Jim Kelly *Legislative Service Commission*

S.J.R. 6

123rd General Assembly
(As Adopted by the Senate)

Sen. Watts

BILL SUMMARY

- Approves proposed rule 3301-56-01 of the Administrative Code, which establishes intervention procedures for school districts under an academic watch or in a state of academic emergency, as approved by the State Board of Education on September 15, 1998.

CONTENT AND OPERATION

Background

In 1997, the 122nd General Assembly enacted Am. Sub. S.B. 55, which established performance standards for school districts and required that beginning in fiscal year 2000, each district be assigned a performance level every three years based on the number of performance standards met. The categories of performance are "effective school district," "in need of continuous improvement," "under an academic watch," and "in a state of academic emergency." An *effective district* meets at least 94% of the state performance standards; a district *in need of continuous improvement* meets more than 50% but less than 94% of the standards; a district *under academic watch* meets 50% or fewer of the performance standards; and a district *in a state of academic emergency* meets only a third or fewer of the standards.

Section 3302.04 of the Revised Code directs that any district declared to be *under an academic watch* or *in a state of academic emergency* is subject to rules that require intervention. These rules must be recommended by the Department of Education and approved by joint resolution of the General Assembly. Proposed rule 3301-56-01 is the State Board of Education's proposal for an intervention rule. The State Board of Education conducted public hearings on the rule on May 12 and July 14, 1998. S.J.R. 6, if adopted, gives the General Assembly's approval of proposed rule 3301-56-01.

Proposed rule 3301-56-01: Intervention procedures for academic watch and academic emergency districts

The rule essentially consists of two parts. The first part requires that any district designated *academic watch* or *academic emergency* must develop and implement a three-year continuous improvement plan.[1] The second part spells out when the Department can conduct site evaluations and appoint a School Improvement Guidance Panel.

Continuous improvement plans

(divisions (A) to (E) and (G) to (J) of the proposed rule)

Academic watch and *academic emergency* districts must submit the plan to the Department of Education within 120 days of notification of the designation. In its plan, a district board must adopt a mission statement that guides the educational program and establish an advisory panel. The advisory panel must include community leaders, parents, representatives of district programs and services, local businesses, vocational education planning districts, and local community organizations serving students and their families. The panel is to identify and analyze factors contributing to current performance, establish priorities for improvement, establish performance goals and benchmarks, and develop corrective actions. Presumably, the continuous improvement plan must contain all of these items.

Modifications

The Department of Education must require modifications to any continuous improvement plan that does not meet requirements set forth in the rule. Districts may, at any time, modify their plans and submit those modifications for approval by the Department.

Procedural requirements

The district board must conduct at least one public hearing before adopting the plan and must submit to the Department written evidence of its approval of the plan and of having held the public hearing.

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[1] *The rule also requires continuous improvement plans from districts designated as in need of continuous improvement, but it does not set any deadlines or specify the plan contents for districts in that category.*

Plan to be followed for three years

Academic watch and *academic emergency* districts must implement their plans within 165 days after receiving their performance designations. An *academic watch* or *academic emergency* district that is redesignated to *continuous improvement* during the course of its three-year plan must continue to follow for the remainder of the three years, the rule's requirements for the designation that the district had at the time its plan was formulated.[2]

Other requirements

Copies of the plan must be available to the public. Each *academic watch* and *academic emergency* district must establish a timeline and a process for implementing its continuous improvement plan including spending priorities, monitoring results of strategies, and reporting progress to the community.

Site evaluations

(divisions (F), (L), (M), and (O) of the proposed rule)

The rule requires the state Superintendent to direct that a site evaluation for every *academic emergency* district be initiated within 120 days after the district is designated as being in academic emergency.

In the case of *academic watch* districts, it requires the Superintendent to direct an evaluation if the district either (1) fails to comply with the requirements for submitting a continuous improvement plan within 120 days after its performance designation or (2) fails to meet satisfactory performance targets for improvement, as set forth in rule 3301-50-01, for two consecutive years. The Superintendent also may, but is not required to, conduct a site evaluation of *academic watch* districts that fails to meet any of the *annual* improvement targets set forth in the other proposed rule.

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[2] *Although the Department is required by statute to issue school district report cards annually, Revised Code section 3302.03(A) limits it to designating districts' performance level to once every three years. So while a district may show enough improvement on its annual report card to be upgraded to in need of continuous improvement, its official designation remains under an academic watch or in a state of academic emergency until the next triennial designation. It is still possible, however, that a district could be officially upgraded toward the end of its three-year plan because the rule allows for 165 days before a district must begin implementing its plan. Therefore, the plan could still be in effect for a short while after the district receives its next triennial designation.*

Each site evaluation will review conditions in the district or its schools as well as the documentation and implementation of the continuous improvement plan.

School improvement guidance panels

(divisions (M), (N), (P), and (Q) of the proposed rule)

When appointed

The state Superintendent must appoint a school improvement guidance panel if an *academic watch* or *academic emergency* district fails to meet specified requirements. These requirements, set forth in division (I) of proposed rule 3301-50-01, require school districts in *academic emergency* to improve to *academic watch* within five years; districts *under academic watch* to improve to *continuous improvement* within three years; and *continuous improvement* school districts improve to *effective districts* within five years. The state Superintendent also may, but is not required to, appoint one based on the findings of a site evaluation.

Membership and duties

A school improvement guidance panel will be appointed by the state Superintendent. The rule states that the members are to be "recommended by the school district board with community input," but it is not clear whether this means that a district board's recommended appointments are binding on the state Superintendent.

Each guidance panel must do the following:

(1) Direct an independent performance audit of the district to determine how best to assist the district board; the audit must be conducted in a manner consistent with guidelines issued by the Department of Education, and the audit results must be reported to the public;

(2) Provide direction for the revision of the district's continuous improvement plan, if the panel determines this necessary;

(3) Provide oversight of and technical assistance for implementation of the plan, including the services of a "school improvement specialist" whose activities are directed by the panel; and

(4) Inform the Department quarterly of its actions and the district's progress.

Possible de-chartering recommendation?

(division (N) of the proposed rule)

The provision requiring the state Superintendent to appoint a panel for any *academic emergency* or *academic watch* school district that fails to upgrade to the next category in a certain number of years also requires that the panel "make recommendations to the State Superintendent for possible action under section 3301.16 of the Revised Code." Although it is not clear what this means, Revised Code section 3301.16 deals with chartering and de-chartering school districts (and nonpublic schools). It directs the State Board of Education to revoke the charter of any school district or school that fails to meet the standards for elementary and high schools prescribed by the State Board. When the State Board revokes a district's charter, the section permits, but does not require, the State Board to dissolve the school district and transfer its territory to adjacent districts. The "recommendation" of the guidance panel might relate to the possibility of revoking the district's charter and any resulting disposition of the territory.

Duration of panel

A school improvement guidance panel must remain active in a district until the district meets satisfactory annual improvement targets for two consecutive years, is redesignated as a *continuous improvement* district, or the state Superintendent of Public Instruction approves a recommendation made by the district, a specialist, or the panel.[3]

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	04-21-99	p.	331
Reported, S. Education	06-16-99	p.	609
Adopted Senate (33-0)	06-16-99	p.	613

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[3] *It is unclear what range of recommendations could be made.*