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Bill Analysis
Legislative Service Commission

S.B. 331

127th General Assembly
(As Introduced)

Sens. Roberts, Fedor, Mason, D. Miller, Morano, Sawyer, R. Miller

BILL SUMMARY

- Requires the Department of Education to conduct an on-site evaluation of each community school at least every three years.
- Requires teachers hired on or after the bill's effective date to teach core academic subjects in community schools that receive federal Title I funds to be "highly qualified."
- Requires the Department of Education to begin issuing report cards for a community school after its first year of operation (instead of after its second year of operation, as in current law).
- Prohibits the inclusion of a performance rating on the report card of any public school that does not offer any grade for which an achievement test is prescribed.
- Applies to community schools serving dropouts an existing provision limiting the highest performance rating a school may receive based on the percentage of its students who do not take all required achievement tests.
- Requires each community school to maintain student educational records in an orderly manner and to forward them to a student's new school upon request.
- Specifies that when a student transfers from a community school to a school district, the admissions officer must ask the student or the student's parent about the reasons for choosing the community school and later withdrawing from it and report that information to the Department of Education for posting on the Department's web site.

- Requires the Department of Education's annual report on community schools to include the performance of community school sponsors.

CONTENT AND OPERATION

Background

Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. Community schools often serve a particular educational purpose or a limited number of grades. They are funded with state funds that are deducted from the state aid accounts of the school districts in which the enrolled students are entitled to attend school. They may not charge tuition.

A conversion community school, created by converting an existing school district school, may be located in and sponsored by any school district in the state. On the other hand, a "start-up" community school may be located only in a "challenged school district." A challenged school district is any of the following: (1) a "Big-Eight" school district, (2) a school district in academic watch or academic emergency, or (3) a school district in the original community school pilot project area (Lucas County).¹

The sponsor of a start-up community school, which generally must be approved by the Department of Education, may be any of the following:

- (1) The school district in which the school is located;
- (2) A school district located in the same county as the district in which the school is located has a major portion of its territory;
- (3) A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;
- (4) An educational service center serving the county in which the school is located or a contiguous county;
- (5) The board of trustees of a state university (or the board's designee) under certain specified conditions; or

¹ R.C. 3314.02(A)(3), not in the bill. The "Big-Eight" districts are Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown.

(6) A federally tax-exempt entity under certain specified conditions.²

The Department of Education may take over sponsorship of community schools, but only in specified exigent circumstances.

On-site evaluations

(R.C. 3314.39)

Under the bill, the Department of Education must conduct an on-site visit of each community school at least every three years to evaluate the school's operations.³ The visit may include school tours, classroom observations, and interviews with administrators, school staff, parents, or students. The State Board of Education must adopt rules for conducting the site visits.

Each community school must provide any data, documents, or other materials the Department considers necessary to conduct a thorough site visit. During the site visit, the Department must do all of the following:

(1) Determine if the school has complied with (a) the terms of the contract with its sponsor, (b) all laws regarding the academic and fiscal accountability of community schools, and (c) all other applicable laws and administrative rules;

(2) Corroborate the results of the annual evaluation of the school conducted by the school's sponsor; and

(3) If the school is required to develop a continuous improvement plan because it has not made adequate yearly progress⁴ for two consecutive school years, review the school's progress in implementing that plan.

After the site visit, the Department must issue a written report summarizing its findings. This report must be provided to the community school's sponsor and governing authority, which may submit factual corrections to the Department. The Department must revise the report based on the factual corrections and post the final version on its web site.

² R.C. 3314.015(B)(1) and 3314.02(C)(1)(a) through (f), latter section not in the bill.

³ This visit may be done in conjunction with a mandatory site evaluation conducted when a community school has been rated in academic watch or academic emergency and has failed to demonstrate satisfactory improvement or to submit required information to the Department (R.C. 3302.04(D), not in the bill).

⁴ "Adequate yearly progress" is a federal standard of academic achievement required by the No Child Left Behind Act.

A community school's sponsor may consider the report's findings in deciding whether to sanction the school by placing it in probationary status, suspending its operations, or terminating its contract.⁵ If the sponsor fails to take one of these actions when the Department determines it is warranted, the Department may revoke the sponsor's approval to sponsor community schools.

