Ohio Legislative Service Commission

Bill Analysis

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Sub. S.B. 86

129th General Assembly
(As Reported by S. Education)

Sens. Sawyer, Turner, Smith, Cafaro, Schiavoni, Seitz, Tavares, Hite, Obhof

BILL SUMMARY

- Permits the establishment of a new community school to serve adults who are 18 to 21 years old, have not received a high school diploma, and have been released from an institution maintained by the Department of Youth Services or are confined in a state correctional institution.
- Prescribes exceptions and conditions for the operation of a new community school established under the bill.
- Declares an emergency.

CONTENT AND OPERATION

Background

The bill authorizes a new type of community school. Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. 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, which is Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, or Youngstown, (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]

[1] R.C. 3314.02(A)(3), not in the bill.

Community school for institutionalized or incarcerated adults of school age

The bill permits the establishment of a start-up community school to serve adults who are 18 to 21 years old, have not graduated from high school, and have been released from an institution maintained by the Department of Youth Services or are being held in a state correctional institution operated by the Department of Rehabilitation and Correction. The school's educational program must enable students to earn high school credits and to complete the requirements for a high school diploma upon their release. Furthermore, the school must use a curriculum that has a demonstrated record of success in improving student achievement and lowering recidivism. This curriculum also must emphasize "conflict resolution, strengthened interpersonal communication and relationships, personal responsibility, independence, and positive community involvement." The bill prohibits the school from assisting students at a state correctional institution in obtaining a General Educational Development (GED) diploma.

Each student who successfully completes the school's program must receive, in addition to a high school diploma, an instrument the bill refers to as a "certificate of achievement and future employability." This certificate may include a summary of the student's education and work skills, information on bonding programs and tax credits available under state or federal law for employers who hire former offenders, and other information determined by the school's governing authority.[2]

A community school established under the bill is subject to all provisions of the Community School Law.[3] However, due to the specialized nature of the school, the bill authorizes the school to operate differently from other community schools in some respects, as described below.

Sponsorship of school

A community school established under the bill may be sponsored by any of the following entities:

(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;

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[2] R.C. 3314.019(B) and (C).

[3] R.C. 3314.019(F).

(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; or

(5) The board of trustees of a state university or an entity designated by the board.

The school may not be sponsored by a federally tax-exempt private entity, which may be approved to sponsor other types of community schools under continuing law.[4]

Exemption from contract deadlines

The bill exempts the community school from statutory deadlines for the adoption and signing of the school's contract with its sponsor, but requires the contract to be signed and filed with the Superintendent of Public Instruction prior to the school's opening.[5] Under continuing law, the sponsor and the school's governing authority must adopt the contract by March 15, and sign it by May 15, prior to the school year in which the school will open.[6] The bill's exemption enables the school to open in the 2011-2012 school year.

Operation of school

Generally, under continuing law, each start-up community school established after June 30, 2007, must contract with a qualified operator.[7] An operator is (1) an individual or organization that manages the daily operations of a community school or (2) a nonprofit organization that provides programmatic oversight and support to a community school and that retains the right to terminate its affiliation with the school for failure to meet the organization's quality standards.[8]

A community school established under the bill is exempt from this requirement. Instead, the school must contract with a nonprofit organization that (1) has at least ten years of experience in the fields of education and corrections and (2) has previously contracted with the Department of Rehabilitation and Correction to serve persons in the

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[4] R.C. 3314.019(B).

[5] Section 2 of the bill.

[6] R.C. 3314.02(D), not in the bill.

[7] R.C. 3314.016(A), not in the bill.

[8] R.C. 3314.014(A), not in the bill.

Department's custody. This nonprofit organization is responsible for directing the school's educational concept, curriculum, and instructional practices and for performing any other aspects of the school's daily operations assigned by the school's governing authority. The bill also explicitly states that the nonprofit organization hired by the school is an operator for purposes of the Community School Law.[9]

Location of school

Unlike other community schools, which are generally prohibited from being located in more than one school district under the same contract or from having multiple facilities,[10] a community school established under the bill is *required* to have facilities in two or more school districts. To serve students while they are still incarcerated, the school must maintain at least one facility on the site of a state correctional institution. It also must maintain a community-based facility for students to attend following their release from an institution operated by the Department of Youth Services or a state correctional institution. The community-based facility must be located in a Big-Eight school district, which guarantees that at least one of the districts in which the school is located will be a "challenged school district." The bill requires the first community-based facility to be located in the Columbus City School District.

