Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 460*

130th General Assembly
(As Reported by S. Education)

Reps. Brenner and Driehaus, Fedor, Bishoff, Antonio, Anielski, Baker, Barborak, Barnes, Boyce, Brown, Butler, Celebrezze, Curtin, DeVitis, Duffey, Gerberry, Green, Grossman, Hackett, R. Hagan, Henne, Huffman, Kunze, Letson, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Perales, Phillips, Reece, Romanchuk, Ruhl, Schuring, Sheehy, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Winburn, Batchelder

BILL SUMMARY

- Authorizes school districts and community schools to transition school buildings that meet certain lower performance criteria into a community learning center to participate in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members.

- Requires a school district or community school, other than a district or school that is not in improvement status under federal law, that initiates the community learning center process for a building to hold public hearings and hold a vote among parents, guardians, teachers, and nonteaching employees on whether to initiate the process.

- Requires a district board or community school governing authority, other than a board or governing authority of a district or school that is not in improvement status under federal law, to create a school action team to conduct a performance audit of a community learning center building, review the building's needs with regard to current school restructuring provisions, and create and implement an improvement plan, subject to the approval of parents, guardians, teachers, and nonteaching employees, and the district board or school governing authority.

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* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Permits a district or school that is not in improvement status under federal law to initiate a community learning process in the manner prescribed by the bill.

- Specifies that the bill's provisions regarding community learning centers prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the bill's effective date.

- Requires a community learning center, prior to providing health services to a student, to obtain the written consent of the student's parent, guardian, or custodian, if the student is less than 18 years old, or the written consent of the student, if the student is at least 18 years old.

- Requires a community learning center and any employee, contractor, or volunteer of a community learning center to maintain, in accordance with all applicable state and federal laws, the confidentiality of patient-identifying information obtained in the course of providing health services.

- Specifies that it is not the intent of the bill to impact or otherwise limit any provisions of state law relating to parental consent for an abortion.

CONTENT AND OPERATION

Community learning centers

Beginning with the 2014-2015 school year, the bill authorizes a school district board of education or community school governing authority to initiate the transition of any school building under its control into a community learning center, provided certain conditions are met (see below). A "community learning center" is defined under the bill as a school or community school that "participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session."[1] A school building that meets any of the following conditions is eligible for the community learning center process:

(1) The building is in "improvement status," as defined by the federal No Child Left Behind Act or under an agreement between the Ohio Department of Education and the United States Secretary of Education;

[1] R.C. 3302.16(A)(1).

(2) The building is a high school that is among the lowest achieving 15% of high schools statewide, as determined by the Department;

(3) The building is a high school with a graduation rate of 60% or lower for three or more consecutive years;

(4) The building is determined by the Department to be persistently low performing; or

(5) The building is not in "improvement status," but the district board or community school governing authority approves the operation of the building as a community learning center. If the board or governing authority approves such operation, the bill's requirements regarding the community learning center process "may" apply to the building.[2] It might not be clear whether this means that an unnamed authority, such as the Department of Education, may choose to apply these requirements to a building not in "improvement status" or whether the board or governing authority of such a building may choose to follow the requirements.

Public hearings

The bill prescribes several procedural steps for a district board or community school governing authority to follow to initiate the community learning center process. First, the board or governing authority must conduct a public information hearing at the subject school building to inform the community of the process and must ensure that information about the hearing is broadly distributed throughout the community. In regard to the hearing, the bill authorizes, but does not require, the board or governing authority to do the following:

(1) Announce the meeting at least 45 days in advance at the school and on the district's or school's websites, using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by 5% or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting; and

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[2] R.C. 3302.17(A).

(6) Comply with provisions contained in the Public Records Law.[3]

On the other hand, both school district boards and community schools are subject to the Public Records Law and the Open Meetings Law; thus, any community learning center process initiated by the board or governing authority presumably must comply with those laws anyway.[4]

The district board or community school governing authority must conduct a follow-up hearing at least once annually until action is taken with regard to the community learning center process or until the building no longer meets the conditions that qualify it for the community learning center process.

To support the implementation of the community learning center process, the board or governing authority may enter into an agreement with any civic engagement organizations, community organizations, or employee organizations.

Public vote on community learning centers

At least 45 days after the first public information hearing, the district board or community school governing authority must conduct an election by paper ballot to initiate the process for the building to become a community learning center. The bill restricts those who may vote in the election to (1) parents or guardians of students enrolled in the building, (2) parents or guardians of students who are otherwise entitled to attend school in the building but are enrolled in a different school operated by a joint vocational school district, and (3) teachers and nonteaching employees who are assigned to the building. The ballots must be distributed by mail and made available at the school building and on the building's website. The ballots also may be given directly to teachers and nonteaching employees and sent home with every student enrolled in the school.[5] The district board or community school governing authority must initiate the transition of the building to a community learning center transition, if at least 50% of parents or guardians and at least 50% of the teachers and nonteaching employees cast ballots and, of those ballots, at least 67% from each group are in favor of initiating the process.[6]

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[3] R.C. 3302.17(B).

[4] R.C. 121.22 and 149.43, neither in the bill.

[5] R.C. 3302.17(C).

[6] R.C. 3302.17(D).

