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## DEPARTMENT OF EDUCATION

### I. School financing

#### Funding for FY 2020 and FY 2021

- Requires the Department of Education to pay each city, local, exempted village, and joint vocational school district an amount equal to the district's aggregate annualized payments for FY 2019, as of the second payment in June 2019.
- Requires the Department, for each student enrolled in a community school or STEM school, to deduct from the amount computed for the student's resident district and pay to the school the amount prescribed by current law.
- Specifies that, for purposes of computing other payments for FY 2020 and FY 2021 for which a district's "state share index" or "state share percentage" is a factor, the Department must use the state share index or state share percentage computed for the district for FY 2019.
- Specifies that, for purposes of open enrollment, College Credit Plus, and any other payments for which the "formula amount" is used, the formula amount for FY 2020 and FY 2021 equals the formula amount for FY 2019 (\$6,020).

#### Student wellness and success funding

- Provides student wellness and success funding on a per pupil basis to city, local, and exempted village school districts based on quintiles of the percentages of children residing in the districts with family incomes below 185% of the Federal Poverty Guidelines.
- Provides student wellness and success funding, on a full-time equivalency basis, to joint vocational school districts, community schools that are not Internet- or computer-based community schools (e-schools), and STEM schools based on the per-pupil amount of this funding that is paid to each student's district of residence.
- Specifies that each school district, community school that is not an e-school, and STEM school must receive a minimum payment of \$25,000 for FY 2020, and \$30,000 for FY 2021.
- Provides student wellness and success funding to each e-school in an amount equal to \$25,000 for FY 2020, and \$30,000 for FY 2021.
- Requires each district and school to spend wellness and success funds for specified purposes and to develop a plan for utilizing the funding in coordination with one or more specified organizations.
- Requires each district and school to submit a report to the Department at the end of each fiscal year describing the initiatives on which the district's or school's student wellness and success funds were spent.

## **Innovative Shared Services at Schools Program**

- Creates the Innovative Shared Services at Schools Program to provide grants to school districts, community schools, STEM schools, education consortia, and partnering private and government entities for projects that aim to achieve significant advancement in student achievement in the use of a shared services delivery model.

## **School Climate Grants**

- Creates School Climate Grants for FY 2020 and FY 2021 to provide grants to school districts, community schools, or STEM schools to implement positive behavior intervention and support frameworks or social and emotional learning initiatives.

## **Quality Community School Support Program**

- Establishes the Quality Community School Support Program, under which “community schools of quality” receive an additional \$1,750 or \$1,000 per year for each full-time student.

## **Study of e-school funding models**

- Requires the Department to study and make recommendations on the feasibility of new funding models for e-schools by December 31, 2019.

## **II. Interventions for low-performing school districts**

### **Improvement actions**

- Creates a tiered system of additional support for low-performing school districts including:
  - For a district that receives an overall state report card grade of “F,” designation of “substantial and intensive support” status which includes various improvement actions.
  - For a district in the above status for at least two consecutive years, a variety of interventions.
- Requires the Department to publish a list of approved, high-quality organizations that specialize in supporting academic achievement and performance improvement for use in school district improvement interventions.
- Requires the Department to conduct an academic performance review and resource utilization analysis of a district designated as in substantial and intensive support status.
- Requires the state Superintendent to establish and appoint members to several advisory groups for each district in substantial and intensive support status and subject to improvement intervention.
- Permits a school district to appeal the implementation of an intervention.

## **Academic distress commissions**

- Eliminates the requirement that the Superintendent establish academic distress commissions for state districts with “F” grades for three consecutive years and, instead, authorizes it as an option for a school district improvement intervention.
- Changes the composition of an academic distress commission.
- Requires the district board of education to submit a candidate for Chief Executive Officer to the commission for its approval.
- Eliminates the requirement to establish a new board of education for a district that has remained under the supervision of a commission for four years.
- Permits an academic distress commission to suspend or override any decision of a district board or administration that is inconsistent with a district’s improvement plan.
- Makes other changes to academic distress commission law.

