



John Rau

Bill Analysis

Legislative Service Commission

H.B. 324

124th General Assembly
(As Introduced)

Rep. Womer Benjamin

BILL SUMMARY

- ? Requires that a school district reporting EMIS data indicating a graduation rate of at least 85 but less than 90% be deemed to have at least a 90% rate if the district subsequently submits to the Department of Education timely documentation proving a rate of at least 90%.
- ? Establishes procedures for a school district to appeal district performance report card data and performance classifications.

CONTENT AND OPERATION

Background

Continuing law requires that the Department of Education annually classify each school district and each school building according to its academic performance measured against certain performance indicators. Formerly, there were 18 statutory standards and an additional nine standards established by State Board of Education rule subsequently approved by a joint resolution adopted by the General Assembly. These 27 performance standards recently were repealed and replaced by a requirement that the State Board establish at least 17 "performance indicators."¹ Under the current classification system, not changed by the bill, a school district or building is to be declared:

- (1) "Excellent" if it meets at least 16 of the indicators;
- (2) "Effective" if it meets 13 but less than 16 of the indicators;
- (3) "In need of continuous improvement" if it meets more than eight but less than 13 of the indicators;

¹ See Am. Sub. S.B. 1 of the 124th General Assembly, effective September 11, 2001.

(4) "Under an academic watch" if it meets more than five but less than nine of the indicators;

(5) "In a state of academic emergency" if it does not meet more than five of the indicators.²

Continuing law also requires that the Department issue annual report cards on the performance of each school district and each building within each district and on the state as a whole based on that performance classification system.³

Data for calculating the performance of districts and buildings are reported to the Department by school districts under the Education Management Information System (EMIS), which is a statewide electronic database.⁴ The Department has established procedures and deadlines for periodic reporting of data under EMIS.

Documenting graduation rate

(R.C. 3302.021)

Formerly, one of the statutory performance standards required school districts (but not individual buildings, which were not included in the former classification and report card system) to have a 90% graduation rate.

The bill (which was introduced prior to the enactment of the current performance classification system) specifies that, if data reported to the Department under EMIS indicate a graduation rate of at least 85% but less than 90% and the district subsequently submits documentation to the Department that "proves that the actual graduation rate is at or above ninety per cent," the district is deemed to meet the former standard of a 90% graduation rate. The bill does not require the Department to consider additional documentation unless the district submits it to the Department at least 90 days prior to either a classification determination or issuance of performance report cards. (See **COMMENT.**)

² R.C. 3302.02 and 3302.03(A) to (C), not in the bill. The law also provides that if the State Board adopts more than 17 indicators, it must establish the number of those indicators that a district or building must meet for each classification in a way that produces the ratio of required indicators that is similar to the ratio required when the number of total indicators is 17.

³ R.C. 3302.03(D), not in the bill.

⁴ R.C. 3301.0714, not in the bill.

School district appeals regarding disputes over report card criteria or performance classifications made by the Department of Education

(R.C. 3302.031)

The bill permits any school district that disputes state report card criteria or a classification determination to file an appeal with the Department of Education. Within 30 days after an appeal is filed, the Department must convene an appeals board. The board must consist of the following five members:

- (1) A member of the State Board of Education selected by the Governor;
- (2) An employee of the Department selected by the Superintendent of Public Instruction;
- (3) A person selected by the superintendent of the school district that filed the appeal;⁵
- (4) A person selected by the superintendent of the educational service center (ESC) that serves the district either if the district is part of the ESC or if the district is a "client district" of the ESC.⁶ If the district is not served by an ESC under either arrangement, the superintendent of the ESC that is geographically closest to the district (as determined by the Superintendent of Public Instruction) must select a member of the appeals board.
- (5) A neutral third party selected from a pool of available local, state, or federal arbitrators whose selection is agreed upon by the district and the Department. If they cannot reach agreement on the selection, the Governor is required to select a person from a group consisting of four arbitrators who have been nominated by the parties. The Department and the district each is required to nominate two qualified persons.

The appeals board must conduct a hearing and issue its decision on the matter within 60 days after the appeal was filed. The decision of the board is final.

⁵ *The superintendent must select this person prior to filing the appeal and the name, address, and telephone number of the person selected must be included in the notice of appeal that is filed with the Department.*

⁶ *An ESC is required to provide curriculum and administrative services to all "local" school districts within its service territory. In addition, an ESC may enter into a "client district" agreement with any area "exempted village" or "city" school district to provide services specified in the agreement.*

The Department is required to pay the costs associated with the board and to provide space for the hearing.

COMMENT

Since the repeal of the former performance standards by Am. Sub. S.B. 1 is already effective, there is no current provision of law requiring any graduation rate standard. It is therefore unclear what effect the bill's provisions regarding the documentation of graduation rate (R.C. 3302.021) will have.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-03-01	p. 798

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