



S.B. 46

126th General Assembly
(As Introduced)

Sen. Mallory

BILL SUMMARY

- Requires that control of a school district that, on the bill's effective date, (1) has an average daily membership over 40,000 students, (2) has a DPIA index greater than 2.75 for FY 2003, and (3) has been in a state of academic emergency for at least one of the previous four years be assumed by a nine-member board of education appointed by the mayor of the municipal corporation containing the largest portion of the district's territory.

CONTENT AND OPERATION

Current law designates a school district that is or has ever been under federal court order requiring supervision and operational, fiscal, and personnel management of the district by the Superintendent of Public Instruction as a "municipal school district." When a municipal school district is released from the federal court order, management and control of the district is assumed immediately by a nine-member board of education appointed by the mayor of the municipal corporation containing the largest portion of the district's territory. Currently, the Cleveland City School District is the only municipal school district.¹

The bill establishes alternative conditions for designating a district as a municipal school district and, therefore, subject to mayoral appointment of the board of education. These alternative conditions do not apply to districts, such as Cleveland, that are or have been under federal court order requiring management of the district by the Superintendent of Public Instruction. Specifically, under the bill, a district that meets the following criteria is also a municipal school district:

¹ *Cleveland's mayoral-appointed board of education took office on September 8, 1998. In November 2002, the district's voters approved continuing authority for the mayor of Cleveland to appoint the board.*

(1) The district's formula ADM (average daily membership) on the bill's effective date is more than 40,000 students.²

(2) The district's DPIA index for FY 2003 was greater than 2.75.³

(3) The district was in academic emergency at least one of the four school years prior to the bill's effective date.⁴

If a school district meets these criteria, management and control of the district must be assumed by a new nine-member, mayoral-appointed board of education 60 days after the bill's effective date. Authority to appoint the board rests with the mayor of the municipal corporation in which the district has territory or, if the district has territory in more than one municipal corporation, the mayor of the municipal corporation containing the largest part of the district. The bill specifies that the district will remain a municipal school district in the future, even if its ADM, DPIA index, or academic performance rating changes. (R.C. 3311.71.) The bill makes no other changes to the law regarding municipal school districts (see below).

Background

Referendum on continuing mayoral appointment

The mayoral-appointed board of a municipal school district manages the district pending a mandatory referendum on whether the mayor should continue to appoint the board of education. This referendum must occur at the November general election that occurs in the first even-numbered year at least four years after the board initially assumes control of the district. For example, if the mayoral-appointed board takes control in 2005 or 2006, the referendum would be held at the November 2010 election. If the referendum is approved, the mayor must

² A district's formula ADM is the number of full-time-equivalent students reported as attending school in the district or in a community school during the first full week of October (R.C. 3317.03(A), not in the bill).

³ A district's "DPIA index" is a relative measure based on the percentage of children residing in the district whose families receive public assistance compared to the statewide percentage of such students. A district with a DPIA index of 2.75 has a proportion of children participating in public assistance programs that is 275% of the statewide proportion. (See R.C. 3317.029(A), not in the bill.)

⁴ A district is in academic emergency if it does not make adequate yearly progress (AYP), does not meet at least 31% of the state performance indicators adopted by the State Board of Education, and has a performance index score below 70 (R.C. 3302.03(B)(5), not in the bill).

appoint a new board of education on July 1 of the following year. From that point, members of mayoral-appointed boards serve staggered, four-year terms. If the referendum is not approved, a seven-member board of education must be elected one year later at the next general election.⁵

Mayoral appointments; nominating panel

In appointing members to the board of education of a municipal school district, either before or after the referendum, a mayor may only appoint individuals who (1) are nominated by a nominating panel, (2) reside in the district, and (3) hold no public office. The nominating panel must submit a slate of at least twice the number of open seats on the board from which the mayor may choose appointees. The 11-member nominating panel consists of (a) three parents of students enrolled in the district, (b) three persons appointed by the mayor, (c) one person appointed by the city council president, (d) one teacher, (e) one principal, (f) one representative of business, and (g) one president of an institution of higher education. During its first two years, the Superintendent of Public Instruction must convene and chair the panel.⁶

At all times, four of the nine board of education members appointed by the mayor must have expertise in education, finance, or business management. If the district has territory outside of one municipal corporation, at least one board member must reside outside of the municipal corporation that contains the largest part of the district's territory. Besides the nine members appointed by the mayor, the board of education must include, as nonvoting members, (1) the president of any state university that has its main campus located in the district and (2) the president of the community college with the largest main branch located in the district. The mayor must designate a chairperson of the board and, subject to the advice and consent of the nominating panel, may remove a member for cause.⁷

Board employees

When a mayoral-appointed board first takes control of a municipal school district, the superintendent, assistant superintendents, treasurer, business manager, and certain other administrators, not including principals, must submit their resignations.⁸ For the first 30 months, the mayor has sole authority to appoint a

⁵ R.C. 3311.73, not in the bill.

⁶ R.C. 3311.71(C) and (D).

⁷ R.C. 3311.71.

⁸ "Other administrators" includes employees in positions that require an administrator's license and nonlicensed employees whose job duties enable them to be considered

chief executive officer (CEO) as a replacement for the superintendent. From 30 months after the board first assumes control of the district to July 1 following the referendum, the mayor appoints the CEO only with the concurrence of the board. If the required referendum is approved, the responsibility for appointing the CEO passes to the board, but the mayor must concur in the appointment.⁹

The CEO must select a chief financial officer, a chief academic officer, a chief operating officer, a chief communications officer, ombudspersons, and other necessary administrators, all of whom serve at the pleasure of the CEO. None of these appointed administrators need possess a state educator's license. Subject to appropriations by the board of education, the CEO also is authorized to contract with or employ consultants, counsel, or other outside parties as the CEO judges reasonably necessary to operate the school district.¹⁰

Other powers and duties

A municipal school district board of education generally has all the rights, authority, and duties of a city school district board of education. However, unlike district superintendents, the CEO of a municipal district, in consultation with the Department of Education, must set education and financial accountability standards for the district. Additionally, the CEO may request waivers of many state administrative rules and seek permission from the Superintendent of Public Instruction to apply the district's state aid toward debt retirement.¹¹

Community oversight committee

The Superintendent of Public Instruction must establish a community oversight committee to review and evaluate the mayoral appointment school governance plan in a municipal school district. For as long as the district has a mayoral-appointed board, this committee must prepare annual reports for the General Assembly on financial, operational, academic, community, and other issues in the district.¹²

supervisors or management level employees under the Collective Bargaining Law (R.C. 3319.02(A), not in the bill).

⁹ *R.C. 3311.72(B), not in the bill.*

¹⁰ *R.C. 3311.72, not in the bill.*

¹¹ *R.C. 3311.74 and 3311.76, neither section in the bill.*

¹² *R.C. 3311.77, not in the bill.*



HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-03-05	p. 145

s0046-i-126.doc/kl