## **III. Other provisions**

### **Community school mergers**

- Establishes a procedure by which two or more community schools may merge that includes adopting a resolution, notifying the Department, and entering into a new contract with the surviving community school’s sponsor.
- Clarifies that participating in a merger does not exempt a community school from the issuance of report card ratings or the laws regarding permanent closure.
- Makes ineligible to participate in a merger a community school that (1) has received certain failing grades on one of two most recent report cards or (2) has been notified of the for-cause termination or nonrenewal of the school’s sponsorship contract.

### **Employment of classroom teachers by a community school**

- Exempts community schools from the prohibition against employing teachers of a core subject area unless they are “properly certified or licensed teachers,” or hiring paraprofessionals to provide support in a core subject area unless they are “properly certified paraprofessionals.”

### **Behavioral prevention initiatives**

- Requires public schools to annually report to the Department on the types of behavioral prevention initiatives being used to promote healthy behavior and decision-making by students.
- Permits the Department to use these reports as a factor in distribution of funding for prevention-focused behavioral initiatives.

## Computer coding as a foreign language

- Requires a public school or chartered nonpublic school that requires a foreign language for high school graduation to accept one unit of computer coding instruction toward satisfying that requirement.
- Specifies that, if a student applies more than one course of computer coding toward the requirement, they must be sequential and progressively more difficult.

## English learners

- Changes references of “limited English proficient student” to “English learner” to align with federal law.

## I. School financing

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, 3326.42; Sections 265.210, 265.215, 265.220, 265.225, 265.230, and 265.235)

The current school funding system specifies a per-pupil formula amount and then uses that amount, along with a district’s “state share index” (which depends on valuation and, for some districts, on median income), to calculate a district’s base payment (called the “opportunity grant”). The system also includes payments for targeted assistance (based on a district’s property value and income) and supplemental targeted assistance (based on a district’s percentage of agricultural property), categorical payments, a capacity aid payment, and payments for a graduation bonus, a third-grade reading bonus, and student transportation.

The bill retains the current school financing system, but it suspends use of that formula for school districts for FY 2020 and FY 2021 and, instead, provides for payments to be made based on FY 2019 funding. The bill also provides for deductions and transfers for community school and STEM school students as prescribed under current law. For a more detailed description of the bill’s school financing system, see the LBO Redbook for the Department of Education and the LSC Comparison Document for the bill. From the LSC home page, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), click on “Budget Central,” then on “Main Operating – H.B. 166,” and then on “EDU” under “Redbooks” or on “Comparison Document.”

## Funding for FY 2020 and FY 2021

(Sections 265.210, 265.215, 265.220, 265.225, 265.230, and 265.235)

### School districts

For FY 2020 and FY 2021, the bill requires the Department of Education to pay each city, local, exempted village, and joint vocational school district an amount equal to the district’s aggregate annualized payments for FY 2019, as of the second payment in June 2019.

### Community schools and STEM schools

For FY 2020 and FY 2021, the bill requires the Department, for each student enrolled in a community school or STEM school, to deduct from the amount computed for the student’s resident district under the bill’s provisions and pay to the school an amount for the student in the manner prescribed by current law. For this purpose, the bill specifies that (1) the “formula

amount,” which is used to calculate the “opportunity grant” for each school, equals the formula amount for FY 2019 (\$6,020) and (2) the amounts deducted and paid for targeted assistance and economically disadvantaged funds, which are computed based on an amount calculated for a student’s resident district, must be the same per-pupil amounts deducted and paid for FY 2019.

Additionally, for FY 2020 and FY 2021, the bill requires the Department to pay each community school and STEM school graduation and third-grade reading bonuses equal to the school’s payments for those bonuses for FY 2019.

### **Other payments**

The bill specifies that, for purposes of computing other payments for FY 2020 and FY 2021 for which a district’s “state share index” or “state share percentage” is a factor, the Department must use the state share index or state share percentage computed for the district for FY 2019.

Additionally, the bill specifies that, for purposes of open enrollment, College Credit Plus, and any other payments for which the “formula amount” is used, the formula amount for FY 2020 and FY 2021 equals the formula amount for FY 2019 (as with payments for community schools and STEM schools under the bill).