In consultation with the Department of Rehabilitation and Correction, the school must identify institutions at which it may maintain a facility. The Department must allocate space at the identified institutions for use by the school. Each facility located at those institutions must be a single-gender facility. Due to this requirement and the need to maintain another community-based facility, the bill exempts the school from a provision of continuing law that generally prohibits community schools with multiple facilities from offering the same grade level in more than one facility.[11] It also requires the school to ensure that comparable facilities and learning opportunities are provided for each gender. But the bill states that the school is not required to enroll students of both genders when it initially opens.[12]

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[9] R.C. 3314.019(D)(3).

[10] See R.C. 3314.05(A) and (B)(1), not in the bill.

[11] See R.C. 3314.05(B)(1), not in the bill.

[12] R.C. 3314.019(D)(1) and (2).

Limitation on initial community-based facilities

A community school established under the bill may open no more than two community-based facilities until July 1, 2013. After that date, it may establish additional facilities as needed.[13] (See "**Evaluation of school prior to expansion**" below.)

Student enrollment

To be eligible to enroll in a community school established under the bill, a person must (1) have acquired sufficient high school credits relative to the person's age that the person is reasonably expected to complete the curriculum requirements for a high school diploma prior to turning 22 years old and (2) agree in writing to continue enrollment at the school's community-based facility upon release from state custody, if the person is in a state correctional institution. The school may enroll students who were not Ohio residents immediately prior to being institutionalized or incarcerated, as long as they meet these criteria. The Department of Youth Services and the Department of Rehabilitation and Correction must assist the school in identifying potential students. If necessary, the Department of Rehabilitation and Correction must reassign enrollees to an institution at which the school has a facility.

If the number of applicants for enrollment exceeds the school's capacity, students must be admitted by lottery. But preference must be given to applicants who, prior to being institutionalized or incarcerated, resided in a school district with a graduation rate of 90% or lower.[14]

Funding

Under continuing law, a community school must report to the Department of Education the name of the school district in which each student enrolled in the school is entitled to attend school. The student is counted in the "formula ADM" (average daily membership) of that school district, thereby crediting the district's state aid account with funds for the student. The Department then deducts a per-pupil amount attributable to the student from that district and pays it to the community school.[15]

The same procedure applies for making state payments to a community school established in accordance with the bill's provisions. However, under the bill, for each student enrolled in the community school, the school district reported by the school and, therefore, the district from which funds are deducted for the student, is the district

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[13] R.C. 3314.019(D)(2)(c).

[14] R.C. 3314.019(D)(4).

[15] R.C. 3314.08, not in the bill.

in which the student was entitled to attend school *immediately prior to institutionalization or incarceration*. That district remains financially responsible for the student throughout the period of the student's enrollment in the community school, regardless of whether the student resides in that district after the student's release.

Students with unknown residency

But if the student was not an Ohio resident prior to institutionalization or incarceration, the community school must report that fact to the Department of Education. If the school cannot ascertain the student's residency status, it must report to the Department that the student's residency status is unknown. If the community school elects to enroll a student who was not an Ohio resident immediately prior to institutionalization or incarceration, or whose residency status is unknown, the school must pay the total cost of educating that student. This requirement accounts for the fact that there appears to be no Ohio school district in which the student was entitled to attend school prior to being taken into state custody and from which deductions can be made. The school may apply for funding from public or private entities to defray the cost of educating such students.[16]

Employment of former offenders

Community schools, like all other public schools, are prohibited from employing a person whose criminal records check indicates that the person has been convicted of or pleaded guilty to a disqualifying criminal offense.[17] The bill makes an exception to this prohibition, permitting a community school established under the bill to employ a person with a disqualifying offense in a position that does not require an educator license issued by the State Board of Education. Specifically, to be hired by the school, the person must meet the following conditions:

(1) Be a graduate of the school or another educational program provided by the nonprofit organization that directs the school's educational concept (see "**Operation of school**" above);

(2) Have received training in using personal experiences as an instructional tool and educational intervention for students; and

(3) During any period of time in which the person will have routine interaction with a student or regular responsibility for the care, custody, or control of a student, be

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[16] R.C. 3314.019(E).