School action teams

If a community learning center process for a building is initiated, the district board or community school governing authority must create a school action team to be responsible for specified duties (see below), including conducting and completing, in consultation with community partners, a performance audit of the school and reviewing, with parental input, the needs of the school with regard to current law school restructuring provisions. (The bill defines a "community partner" as a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team.[7]) The team must provide quarterly updates of its work in a public hearing.[8] A school action team must also do the following:

(1) Monitor and assist in the implementation of the community learning center improvement plan (see "**Improvement plans**," below), if adopted;

(2) Meet with candidates for the principal and other administrative positions and make recommendations to the district superintendent and board or community school governing authority;

(3) Advise on school budgets;

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;

(5) Continue to collect feedback and information from parents using an annual survey;

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;

(7) Monitor school progress related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, limited English proficient students, economically disadvantaged students, and students with disabilities;

(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;

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[7] R.C. 3302.16(A)(2).

[8] R.C. 3302.17(E).

(9) Meet regularly with parents and community members to discuss policy matters affecting the school;[9] and

(10) Determine appropriate services or programs, including health care services, and on-site resource coordinators, that may be provided by a community partner to students, families, or community members.[10]

Improvement plans

Upon completion of the performance audit and review of the building, the school action team must create a community learning center improvement plan that designates appropriate interventions. If a federally mandated school improvement planning process exists for the school, the school action team must coordinate its work with that plan. The school action team must approve an improvement plan by a majority vote.[11] Once the plan has been approved by the school action team, the team must submit the plan for approval to the parents or guardians and teachers and nonteaching employees. Ballots must be distributed and an election must be conducted in the same manner as required for the creation of a community learning center specified above.

If at least 30% of parents or guardians and at least 30% of the teachers and nonteaching employees cast ballots and, of those ballots, at least 50% from each group are in favor of the improvement plan, the school action team must submit the improvement plan for approval to the district board or community school governing authority.[12] The board or governing authority must evaluate the plan and determine whether to adopt the plan. The board or governing authority may adopt the plan in full or only portions of it. If the board or governing authority does not adopt the plan in full, it must provide a written explanation of why portions of the plan were rejected.[13]

School action team membership

The bill specifies that a school action team consists of 12 members who must serve as voting members and who may not be compensated for their service. A term of office for a member of a school action team lasts for three years, and vacancies must be

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[9] R.C. 3302.18(C).

[10] R.C. 3302.16(A)(2).

[11] R.C. 3302.17(F).

[12] R.C. 3302.17(G).

[13] R.C. 3302.17(G)(2), second paragraph.

filled in the same manner as the original appointment. A school action team consists of the following:

(1) Seven individuals, consisting of parents or guardians of students enrolled in the building and members of the community who are not teachers or nonteaching employees, as elected by their peers;

(2) Five teachers and nonteaching employees who are assigned to the building and are not parents or guardians of students enrolled in the building, as elected by their peers.[14]

The bill does not specify a method by which the elections noted above must be conducted, nor does it specify the procedures to follow in the event of a vote that results in a tie among members of the school action team.

Resource coordinator

To assist the school action team, the bill requires the district board, community school governing authority, or community partner to select an individual to serve as the resource coordinator to assist in the development and coordination of programs and services for the community learning center. The resource coordinator is not a member of the school action team. The school action team must make recommendations to the district board, governing authority, or community partner on potential candidates for resource coordinator.

Department of Education duties

The bill requires the Department of Education to adopt rules regarding the elections required for the community learning center process, to develop appropriate interventions for a community learning center improvement plan that may be used by a school action team, and to publish a menu of programs and services that may be offered by a community learning center. To publish this menu, the Department must solicit input from resource coordinators of existing community learning centers. The menu of programs and services must be posted on the Department's website.[15]

The bill authorizes, but does not require, the Department to do the following:

(1) Provide assistance, facilitation, and training to a school action team in the conducting of the team's audit;

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[14] R.C. 3302.18(A)(1).

[15] R.C. 3302.17(H)(1).

(2) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools; and

(3) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.[16]

Collective bargaining provision

The bill specifies that its provisions prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the bill's effective date. However, the bill also authorizes the district board or community school governing authority and the teachers' labor organizations to negotiate additional factors to be considered in the adoption of a community learning center improvement plan.[17]

Consent and confidentiality regarding the provision of health services by a community learning center

The bill requires that, prior to providing health services to a student, a community learning center must obtain the written consent of the student's parent, guardian, or custodian, if the student is less than 18 years old, or the written consent of the student, if the student is at least 18 years old.[18]

The bill also requires a community learning center and any employee, contractor, or volunteer of a community learning center to maintain, in accordance with all applicable state and federal laws, the confidentiality of patient-identifying information obtained in the course of providing health services.[19]

Intent language

The bill specifies that it is not the intent of the bill to impact or otherwise limit any provisions of state law relating to parental consent for an abortion.[20]

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[16] R.C. 3302.17(H)(2).

[17] R.C. 3302.17(I).

[18] R.C. 3302.16(B).

[19] R.C. 3302.16(C).

[20] Section 2.

HISTORY

ACTION	DATE
Introduced	02-25-14
Reported, H. Education	05-22-14
Passed House (86-3)	12-02-14
Reported, S. Education	---

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