### **Student wellness and success funding**

(R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42; Section 265.210)

The bill requires the Department to make a new payment for student wellness and success to all school districts, community schools, and STEM schools. These funds must be spent for specified purposes that are outlined below. The Department must pay half of these funds by October 31 of the fiscal year for which the payment is calculated and the other half of these funds by February 28 of that fiscal year. The Department is prohibited from later reconciling or adjusting the payment.

### **City, local, and exempted village school districts**

The bill requires the Department to pay student wellness and success funding to city, local, and exempted village school districts on a per pupil basis. For purposes of this payment, a district’s total student count is the total number of students who were enrolled in the district at the time of the second school funding payment in June of the preceding fiscal year.

The per-pupil amounts for this payment range from \$20 to \$250 for FY 2020, and \$25 to \$300 for FY 2021. To determine each district’s per pupil amount, the Department must group the districts into quintiles each fiscal year based on the percentages of children residing in the districts with family incomes below 185% of the Federal Poverty Guidelines, using the most recent five-year estimates published by the U.S. Census Bureau in the American Community Survey as the resource. Districts in the highest quintile are paid the highest per-pupil amount, and districts in the other four quintiles are paid a smaller per pupil amount based on a sliding scale calculation. Each district must, however, receive a minimum aggregate payment of \$25,000 for FY 2020, and \$30,000 for FY 2021 (unless the district has fewer than five enrolled students).

## **Joint vocational school districts, community and STEM schools**

The bill requires the Department to pay student wellness and success funding, on a full-time equivalency basis, to joint vocational school districts, community schools that are not Internet- or computer-based community schools (e-schools), and STEM schools. This funding is calculated by determining, for each student enrolled in the district or school at the time of the school funding payment in June of the preceding fiscal year, the per-pupil amount of student wellness and success funding paid to the student's district of residence and multiplying that amount by the student's full-time equivalency. Each district or school must receive a total minimum aggregate payment of \$25,000 for FY 2020, and \$30,000 for FY 2021.

The bill does not provide a per-pupil payment for e-schools. Instead, it requires the Department to pay each e-school \$25,000 for FY 2020, and \$30,000 for FY 2021.

## **Requirements for spending of student wellness and success funds**

The bill requires districts and schools to spend student wellness and success funds for any of the following initiatives or a combination of any of the following initiatives:

1. Mental health services;
2. Services for homeless youth;
3. Services for child welfare involved youth;
4. Community liaisons;
5. Physical health care services;
6. Mentoring programs;
7. Family engagement and support services;
8. City Connect programming;
9. Professional development regarding the provision of trauma informed care; and
10. Professional development regarding cultural competence.

The bill also specifies that they must develop plans for utilizing student wellness and success funding in coordination with at least one of the following community partners: a board of alcohol, drug, and mental health services; an educational service center; a county board of developmental disabilities; a community-based mental health treatment provider; a board of health of a city or general health district; a county board of job and family services; or a nonprofit organization with experience serving children.

Finally, the bill requires each district and school, at the end of each fiscal year, to submit a report to the Department describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent.

## **Payments prior to the bill's effective date**

(Section 265.210)

As with the past three biennial budget acts, the bill requires the Superintendent of Public Instruction, prior to the bill's effective date, to make operating payments in amounts

“substantially equal” to those made in the prior year, “or otherwise,” at the Superintendent’s discretion.

## **Innovative Shared Services at Schools Program**

(Section 265.270)

The bill creates, for FY 2020 and FY 2021, the Innovative Shared Services at Schools Program to provide grants to school districts, community schools, STEM schools, education consortia, and private or governmental entities partnering with one or more of those educational entities. The grants are to fund projects that aim to achieve significant advancement in the use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

### **Grant application process**

#### **Grant proposal**

The bill requires each grant applicant to submit a proposal that includes all of the following:

1. A description of the project, including a description of how it will have substantial value and lasting impact;
2. A description of quantifiable results of the project that can be benchmarked;
3. A description of administrative efficiencies created by the project.

