



MEMBERS ONLY BRIEFING

2016 General Election Results & What it Means for K-12 Education in Ohio

November 10, 2016

This is an OESCA members-only brief on the 2016 General Election results and the potential impact on K-12 in Ohio and nationally. Results are from various state and national news outlets as identified at the end of the document. Viewpoints, to the degree they are expressed, are those of the author and do not reflect the views, opinions or positions of OESCA or the OESCA Executive Committee and membership.

Outlined below, albeit in abbreviated fashion, are the results of the 2016 General Election and the impact on the state policy and political scene in Ohio with a particular focus on K-12 public education. Ultimately, Republican Presidential candidate Donald Trump's surprisingly strong win in Ohio was reflected down ticket in Congressional and state legislative races, as the Republican party retained all Ohio congressional seats and added to historically large majorities in both the Ohio House and Ohio Senate. Republicans also gained seats on the State Board of Education. At the local level, voters largely backed local tax levy requests if they were renewals but soundly rejected most requests for new money.

President

President-Elect Donald Trump defeated Secretary of State Hillary Clinton with 279 electoral votes to her 228. Candidates needed to achieve 270 electoral votes to secure the presidency. Despite not achieving the requisite electoral votes and losing the election, it does appear that Clinton narrowly won the popular vote.

The election of Donald Trump raises big questions about federal policies and their potential impact on the state of Ohio including statements the president-elect made relative to the repeal or replacement of the Affordable Care Act or Obamacare.

The same holds true for primary and secondary education.

So, what does Donald Trump's win mean for primary and secondary education? It's hard to say because it has not been a centerpiece of his campaign policy agenda, despite the fact jobs, public safety and education are the 3 leading policy areas of interest to most Ohioans and voters across the country.

During his acceptance speech, President-Elect Trump made only a fleeting and vague reference to education, as he pledged to bring his business experience to government and vowed "to fix our inner cities and rebuild our highways, bridges, tunnels, airports, schools, hospitals." Despite being swept into office on a wave of sentiment from an electorate that feels left behind and disaffected in the new knowledge economy, it is yet to be seen whether the next president views education as a critical element to the nation's economic security and vitality.

Since entering the race before the primaries even began Trump has offered few details about his views on education policy. That being said, both he and his team have reiterated some longstanding conservative talking points:

- encouraging school choice using federal block grants;
- protecting children from cyberbullying on social media;
- addressing child care affordability;
- eliminating the Common Core; and
- dismantling the U.S. Department of Education.

Many of Trump's education proposals have been vague, and at times contradictory. And some, like eliminating Common Core, are really education policy issues left to the states and clearly outside the bounds of what a president can actually do. This is where it becomes clear that there is a distinct difference between campaign promises and governing.

Like other republican presidential candidates, Trump has said he'd dismantle the Education Department; or, at least "downsize" the department to an entity that just allocates funding. For example, some in the Trump camp have said there's no need to keep the department's Office for Civil Rights (OCR), which oversees Title IX enforcement and has become increasingly active over the last eight years in shining a spotlight on campus sexual assaults. But eliminating OCR would not only be controversial but is likely a politically untenable position. It is also important to note that eliminating the Department of Education would likely take an act of Congress.

Thus, many questions remain in the K-12 education world as to what a President Trump will, in fact, actually mean to them.

Among those questions are, what will Trump's education department look like? Trump has offered a few hints about who he might pick to lead the department including:

- Ben Carson, the retired neurosurgeon who ran against Trump in the primary;
- Gerard Robinson, a fellow at the conservative-leaning American Enterprise Institute, who has been working on education issues for Trump's transition team;
- Carl Paladino, a Trump surrogate and a businessman who previously challenged New York Governor Andrew Cuomo and sits on the local school board in Buffalo, N.Y.; and
- New Jersey Governor Chris Christie, who is leading Trump's transition team.

It is important to note that this is speculative and more will be learned in the coming days, weeks and months as the transition team begins its work in anticipation of the inauguration, swearing in and assumption of office in January 2017.

One thing is certain, however. Whomever is selected as the next Secretary must deal with the Every Student Succeeds Act (ESSA) and how it affects public schools across the country. The Obama administration's strong ESSA regulations, viewed by many as No Child Left Behind 2.0, have drawn the ire of many Republicans and some Democrats in Congress, along with state and local education officials, teachers' unions and others, and the Trump administration could seek to upend or change much of the regulatory work to date. This, of course, remains to be seen.

U.S. Congress

Republicans maintained control of the U.S. House and Senate as outlined below. Though they control the Senate, the Republicans do not have 60 votes, which is essential to accomplishing the important policy-related work and passage of legislation in the Senate. This will most certainly make it more complicated for President-elect Trump to work with the Senate despite having a majority of his own party in control.