[17] R.C. 3314.03(A)(11)(d), 3319.39, and 3319.391, none in the bill.

supervised by a licensed teacher or by an employee of the state correctional institution where the school is located.[18]

Security of school employees

A community school established under the bill must enter into a memorandum of understanding with the Department of Rehabilitation and Correction to provide safety and security training, in accordance with the Department's standards, to school employees who will work in the school's facility at a state correctional institution. Moreover, the school must provide advance notice to the prison's managing officer whenever a school employee or volunteer will be entering the prison. The managing officer may deny entry to the employee or volunteer at any time.[19]

Student transportation

The bill permanently relieves school districts of the transportation responsibility for students attending a community-based facility maintained by a community school established under the bill. Instead, it requires the community school to provide transportation for those students in accordance with a transportation policy adopted by the school's governing authority. As in current law, the school must formally assume the transportation responsibility through one of the procedures described below, which enables the school to receive state payments for the provision of student transportation. The bill further states that the school is not entitled to any separate payment for transportation from the school district in which the community-based facility is located.[20]

Background

Continuing law generally requires a city, exempted village, or local school district to transport all students in grades K to 8 residing in the district to and from their assigned school, or to and from the nonpublic or community school they attend, if that school is more than two miles from their home. A district also may transport high school students; but if a district transports high school students to its own schools, it must transport nonpublic and community high school students on the same basis. However, a district is not required to transport a nonpublic or community school student, regardless of grade level, if the direct travel time from the district school to which the student would be assigned is more than 30 minutes. Moreover, a district may

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[18] R.C. 3314.019(D)(5).

[19] R.C. 3314.019(D)(2)(b).

[20] R.C. 3314.019(D)(6).

offer a payment in lieu of transportation to the parent of a particular student if the district determines that it is impractical to transport that student.[21]

Continuing law also permits a community school to assume the transportation responsibility for its students from the resident school district. The community school may do this either by (1) entering into a bilateral agreement with the district under which the community school will transport the district's resident students to and from the school or (2) unilaterally accepting responsibility for transporting those students by notifying the district of its decision. In either case, the community school will receive a transportation payment, which is deducted from the district's state aid payments.[22]

Evaluation of school prior to expansion

By July 1, 2013, the sponsor and governing authority of a community school established under the bill and the Department of Rehabilitation and Correction must conduct an evaluation of (1) the school's integrated approach to students' academic learning and social-emotional development, (2) the use of former offenders to mentor students, and (3) easing the transition from prison to the school's community-based facility with continuity of curriculum and school staff. The evaluators must consider the results of the evaluation in determining whether to expand the school to additional state correctional institutions or community-based facilities after July 1, 2013. The bill prohibits the school's sponsor from using those results for any other reason, including as a basis for terminating its contract with the school, suspending the school's operation, or placing the school on probation, unless the sponsorship contract specifies otherwise.[23]

In addition to the evaluation, the following issues must be considered when making decisions about the school's expansion:

(1) How many students the school serves;

(2) How many applicants for admission cannot be served given the school's current capacity;

(3) The regions from which students and applicants for admission originate;

(4) Student performance;

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[21] R.C. 3314.09 and 3327.01, neither section in the bill.

[22] R.C. 3314.091, not in the bill.

[23] See R.C. 3314.07, 3314.072, and 3314.073, none in the bill.

(5) The impact of using former offenders to mentor students;

(6) The effectiveness of students' transition from prison to the school's community-based facility; and

(7) The opinion of students, school employees, the school's sponsor, and the Department of Rehabilitation and Correction about the workability of the school's educational model.[24]

HISTORY

ACTION	DATE
Introduced	02-22-11
Reported, S. Education	03-29-11

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[24] R.C. 3314.019(G).