If an education consortium applies for a grant, the lead applicant must be the school district, school building, community school, or STEM school that is a member of the consortium. The lead applicant must indicate on the application which entity is the lead applicant.

#### **Grant evaluation system**

The bill requires the Department to establish, with the approval of the governing board (see “**Grant decision**” below), an evaluation and scoring system for awarding grant applications.

#### **Grant decision**

The bill requires grant decisions to be made by a “governing board” consisting of five members: the state Superintendent, or the Superintendent’s designee, two members appointed by the Governor, one member appointed by the Speaker of the House, and one member appointed by the President of the Senate. The board must create a grant application and publish on the Department’s website the application and a timeline for the submission, review, notification, and awarding of grant proposals.

The governing board must issue a “timely” decision on the application of “yes,” “no,” “hold,” or “edit.” If the board issues a “hold” or “edit” decision for an application, it must, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application (see “**Grant advisors**” below).

#### **Grant amount**

The bill specifies that a grant may not exceed \$100,000 in each fiscal year.

The state Superintendent may make recommendations to the Controlling Board that these maximum amounts be exceeded.

### **Grant agreement**

Upon deciding to award a grant to an applicant, the board must enter into a grant agreement with the applicant that includes all of the following:

1. The content of the applicant's proposal;
2. The project's deliverables and a timetable for their completion;
3. Conditions for receiving grant funding;
4. Conditions for receiving funding in future years if the contract is a multi-year contract;
5. A provision specifying that funding will be returned to the governing board if the applicant fails to implement the agreement; and
6. A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.

Each grant awarded to an applicant must be subject to approval by the Controlling Board prior to execution of this agreement.

Recipients may use grant awards for grant-related expenses incurred for a period no longer than two years from the date of the award.

### **Annual report**

The bill requires the governing board to issue an annual report to the Governor, the Speaker of the House, the Senate President, and the chairpersons of the House and Senate Education committees regarding the types of grants awarded, the grant recipients, and the effectiveness of the program.

### **Grant advisors**

The bill requires the governing board to select grant advisors with fiscal expertise and education expertise. These advisors must evaluate proposals from grant applicants and advise the staff administering the program.<sup>23</sup>

### **Appropriation**

The bill appropriates \$1 million in each of FY 2020 and FY 2021 for the program.

## **School Climate Grants**

(Section 265.325)

For FY 2020 and FY 2021, the bill creates a School Climate Grants program to provide grants to school districts, community schools, and STEM schools to implement positive behavior intervention and support frameworks, social and emotional learning initiatives, or both, in school buildings that serve any of grades K-3.

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<sup>23</sup> As in the case of the governing board, grant advisors may not be compensated for their services.



## **Grant application process**

### **Grant proposal**

The bill requires the state Superintendent to prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards.

### **Grant distribution**

The bill requires the state Superintendent to award grants based on the following order of priority:

First, to eligible applicants whose proposal serves one or more eligible school buildings whose percentage of economically disadvantaged students, as determined by the state Superintendent, is greater than the statewide average percentage of economically disadvantaged students;

Second, to eligible applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the state Superintendent; and

Third, to eligible applicants who have yet to receive a School Climate Grant in the order in which the application was received.

If the amount appropriated in a fiscal year for School Climate Grants is insufficient to provide grants to eligible applicants with the top priority level, the state Superintendent must first award grants within that priority level to eligible applicants whose proposal serves one or more eligible schools that previously have not been served through a School Climate Grant.

### **Grant amount**

The bill specifies a maximum grant amount of \$5,000 may be awarded in each fiscal year for each eligible school building in an applicant's grant proposal for up to ten schools per proposal.

### **Grant agreement**

Upon deciding to award a grant to an applicant, the state Superintendent may enter into a grant agreement with the applicant that includes the terms and conditions governing the use of the funds. The state Superintendent may monitor a recipient's use of the funds to ensure the award is used in accordance with the agreement.

Grant recipients may use grant awards for grant-related expenses incurred for a period no longer than two years from the date of the award.