U.S. Senate – Incumbent Republican Rob Portman defeated former Democrat Congressman and Governor Ted Strickland.

The U.S. Senate remained in Republican Control 51 – 46, with 2 independents and 1 election not called. So far, this is a net pick up of 2 Democrat seats.

U.S. House - As Ohio emerges from the 2016 election, the state will continue to have 12 Republicans and 4 Democrats in the lower chamber. There was no expected turnover among Ohio's 16 congressional representatives.

Republicans have a 238-193 majority with 4 contests still undecided. At this time, that is a gain of 6 seats for Democrats and a loss of 6 seats for Republicans.

It is important to note, and perhaps ironic, that in a presidential election in which the electorate spoke out against a dysfunctional congress and “corrupt system” that has left them behind, Congress remained largely unchanged. This is despite a 14.9% average approval rating in the months leading up to the election.

So how does this effect the education debate in Congress? The following according to *Politico* provides some good insights:

“Status quo for senate education committee: Republicans maintained their control of the Senate last night - which means Sen. Lamar Alexander (R-Tenn.) will most likely continue as chair of the Senate HELP Committee. Sen. Patty Murray (D-Wash.), who cruised to re-election last night, is likely to remain as the top Democrat on the panel. The composition of the Senate panel, however, will change to some extent as a result of last night's elections: Sen. Mark Kirk (R-Ill.) lost his seat to Rep. Tammy Duckworth (D-Ill.)”

“New leadership on house education committee: Republicans fended off Democratic challenges last night to hold on to the House - and that means there will be a new Republican chair of the House education committee. Rep. Virginia Foxx (R-N.C.) is the frontrunner to replace the retiring chairman Rep. John Kline (R-Minn.). On the Democratic side of the committee, things will likely stay the same, as Rep. Bobby Scott (D-Va.) returns as the top Democrat on the panel.”

Ohio House

At the state level, Republicans maintained their strong majority control in the House and then some, defeating challenges in what many believed were competitive districts while picking up a southern Ohio seat from struggling Democrats. The GOP wrested from Democrats the 94th

District seat, which includes historically left-leaning Athens County. Republican Jay Edwards of Nelsonville, a realtor and former Ohio University football player, defeated Democrat Sarah Grace of Athens, who was looking to succeed Rep. Debbie Phillips (D-Athens).

The results boost Republicans' seat advantage in the House to 66-33.

Why is this significant? House Republicans currently enjoy a large enough majority in the House to override Governor vetoes and send issues to the ballot, but having 66 members starting January 2017 affords them the possibility of passing emergency legislation without the support of Democrats.

Democrats had hoped to pick up as many as three to five seats but instead lost one.

Ohio Senate

Republicans continued their domination in the Ohio Senate.

Senate Democrats in the Ohio General Assembly lost Senator Lou Gentile (D-Steubenville). The new Senator in the 30th District will be Frank Hoagland, a business owner and former Navy SEAL from Adena. In the only other two Senate races deemed competitive, former Representative Matt Dolan defeated Democrat Emily Hagan in the 24th District and Representative Stephanie Kunze (R-Hilliard) bested Kathy Johnson in the 16th District.

The Republican majority now increases to 24-9 in the Ohio Senate.

State Board of Education

In the race for state school board, two incumbents retained their seats while one was defeated. In the end, five new members will join the State Board of Education next year. The results were as follows:

- Governor Nancy Hollister, who was recently appointed to the board, narrowly won with 27% of the vote in a five-way race that included term-limited Representative Debbie Phillips (D-Athens).
- Ohio State University professor Antoinette Miranda won with more than 40% of the votes in a five-way race to represent the 6th district being vacated by term-limited Mike Collins.

- Former teacher Meryl Johnson received more than 43% of the vote in the District 11 race to replace Mary Rose Oakar.
- In the four-way race for the 1st District, which is currently represented by term-limited Ann Jacobs, the majority vote went to Shawnee Board of Education president Linda Haycock with 37% of the vote.
- Republican-endorsed Lisa Woods, the co-founder of Medina County Friends and Neighbors, claimed a victory over incumbent and former teacher Roslyn Painter-Goffi to win the 5th district seat.
- Nick Owens, a Republican-endorsed Brown County assistant prosecutor, will replace Ron Rudduck, who chose not to run again to represent the 10th District.
- Incumbent Stephanie Dodd ran unopposed in the 9th District.

In the end, three Republican-endorsed candidates were successful in their campaigns for the seven seats up for election. These wins expand the party's control on the state board that's already made up of eight members who were appointed by Governor John Kasich. What can the education community expect from these new board members? As a group, these candidates focused on stronger local control and higher standards in the classroom – expect these to be continued areas of emphasis and priority when they assume office.

