

Fiscal Note & Local Impact Statement

124th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43266-0342 ✧ Phone: (614) 466-3615
✧ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Sub. H.B. 364** DATE: **December 5, 2002**

STATUS: **As Enacted – Effective April 8, 2003** SPONSOR: **Rep. Husted**
(Certain provisions effective January 1, 2004)

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Expands community school law.**

State Fiscal Highlights

STATE FUND	FY 2003	FY 2004	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Indeterminate increase	Indeterminate increase	Indeterminate increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2003 is July 1, 2002 – June 30, 2003.

- The bill creates the Office of Community Schools within the Department of Education. The office would be responsible for monitoring and oversight of community schools in Ohio, including audits of the schools and investigations of any complaints about the schools. There may be an increase in administrative costs dependent on any possible increase in the number of community schools and increased oversight.
- The bill allows community school students who are not enrolled in the first week of October to count towards the ADM of the school district in which they are entitled to attend. This will increase state funding to local school districts by the base cost (\$4,949 in FY 2003) plus any applicable weights for each affected student.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2003	FY 2004	FUTURE YEARS
School Districts			
Revenues	Loss depending on the number of new community schools established	Loss depending on the number of new community schools established	Loss depending on the number of new community schools established
Expenditures	Decrease depending on the number of new community schools established	Decrease depending on the number of new community schools established	Decrease depending on the number of new community schools established



Courts			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal increase depending on the number of felonies committed in the designated "school safety zone"	Minimal increase depending on the number of felonies committed in the designated "school safety zone"	Minimal increase depending on the number of felonies committed in the designated "school safety zone"

Note: The school district fiscal year is July 1 through June 30.

- There are potential decreases in revenues and expenditures to local school districts that are dependent on the number of new community schools established and the resulting increase in community school students. The state deducts the base cost plus applicable weights for each student attending a community school from the funding for the school district in which the community school student is entitled to attend. If the student was attending the school district (rather than being home-schooled or attending a private school), then the district may have lower expenditures resulting from no longer educating the student. Net negative effects could be transitory if school district employment levels are kept in line with student levels.
- The bill imposes a cap of 225 community schools until July 1, 2005. It also expands the area in which community schools may be established to include school districts in academic watch.
- The bill also classifies gifted students as "at-risk," meaning that community schools could be established specifically for the gifted students in a given school district. The bill also permits the establishment of single-sex community schools.
- The effects of community schools on local school districts are not uniform. The effects depend on the unique circumstances of a given school district.
- If a school district fails to provide transportation for community schools as required under current law, that district can lose money from the state for failing to comply with the law. The effect of this provision for local school districts would be the cost of compliance with the law.
- The bill allows community school students who are not enrolled in the first week of October to count towards the ADM of the school district in which they are entitled to attend. This will increase state funding to local school districts by the base cost (\$4,949 in FY 2003) plus any applicable weights for each affected student.
- The bill designates community schools as school safety zones. This increases the level of penalty for certain offenses at or above the felony 3 level. This could have a minimal fiscal impact on the courts that have to hear the cases.

Detailed Fiscal Analysis

Substitute House Bill 364 makes several changes to the community school law. Some of these changes make it easier for new community schools to open and others make it more difficult. It is not possible, therefore, to accurately predict whether there will be an increase or decrease in community schools and community school students as a result of the bill. Changes that may lead to more community schools opening include an increase in the types of organizations that can sponsor community schools and permission for community schools to restrict enrollment to gifted students or students of a single gender. Changes that may lead to fewer community schools opening include removal of the Ohio Department of Education from the list of possible sponsors for schools and requirement that community schools comply with more state laws including the laws regarding truancy. In addition, the bill imposes a cap of 225 community schools, while under current law there is no cap.