### **Appropriation**

The bill appropriates \$2 million in each of FY 2020 and FY 2021 from the Lottery Profits Education Fund for grants under the program.

## **Quality Community School Support Program**

(Section 265.335)

The bill creates for FY 2020 and FY 2021 the Quality Community School Support Program. Under the program, the Department must pay each "community school of quality"

\$1,750 in each fiscal year for each student identified as economically disadvantaged and \$1,000 in each fiscal year for each student that is not identified as economically disadvantaged.

### “Community school of quality” designation

The bill designates four separate types of “community school of quality,” each with its own indicators. A school designated as a “community school of quality” maintains that designation for two fiscal years. The indicators for type of community school of quality are described in the table below.

Indicators of quality	Type 1	Type 2	Type 3	Type 4
School’s sponsor is rated “exemplary” or “effective” on sponsor’s most recent evaluation.	✓	✓	✓	✓
School’s two most recent performance index scores are higher than the school district in which school is located.	✓			
School’s most recent overall grade for value added is “A” or “B” or school is in its first or second year of operation and did not receive a value-added grade.	✓			
At least 50% of enrolled students are economically disadvantaged.	✓			✓
The school is in its first year of operation.		✓		
The school replicating the operational and instructional model used by a <b>Type 1</b> school of quality.		✓		
School contracts with an operator that operates schools in separate states.			✓	✓
One of the operator’s schools received funding through the Federal Charter School Program or the Charter School Growth Fund.			✓	
One of the operator’s out-of-state schools performed better than the school district in which the in-state school is located, as determined by the Department.				✓
Operator is in good standing in all states.				✓
Operator does not have financial viability issues preventing it from effectively operating a community school in Ohio.				✓

## Payment calculation

With one exception, the payment must be calculated using the final adjusted full-time equivalent number of students enrolled in a community school for the previous fiscal year. For a school in its first year of operation, the payment must be calculated using the adjusted full-time equivalent number of students enrolled in the school as of the date the payment is made.

The Department must make the payment to each community school of quality by January 31 each year.

## Appropriation

The bill appropriates \$30 million from the Lottery Profits Education Fund for each of FY 2020 and FY 2021 for the program.

## Study of e-school funding models

(Section 265.470)

The bill requires the Department to study and make recommendations on the feasibility of new funding models for Internet- or computer-based community schools (e-schools). In doing so, the Department must consider (1) models based on student subject matter competency and course completion and (2) models of other states, including Florida and New Hampshire. The Department must complete and submit copies of the study to the General Assembly by December 31, 2019. Currently, an e-school's per-pupil funding is calculated by comparing the total number of hours of learning opportunities offered to a student with the number of documented hours the student actually spent participating in learning activities.<sup>24</sup>

Law enacted in August of 2018, created a legislative committee to study and make recommendations regarding a payment system for e-schools based on student subject matter competency by November 15, 2018. That committee also was required to examine the funding models of other states when compiling its results.<sup>25</sup>

## II. Interventions for low-performing school districts

### Improvement actions

(R.C. 3301.28, 3302.11, and 3302.111; conforming changes in R.C. 3302.042, 3302.12, and 3302.17)

The bill revises the law regarding interventions for persistently low-performing school districts. Under current law, a district that has received an overall grade of "F" for three consecutive years becomes subject to an academic distress commission. The bill, however, creates a tiered system of additional support.

First, when a school district receives an overall grade of "F" on the state report card, the Superintendent of Public Instruction must designate that district as in "substantial and intensive support" status. Such a district must enter into an expectation and support agreement with the

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<sup>24</sup> See R.C. 3314.08 and 3314.27, not in the bill; Page 11 of the Community School Full Time Equivalency (FTE) Review Manual, Office of School Finance.

<sup>25</sup> Section 10 of S.B. 216 of the 132<sup>nd</sup> General Assembly.

Department. If a district fails to improve and receives overall grades of “F” on the state report card for at least two consecutive years, then the district becomes subject to an improvement intervention selected by the state Superintendent based on the district’s needs and situation.