Local Ballot Issues

At the local level, election results and statewide reports show that voters largely backed local levy renewals but rejected many levies seeking new dollars. Greater detail, by levy type, follows below:

- **School levies.** Of the renewal and replacement school levies included in the 151 on the ballot, 96% were approved, while nearly half of all requests for new money were rejected, according to unofficial tallies. A total 77% pass rate for school levies is the second highest in recent history. Cleveland Metropolitan School District and Columbus City Schools are among those that were successful on Election Day.
- **County Offices of Developmental Disabilities and Mental Health and Addiction Services.** The only developmental disabilities and mental health and addiction services levy requests

that weren't approved were those that were for additional dollars or new levies. Marion County was able to pass a renewal of a 0.5-mill levy for developmental disabilities, but failed to get the OK on an additional 2.25-mill, 5-year levy. Similarly, Erie County voters endorsed a 3-mill replacement levy but voted down an additional 0.25 mills. Lorain looked to bolster its services by asking for dedicated funding to its Alcohol and Drug Addiction Services Board through a five-year, 1.2-mill levy, while Adams, Lawrence and Scioto counties are looking to pool their resources with the help of a 10-year, 1.5-mill levy. Both were defeated as was a levy for additional addiction funding in Paint Valley.

- Voters were supportive of nine mental health and addiction services levies that were renewals or replacements, however.
- **Children's Services.** New or additional millage for children's services fared better than others on Election Day, with all but one passing. Mercer County passed a new levy, making it the 47th county in Ohio to have a children services levy, and Lucas County voters approved a renewal and increase. Highland County voters rejected a new levy.
- **Parks and Recreation.** Local parks and recreation levies, meanwhile, were largely successful even when additional funds were sought. Of the 44 issues on the ballot, 40 were successful, including all but two of the 16 that asked taxpayers to provide additional money.
- **Senior services.** Eighteen senior citizen levies passed across the state. None of the aging levies decided on Tuesday were for new money, but with 20 on the ballot, there were about twice the number that would appear in a typical election.
- **Library levies.** Statewide, 15 library levies enjoyed a 100% passage rate. These renewals maintain a library system largely viewed as one of the best public library systems in the nation.

What's Next: Lame Duck

With a contentious election season behind us, and calendar year 2016 quickly coming to a close, Ohio's legislators are poised to return the second week of November with several policy issues to resolve before the end of the 131st General Assembly.

This period between the elections and the end of legislative session is known as the “lame duck” session and can best be characterized as a “no-holds-barred”, “anything goes” sprint to the finish line. Legislators are often scrambling to finish priority bills, and those who will not be returning are looking to solidify their legacy and legislative record.

Despite the fact Republicans retained significant majorities, and there is thus less reason to aggressively pursue legislative priorities that could otherwise be reserved for next session, there are several education-focused bills likely to receive attention during the lame duck session:

House Bill 474 (College Credit Plus) – Prior to summer recess, the Ohio House Finance Subcommittee on Higher Education was considering HB 474, which would make changes to the College Credit Plus (CCP) program. Subcommittee members have heard concerns about CCP based on the experience of district officials and their students. To follow are key recommendations that emerged during testimony:

- Revert to previous law-practice where school districts used local dual enrollment agreements and collect data on those agreements;
- Allow school districts and institutions of higher learning to negotiate local agreements on their terms, as they had successfully done before CCP;
- Allow school districts to use discretion as to whether parents should contribute to tuition and textbook costs;
- Provide school districts some discretion in determining if a student is prepared for college-level courses and/or the college experience.

While the bill may not be able to make it through both chambers prior to the end of legislative session, it could find its way into another legislative vehicle as an amendment assuming it’s a legislative priority for the majority caucuses.

House Bill 410 (Truancy) – House Bill 410 passed the Ohio House and is pending the Senate Education Committee. Promoted by the juvenile justice community, HB 410 seeks to address truancy and school absences by requiring district-level absence intervention teams and absence intervention plans for habitually truant students. The legislation has tremendous bipartisan support in both Chambers of the General Assembly and is expected to pass during the lame duck session. However, there are several amendments being discussed as follows:

- Call on districts to update zero-tolerance policies for violent behaviors that provide tiered responses for violent, disruptive or inappropriate behavior based on the nature and severity of the behavior;
- Allow students who have been suspended the opportunity to make up missed work and require districts to notify these students of this opportunity at the time of their suspension;
- Eliminate the authority to carry over the remainder of a student’s suspension from the end of the school year to the beginning of the following school year and allow districts to convert hours not yet served into hours of an alternative consequence;
- Create a multidisciplinary truancy team to operate as a pilot program in four diverse counties to intervene with children who are not attending school.