Highly qualified teachers

(R.C. 3314.101; conforming changes in R.C. 3314.03(A)(10), 3314.19, and 3314.21)

Background

The federal No Child Left Behind Act of 2001 (NCLB) requires public school teachers who teach core academic subjects to be "highly qualified." Core academic subjects include English, reading or language arts, math, science, foreign languages, civics and government, economics, arts, history, and geography. Teachers hired after the start of the 2002-2003 school year to teach in a program supported by federal Title I funds must be highly qualified upon employment.⁶ Generally by the end of the 2005-2006 school year, however, *all* public school teachers of core academic subjects, whether newly hired or continuing educators, had to be highly qualified. To be highly qualified under NCLB, a teacher must (1) hold a bachelor's degree, (2) have obtained full state certification, and (3) demonstrate subject matter competency.⁷

State law, which incorporates many of the NCLB requirements regarding highly qualified teachers, requires teachers hired after July 1, 2002, to teach a core academic subject in a school district-operated school receiving Title I funds to be highly qualified. A highly qualified teacher, as defined in state law, is a classroom teacher who (1) holds a bachelor's degree and (2) is fully licensed or is participating in an alternative licensure route in which the teacher receives professional development and mentoring, teaches for no longer than three years,

⁵ A sponsor may take any of these actions for (1) failure to meet student performance requirements outlined in the sponsorship contract, (2) fiscal mismanagement, (3) a violation of law or the contract, or (4) other good cause (R.C. 3314.07, 3314.072, and 3314.073, none in the bill).

⁶ Title I funds serve the educational needs of low-income and other at-risk students.

⁷ 34 Code of Federal Regulations (C.F.R.) § 200.55 and 200.56.

and demonstrates satisfactory progress toward becoming fully licensed.⁸ In addition, the teacher must fulfill at least *one* of the following requirements:

Option	If Teaching in Grades K to 6	If Teaching in Grades 7 to 12
Test	Pass a test of subject matter and professional knowledge required for licensure.	Pass a test of subject matter knowledge required for licensure.
Educational Credentials	Receive a graduate degree or advanced certification in the teacher's teaching assignment.	Successfully complete either an undergraduate major, coursework equivalent to a major, a graduate degree, or advanced certification in each subject area in which the teacher teaches.
Score on Ohio Highly Qualified Teacher Rubric	Achieve 100 points on the Ohio Highly Qualified Teacher Rubric developed by the Ohio Department of Education. ⁹	Same.
Professional Development Program	Complete an individualized professional development program approved by the teacher's local professional development committee that includes 90 hours of high quality professional development incorporating grade-appropriate academic subject matter knowledge, teaching skills, and state academic content standards.	Same.

⁸ R.C. 3319.074, not in the bill.

⁹ The Ohio Department of Education has created a rubric to enable teachers to determine whether they satisfy the highly qualified teacher requirements. The rubric is a point-based evaluation that considers a teacher's years of experience in a particular content area, college coursework in this content area, college coursework in pedagogy related to the content area, professional development in the teacher's content area, professional activities in the teacher's content area, whether the teacher has received specific teaching awards, and whether the teacher has been published.

The bill

Under current state law, teachers in community schools must meet the same requirements for licensure as teachers working in district schools. However, while NCLB's teacher quality provisions appear to apply to teachers in community schools, the state provisions for highly qualified teachers do not appear to apply to those teachers.

The bill explicitly requires community school teachers to be highly qualified in the same manner as teachers employed by school districts. Therefore, under the bill, community school teachers hired on or after the bill's effective date to teach core academic subjects in a Title I school must have a bachelor's degree, be fully licensed or participating in an alternative licensure route, and fulfill one of the options outlined in the table above. These new requirements do not apply to community school teachers hired before the bill's effective date, who do not teach core subjects, or who work in a school that does not receive Title I funds.

The bill maintains the current law requiring community schools to employ only classroom teachers who are licensed in compliance with licensure rules of the State Board of Education, but further requires community schools to comply with any other State Board rules that require teachers to teach in the subject areas or grade levels for which they are licensed. Under the bill, community schools, like school districts, may employ persons with one-year conditional teaching permits issued by the State Board.¹⁰ This authority does not appear to be a substantive change because current law already authorizes such employment. Finally, the bill retains existing authority for community schools to employ nonlicensed persons who hold temporary permits to teach up to 12 hours a week.¹¹

¹⁰ Continuing law authorizes the State Board to issue one-year conditional teaching permits for teaching in grades 7 to 12 or for employment as an intervention specialist to work with students with special needs. Applicants for a conditional teaching permit must agree to seek an alternative educator license, which is a precursor to a provisional educator license, in the same subject area upon expiration of the conditional permit. Applicants for the permits also must have a bachelor's degree, successfully complete a basic skills test, have completed certain specified coursework, and agree to participate in a mentoring program. (R.C. 3319.302 and 3319.304, neither section in the bill.)

¹¹ The State Board may issue 12-hour permits, valid for one year, to persons with at least a bachelor's degree, or five years of work experience, in the subject the person will teach (R.C. 3319.301, not in the bill, and Ohio Administrative Code 3301-23-41).