Included among the menu of improvement interventions is the option of creating an academic distress commission. (The bill also makes extensive changes to the academic distress commissions law (see below).) School districts that are subject to an academic distress commission on the bill’s effective date are subject to an improvement intervention, including but not limited to, remaining in the academic distress commission status.

## **Substantial and intensive status**

(R.C. 3302.11(A) and (B))

The bill requires the state Superintendent to designate any school district that receives an overall grade of “F” on the state report card as in “substantial and intensive support status.” Within six months of the designation, the Department of Education must conduct an academic performance review and a resource utilization analysis of the district. Upon receiving such a designation, a district must negotiate an expectation and support agreement with the Department, and annually thereafter as long as the district remains in that status. The agreement must specify actions that the district and Department must take and areas of support to be provided to the district.

The state Superintendent also must form advisory committees for districts in substantial and intensive support status (see below).

## **Transitioning out of substantial and intensive support status**

(R.C. 3302.11(D) and (I))

A district shall not be considered in substantial and intensive support status if:

1. It receives an overall grade of “C” or above on the state report card; or
2. Upon the determination of the state Superintendent based on the academic performance of the district and individual school buildings operated by the district and evidence of a district’s capacity for sustainable improvement.

However, if a district remains in substantial and intensive support status for two consecutive years and the state Superintendent determines that the district has not complied with its expectation and support agreement or has not made sufficient progress in making academic improvement, it becomes subject to school district improvement intervention.

## **Interventions**

(R.C. 3302.11(F))

The bill creates a variety of interventions from which the state Superintendent may choose based on the needs of the district. Those interventions include:

1. An assistive option which may include the appointment by the state Superintendent of any of the following individuals who are Department employees:

- a. A district facilitator who must have sufficient expertise and experience to support improvement activities. The district facilitator will offer specific supports to district leaders.
  - b. A district monitor who must have access to district information and personnel in order to monitor the alignment of district actions with the district's improvement plan. The district monitor must offer updates to the district board.
  - c. A school-level coach who must provide intensive coaching and support to staff and administrators at specific buildings in the district. The coach may be an approved, "high-quality" organization on the Department's list of such organizations that specialize in supporting school and school district academic achievement and performance achievement under the bill (see below).<sup>26</sup>
2. An improvement supervisor. The bill requires the school district board of education to select, with the approval of the state Superintendent, an improvement supervisor. The improvement supervisor is a Department employee, but must submit progress reports on the district's improvement to both the district board and the state Superintendent. The improvement supervisor is an advisory role that assists the district board and state Superintendent to create an improvement plan using turnaround strategies. The bill permits the supervisor to suspend any action of the district board or administration if the supervisor determines that action is inconsistent with the district's improvement plan or expectation and support agreement.
  3. A local superintendent supervisor. The state Superintendent must appoint the district's current administrator as supervisor. The local superintendent supervisor may suspend any action of the district board when the supervisor determines that the action is inconsistent with the district's improvement plan or expectation and support agreement. The supervisor serves at the pleasure of the state Superintendent and may not be fired or removed from office by the district board while in the position of supervisor.
  4. A new seven-member district board appointed by the mayor of the municipality in which a majority of the territory of a school district subject to improvement intervention is located. Or, if no such municipality exists, the board is appointed by the mayor of any municipality in which the district has territory selected by the state Superintendent. Appointees must reside in the district and cannot hold any other elected public office. The mayor must designate one member as the chairperson of the board who has all the rights, authority, and duties conferred upon the president of a board of education under law. The mayor must appoint members so that their terms of office are staggered, but terms of office are limited to two years.

The bill includes a process by which voters approve, by referendum, such mayoral appointment. Article VI, Section 3 of the Ohio Constitution requires that each "city" school district has the right of a referendum vote on the number of members and organization of the district board. Accordingly, the act requires that a referendum election be held to approve

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<sup>26</sup> R.C. 3301.28.

mayoral appointment of the district board at the general election in the first even-numbered year occurring at least three years after the date on which the appointed board assumed control of the district. If the majority of voters approve mayoral appointment of the district board, the mayor must appoint a new board on the immediately following July 1 in the same manner as the initial board was appointed. If a majority of the voters disapprove mayoral appointment, a new board must be elected at the next general election of an odd-numbered year.