Another amendment that would have eliminated the authority to suspend students in grades prekindergarten through 3rd grade is being withdrawn for further study and review based on feedback from district leaders. Additionally, many districts and educational service centers (ESCs) have requested permissive language allowing ESCs to appointment by a district administrator to represent district administration on the truancy intervention teams. House Bill 410 is expected to move during the lame duck session. Senator Lehner has indicated if agreement is not reached on the proposed amendments they will be dealt with separately in the next General Assembly so as not to impede passage of the bill.

Senate Bill 3 (High Performing School District Mandate Relief) – SB 3 seeks to provide flexibility from mandates for high-performing school districts. Co-sponsored by Senate President Keith Faber and Senator Cliff Hite, the bill has been sitting in committee since April 2015. However, President Faber has indicated the bill is a priority for the abbreviated, end of year session. Senate Bill 3 is expected to be amended, though it is unclear at this time what changes are forthcoming. What is clear, however, is that SB 3 is being viewed as a vehicle for several other education policy changes and could become a “Christmas tree” bill loaded with amendments and bills legislators are seeking to expedite through the legislative process. Among those bills that could be folded in SB 3 is HB 459 (see below).

House Bill 459 (ESC Performance Audits) – HB 459, sponsored by Representative Kurt Schuring, would authorize the Auditor of State to conduct a performance audit of any educational service center (ESC) at any time for any reason without any “triggering” event. It also

authorizes in temporary law a 3-year performance audit of ESCs, paid for proportionally by ESCs, with the end goal of developing performance measures that could support future performance audits. Modeled after similar legislation aimed at higher education institutions, the bill should give others pause with the expansive authority granted to the Auditor of State. It may also be consistent with recent calls from some Republican House members for transition to performance based funding for schools and other education support organizations.

The Auditor of State's (AOS) office has been working with the ESC association to address changes requested by the ESCs including:

- Changing the 3-year performance audit to an “operational study”;
- Revising the methodology for funding the operational study; and
- Requiring the development of ESC-specific performance measures and benchmarks that could be used in future performance audits.

The AOS office has also agreed to get feedback from ESCs in the development of the scope of work and design of the operational study as well as provide a report with specific organizational information to each of the state's 52 ESCs.

The bill, which is not likely to pass as a stand-alone bill, could be amended into SB 3 as discussed above.

House Bill 89 (Medicaid in Schools) - House Bill 89, which cleared the House earlier this year, is pending in Senate Education committee. The bill, which originally contained a number of changes to the Medicaid School Plan, including the expansion of some Medicaid-eligible services, is expected to be replaced with a narrower, substitute bill which would authorize certain Medicaid providers (PTs, OTs, Speech-language pathologists, audiologists) to make referrals for certain services under the program. The substitute bill specifies that in order to make a referral for service under the act, a PT, OT, speech-language pathologist or audiologist must have a provider agreement. However, it does not preclude those professionals from being an ordering or referring only provider. The substitute bill appears to be the result of a joint effort by the Ohio School Health Services Association, the Ohio Department of Education, and the Ohio Department of Medicaid, and is in direct response to a ruling by CMS earlier this year prohibiting certain providers from ordering, referring or prescribing (ORP) in order to receive Medicaid reimbursement.

In addition to legislative activities, the Ohio Department of Education continues to focus on the state's implementation plan for the new federal Every Student Succeeds Act or ESSA.

Every Student Succeeds Act -ESSA, which is the reauthorization of the Elementary and Secondary Education Act, created a fundamental shift in the focus and control of public education systems. States, districts and schools are empowered to drive local engagement and decision-making to improve educational outcomes for all students in all schools. With this new focus comes added responsibility for both the department of education and schools. These roles and responsibilities, as well as broad educational strategies to meet the laws intent, will be part of a state implementation plan that ODE must submit to the U.S. Department of Education in Spring 2017 for implementation beginning in the 2017-2018 school year. ODE is expected to have a draft plan available for comment and review sometime in December 2016.

While many issues will be addressed during the lame duck session as outlined above, there are also several issues related to state standards, assessments, value-added and more that will likely be reserved for discussions within the context of the next state budget, which will be introduced in late January 2017. These issues must be considered within the context of new requirements under ESSA and will require enable legislation – this could be separate legislation or integrated into the state operating budget next year.

Conclusion

More will become clear in the coming weeks as to what the next General Assembly and Congressional Session holds in store for primary and secondary education. One thing is for certain, however. It is incumbent upon educators and their professional associations to remain vigilant and engaged participants in critical public policy and funding discussions related to public education. OESCA will continue to serve as a source of information and advocacy.

Sources:

- Hannah News Service
- Gongwer News Service
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- Real Clear Politics
- Columbus Dispatch