negotiate a new contract. These negotiations can become protracted and this causes unnecessary expense and tensions in the workplace. The specific time periods and impasse procedures in SB 5 address our members' concerns in this area.

We support narrowing the scope of bargaining salaries and benefits. We look forward to replacing the current compensation model of the salary schedule with a 21st century methodology for fairly compensating all school employees.

We support removing health care from the bargaining process and the provision that caps the public employer's share of health care premiums. We hope that we will continue to focus on best practices, like those adopted by the School Employee Health Care Board (SEHCB), which we believe will control the cost of providing health care even more. We are concerned with the elimination of this board and would encourage reconsideration of this provision. We look forward to the discussion of regional or statewide pooling for health care for further cost savings to our members and their communities.

We appreciate the flexibility SB 5 includes for management particularly in the following areas:

- We support flexibility for management during negotiations impasse and work stoppage.
- We support the provisions that increase flexibility in limited and continuing contracts.
- We support the flexibility that allows Boards of Education to develop a local leave plan.
- We support the broader factors to be considered in reduction in force decisions.
- We support the elimination of language that requires "effects" bargaining.

We would like to reiterate that our associations and our members strongly support transparency at the local level. Therefore, we support the provisions to increase transparency on the collective bargaining process.

We thank you for the opportunity to testify today. We would be remiss if we did not point out that while some of these changes certainly give management of local school districts more flexibility, it will not preclude districts from making cuts in current programs or seeking additional tax revenue from their citizens due to the looming state budget crisis. We look forward to working with the legislature, governor and bargaining units on this important issue.