5. School directors. The bill directs the state Superintendent to appoint directors to manage one or more buildings in the district. Directors are Department employees and have authority over the operational, managerial, and instructional functions of the buildings assigned as designated in a contract with the Department.
6. Contracted school management. The state Superintendent may place one or more buildings in the district under independent management by a nonprofit company. The state superintendent must develop specifications for the operation of the building or buildings and issue a bidding process for management companies. The building will remain as part of the district but be managed by the nonprofit company.
7. Academic distress commission, pursuant to that provision of law as amended by the bill. (See below.)
8. A chief executive officer (CEO) appointed by the state Superintendent. The CEO will assume the management and control of a district subject to an improvement intervention. The CEO is employed by the Department and have the same authority as a CEO for an academic distress commission.

### **School treasurer**

(R.C. 3302.11(G))

Under the bill, the treasurer of a district must report to the new governing entity created for any intervention that replaces the authority of the school district board.

### **Changing interventions**

(R.C. 3302.11(H))

If the state Superintendent determines that a selected school district improvement intervention is failing to produce “meaningful improvement,” the state Superintendent may assign a different intervention to that district. The bill does not define meaningful improvement.

### **Intervention postponement**

(R.C. 3302.11(E))

The bill permits the state Superintendent to grant a school district subject to improvement intervention an additional year before implementing interventions based on a review of the Department’s academic performance review and resource utilization analysis and other evidence presented to the state Superintendent.

## **Ending interventions**

(R.C. 3302.11(I))

The bill states that a school district is no longer subject to an improvement intervention if it receives an overall grade of “C” or above on the state report card or upon the determination of the state Superintendent based on the academic performance of the district and individual school buildings and evidence of the district’s capacity for sustainable improvement. This includes the decision to cease operation of an academic distress commission and its CEO.

## **Advisory groups**

(R.C. 3302.11(C))

The bill also requires the state Superintendent to establish and appoint members to various advisory groups for districts subject to an improvement intervention. The advisory groups include:

1. A quality education advisory group. This group supports the work of the district’s administrators administration and must consist of current and former school district superintendents, as recommended by the Buckeye Association of School Administrators.
2. A board support advisory group. This group supports the work of the district’s board of education and must consist of current and former members of school district boards of education, as recommended by the Ohio School Boards Association.
3. A resource utilization advisory group. This group supports the work of district treasurers or business officers and must consist of current and former district treasurers and business officials, as recommended by the Ohio Association of School Business Officials.
4. A community support coordinating group to organize and coordinate community support and provide community perspective on a district’s improvement plan.

## **List of “high-quality” organizations**

(R.C. 3301.28)

The bill requires the Department to publish a list of approved, “high-quality” organizations that specialize in supporting school and school district academic achievement and performance achievement for purposes of school district improvement interventions. The Department must publish the list not later than 120 days after the bill’s effective date.

## **Academic distress commissions**

(R.C. 3302.10)

The bill substantially revises the law regarding school district academic distress commissions. It removes the requirement that the state Superintendent establish a commission for a consistently poor performing district and, instead, permits the state Superintendent to choose from a variety of interventions, one of which is the establishment of a commission. It also changes the composition of a commission. Additionally, the bill changes the nomination process for the Chief Executive Officer (CEO) of a commission and modifies the CEO’s powers.

## **Establishment of a commission**

The bill removes the requirement that the state Superintendent establish an academic distress commission for a district that has received an overall grade of “F” on the state report card for three consecutive years. Instead, the state Superintendent may choose from a variety of intervention options for district improvement (see “**Interventions**” above), one of which is the establishment of a commission.

If the state Superintendent establishes a commission, the bill requires that members be appointed within 60 days instead of 30 days, as prescribed by current law. Furthermore, the state Superintendent may designate any member of the commission as the chairperson. Under current law, only members appointed by the state Superintendent can be considered for the chairpersonship.