Local Costs

Start-up Community School Locations

The bill allows community schools to be located only in the “urban 21” school districts (this includes the Big 8 school districts), in the Lucas County pilot area, or any other district that is labeled to be in academic watch or academic emergency. Current law is similar, but it does not permit community schools in academic watch districts. School districts count community school students in their average daily membership (ADM) for the purposes of state funding, but the base cost amount (\$4,949 in FY 2003) plus any additional weighted funding or DPIA applicable to the student is deducted from the school district’s funding and transferred to the community school.

The fiscal effect of an increase in the number of community school students within a district is dependent on whether enrollments are increasing or decreasing in that district. For example, if a community school is established in a school district where the student body is increasing every year, then the likelihood is that the community school would absorb part of that increase. One of the immediate effects on the district would include the need to hire fewer new teachers. The district may also need less in the way of new buildings if the increase in students became less due to the presence of a community school. The community school would, theoretically, absorb some of that increase as the school developed.

On the other hand, if a community school were established in a school district where the student body is stable or decreasing every year, then, when the community school begins enrolling students from that district, one of the immediate effects would be the need to reduce the number of teachers and the number of classrooms utilized. Because most districts hire some new teachers each year, this reduction will mostly be accomplished by hiring fewer new teachers. If teachers are not reduced in line with the district’s pupil decline, the district’s financial position will erode. This erosion will last until the decline in teachers is brought in line with the decline in pupils. With careful management, this balance should be achieved in one or two years so that the negative financial impact of the decline in students is a one-time

transition cost. In addition, proportional reductions in overhead are also needed to keep expenses in line.

Local Transportation Costs

The bill codifies certain practices already in place at the Department of Education, including a series of administrative procedures for all students (including regular and non-public students) governing the payment in lieu of providing transportation. If, due to the impracticality of transporting certain students, the district does not provide transportation to any student in that district, then they may pay the parent of that community school student the amount of the average cost to all districts in the state to provide transportation in the preceding year. In addition, the community school can charge a fee for providing transportation for enrolled students who would not ordinarily be eligible for transportation.

Under current law, the department has no recourse if a school district does not comply with the guidelines regarding transportation. The bill allows the department to take action against a school district and require it to pay for transportation by deducting the cost of transporting the student (or students) from any payments made to the district under the transportation portion of the state funding formula.

The bill amends current law to require school districts to provide transportation to community school students on the same basis as to nonpublic school students. The exception to this would be if the district and the community school have entered into a contract under which the community school provides transportation to its students. The bill eliminates the current law that requires a \$450 per pupil payment for transportation costs when a community school assumes transportation responsibilities and requires any payments for eligible students or certain disabled students to be specified in the community school's contract.

Formula ADM

The formula average daily membership (ADM) is calculated during the first full week in October. From that calculation, school districts receive money from the Department of Education based on the base cost funding amount for a given fiscal year. Community school students are added to this count, but only if they are enrolled before the first full week in October. The bill would require the Department of Education to adjust the formula ADM of the school district in which the community school student was excluded because the student was not enrolled by the first full week of October. The bill also requires the Department of Education to make the first payment to a community school within 30 days of receipt of its initial reported enrollment and to periodically make additional payments to the school that are adjusted for changes in the school's enrollment. The department then has to recalculate the school district's payments for the entire fiscal year. This provision will increase state funding to school districts by the base cost plus applicable weights for each community school student enrolled after the first week of October.

The bill also modifies payments for community school students who attend a joint vocational school. School districts are credited with 25 percent of the FTE of students in their districts who are attending a joint vocational school. Currently, if a student is enrolled in a community school and

attending a joint vocational school, the school district is still credited with the 25 percent FTE. The bill changes this so that the community school, not the school district is credited with the 25 percent FTE. This will not affect the state cost, but will result in any affected school districts receiving less state aid.