Timing of first report card

(R.C. 3314.012)

Like other public schools, community schools receive annual report cards from the Department of Education detailing the school's academic performance. However, current law prohibits the Department from issuing a community school's first report card until the school has been open for two full school years. The bill repeals this prohibition and instead requires the Department to begin issuing report cards for a community school after its first year of operation.

Report card ratings

(R.C. 3302.03)

The report cards for all public schools include a performance rating of excellent, effective, continuous improvement, academic watch, or academic emergency. These ratings depend primarily on student performance on the statewide achievement tests. The report card ratings also may trigger certain benefits or sanctions for a school. For example, schools in academic watch or academic emergency have priority for technical support from the Department of Education.¹² Also, a school's rating over a three-year period determines whether its students are eligible for Educational Choice Scholarships (vouchers).¹³ In the case of a community school that does not serve dropouts, the report card rating is a factor in whether the school must close for poor academic performance under statutorily designated criteria.¹⁴

¹² R.C. 3302.04(A), not in the bill.

¹³ The Educational Choice Scholarship Pilot Program provides scholarships to pay tuition at chartered nonpublic schools for students who do not reside in the Cleveland Municipal School District and who are or would be assigned to a school that (1) was in academic watch or academic emergency for at least two of the last three school years for which ratings have been issued and (2) was not excellent or effective in the most recent rating (R.C. 3310.03, not in the bill).

¹⁴ R.C. 3314.35, not in the bill. A community school that offers no grade higher than 3 must close after being in academic emergency for four consecutive school years. A community school that offers any of grades 4 to 8 but no higher than grade 9 must close if it has been in academic emergency for three consecutive school years and, for two of those years, it showed less than one standard year of academic growth in either reading or math. A community school that offers any of grades 10 to 12 must close if it has been in academic emergency for three consecutive school years and, for two of those years, it showed less than two standard years of academic growth in reading or math.

For schools with no tested grades

(R.C. 3302.03(A)(4))

The bill eliminates a school's performance rating from its report card if the school does not offer any grade for which an achievement test is given. This provision applies to all district-operated schools, community schools, and Science, Technology, Engineering, and Math (STEM) schools.¹⁵ There are achievement tests prescribed for each of grades 3 to 8 and for grade 10, so only those schools that do not serve at least one of these grades would have their rating removed (a K-2 school, for instance). However, the bill explicitly states that the exclusion of the performance rating from the report card does not affect the applicability of any provision of law in which a school's rating is a factor. In other words, a school would still be eligible for any benefit or sanction that is tied to the school's rating.

For community schools serving dropouts

(R.C. 3302.03(B)(7))

Continuing law limits the highest performance rating a school may receive based on the percentage of its students who do not take all required achievement tests. A school may be rated:

- (1) No higher than continuous improvement, if 10% to 15% of the students are not tested;
- (2) No higher than academic watch, if more than 15% but not more than 20% of the students are not tested; and
- (3) No higher than academic emergency, if more than 20% of the students are not tested.

Currently, community schools in which a majority of the students are enrolled in a dropout prevention and recovery program are exempt from this limitation. The bill repeals this exemption, thereby allowing test participation rates to affect the performance ratings of those schools.

¹⁵ The STEM subcommittee of the Partnership for Continued Learning may authorize up to five STEM schools to open in the 2008-2009 school year based on proposals from partnerships of school districts, higher education entities, and business organizations (R.C. 3326.03, not in the bill).

Student records retention

(R.C. 3314.38)

The bill requires each community school to maintain the complete educational records of all current and former students in an orderly manner. Furthermore, upon request, a community school promptly must forward a student's records to the public or nonpublic school in which the student enrolls after withdrawing from the community school or completing its highest grade. Finally, the bill directs the State Board of Education to adopt rules in accordance with the Administrative Procedure Act prescribing the process and forms for community schools to use when forwarding student records.

Survey of former community school students

(R.C. 3313.672)

Under the bill, when a student who most recently attended a community school seeks to enroll in a school district, the admissions officer must request the student or the student's parent to provide information about why they initially chose the community school and why they later chose to withdraw and enroll in the district school instead. Each school district must report the information collected to the Department of Education, which must compile and post the information on its web site. The online posting must protect the identity of individual students and parents.

Annual report on community schools

(R.C. 3314.015(A)(3))

Continuing law requires the Department of Education to issue an annual report on community schools regarding their financial condition and the effectiveness of their academic programs, operations, and legal compliance. The bill further requires the report to address the performance of community school sponsors.

HISTORY

ACTION	DATE
Introduced	05-06-08

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