State Costs

Community Schools Oversight and Monitoring

At present, the Office of School Options (OSO) at the Department of Education provides academic oversight for community schools. There are eight employees in the OSO, but their time is split between community schools, non-public schools, etc. The Office of School Finance (OSF) at the Department of Education provides fiscal oversight for community schools. The bill creates the Office of Community Schools (OCS) within the Department of Education and requires the OCS to oversee the sponsors of community schools and to provide technical assistance to schools and sponsors. Under the bill, sponsors include any educational service center, any school district, and any federally tax-exempt entity. The OCS would also be responsible for approving sponsors and monitoring the compliance of sponsors with their contract duties. Since the department is already performing most of these oversight duties, this would likely not affect the state, assuming that no new employees are hired for this purpose but, rather, employees in the OCS are transferred in from other offices and divisions in the department. If the number of community schools substantially increases, at some point additional staff will be needed to monitor the larger number of schools. If the intensity of supervision is increased, additional staff may be required.

Under the bill, the Department of Education must immediately suspend the operations of a community school that is in violation of health and safety regulations. The department can also suspend a community school's operations for violations of its contract, including violations of the provisions in its preliminary agreement (required under the bill to be a written document submitted to the department from the governing authority of the community school before a contract is approved). Part of the department's monitoring and oversight duties would be periodic audits of community schools and investigations into complaints against a community school.

If it is found that the department has overpaid a community school (i.e., made payments for more students than are actually enrolled in the school), then the department can recoup the money by decreasing the payments made in subsequent years until the balance is even. There is a provision in the bill that requires a community school contract to have a plan of action in the event the school has to shut down before the end of the school year.

Community School Cap

As stated above, the bill may or may not lead to more community schools opening in Ohio. The bill puts into place a cap of no more than 225 (97 more than the FY 2003 number of community schools) on the number of community school contracts that may be in effect at any given time until July 1, 2005, after which there will be no cap. There is no cap under current law. In FY 2003, there are approximately 31,000 students, with kindergarten students counted at the 100 percent level, in community schools, or about 1.8 percent, of the total ADM. If the number of community schools increased to 225, and the new schools continued to average about 250 students per school, the number

of students could increase by about 24,000 under the cap. After the cap is removed in two years, additional community schools could form.

Although there were only 92 community schools in operation in FY 2002, there were an additional 78 preliminary agreements and contracts that were awaiting approval by the Department of Education. These 78 preliminary agreements and contracts have been submitted to the Department of Education since the cap of 125 community schools was lifted on July 1, 2001. Looking at other states, and their experiences, might be instructive to Ohio in determining how many community schools could open in other areas of the state. Arizona, for example, has nearly 450 community schools with a total community school student population of approximately 95,000. Michigan, on the other hand, has about 200 community schools with a total community school student population of approximately 53,000. Nationwide, there are 2,125 community schools with a total community school student population of over 522,000. This averages out to around 245 students per community school. Ohio, Arizona, and Michigan all have similar student-school averages. Thus, there is a fairly broad range of possible outcomes. There is no reliable way to determine how many new community schools might be established in Ohio.

Federal Title I Allowance

Recent federal legislation, H.R. 1 (“Leave No Child Behind”), mandates that children in failing schools (according to the federal definition) may transfer to a charter/community school and the Title I funds allocated to that student follow the student to the community school. The bill underscores this requirement by stating that the Department of Education is required to include community schools in its annual allocation of federal Title I money.

Community School Classroom Facilities Loan Guarantee Program

The bill expands the Community School Classroom Facilities Loan Guarantee Program to all community schools. Previously, it was limited to “start-up” community schools. Loans made under the loan guarantee program can be used for new construction of school buildings.

Community School Revolving Loan Fund

The bill creates the Community School Revolving Loan Fund in the state treasury. Moneys in this fund come from any federal funds allocated to the state for the development and operation of community schools. These funds will be used to cover default on a loan made from the fund to the sponsor or governing authority of any start-up community school. The superintendent of public instruction must approve loans made under this provision.

*LSC fiscal staff: Sara D. Anderson, Budget Analyst
Melaney Carter, Economist*

HB0364EN/lb