## **Existing commissions**

If, on the bill’s effective date, a school district already has a commission established, the state Superintendent may choose to continue with the commission already in place for the district or select a different improvement intervention plan.

## **Academic distress commission composition**

(R.C. 3302.10(B))

The bill changes the composition of an academic distress commission to the state Superintendent, or the state Superintendent’s designee, and the following four members appointed by the state Superintendent:

1. A school district superintendent currently employed by another district selected from a list of at least three candidates submitted by the Buckeye Association of School Administrators;
2. A current member of a school district board of education of another district selected from a list of at least three candidates submitted by the Ohio School Boards Association;
3. A school district treasurer currently employed by another district selected from a list of at least three candidates submitted by the Ohio Association of School Business Officials;
4. A building principal currently employed by another district selected from a list of at least three candidates submitted jointly by the Ohio Association of Secondary School Administrators and the Ohio Association of Elementary School Administrators.

Current law requires that an academic distress commission be composed of (1) three members appointed by the state Superintendent, one of whom is a resident in the county in which a majority of the district’s territory is located, (2) one teacher appointed by the president of the district board, and (3) one member appointed by the mayor.

## **Commission duties**

The bill eliminates the responsibility of commissions to expand high quality school choice options for the district. It also eliminates the ability of the commission to create an entity to act as a high quality school accelerator.



## **Dissolution of commissions**

The bill removes the qualifications that allow a district to begin its transition out of being subject to a commission. Instead, it permits the state Superintendent to determine when a district may transition out from under the supervision of the commission in accordance with the bill's provisions on ending interventions as described above.

## **Chief Executive Officer**

The bill revises the appointment process for the CEO to require the district board of education to submit a candidate for CEO to the commission for its approval. Upon approval by the commission, the district board then appoints the candidate as CEO. Under current law, a commission selects and appoints the CEO without the input of the district board.

## **CEO powers and duties**

The bill changes or eliminates certain powers of the CEO. These changes include the following:

1. Requires any personnel changes made by the CEO to be approved by the commission;
2. Removes the progressive addition of new powers for the CEO if a district continues to be subject to an academic distress commission;
3. Removes the ability of the CEO to implement innovative education programs; and
4. Removes the ability of the CEO to reconstitute any school operated by the districts.

The bill maintains current law granting the CEO the power to limit, suspend, or alter an administrator's contract.

## **Academic improvement plan**

When developing the academic improvement plan for the district, the CEO must meet not only with community stakeholders, as prescribed by current law, but also several advisory groups appointed by the state Superintendent for districts subject to an improvement intervention.

The bill requires the CEO to submit the academic improvement plan to the district board within 150 days after the CEO is appointed. The board then must suggest modifications and approve the plan. Under current law, the CEO, within 90 days of appointment, must submit the plan to the commission instead of the district board.

The bill maintains current law requiring the CEO to implement the plan and make modifications to it, subject to the commission's approval. The bill adds a requirement that the plan include implementation strategies and specific actions for each school in the district.

## **Education Choice scholarships**

The bill maintains current law qualifying students residing in a district for which a commission has been established for the Education Choice Scholarship program.

## **Other commission powers and duties**

The bill permits an academic distress commission to suspend or override any decision of the district board or district administration that the commission determines is inconsistent with the district's improvement plan.

The bill specifies that an academic distress commission is a body both corporate and politic, constituting an agency and instrumentality of the state and performing essential governmental functions of the state. It also expressly subjects a commission to the Open Meetings Law, the Public Records Law, and Ethics Law.

### **Background reference**

For a detailed background on the current law on academic distress commissions, see pp. 10-23 of the LSC Final Analysis for H.B. 70 of the 131<sup>st</sup> General Assembly at <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

## **III. Other provisions**

### **Community school mergers**

(R.C. 3314.0211)

The bill establishes a procedure by which two or more community schools may merge that includes adopting a resolution, notifying the Department of Education, and entering into a new contract with the surviving community school's sponsor. However, the bill prohibits use of the procedure by a community school that has (1) met the performance criteria specified for automatic closure for at least one of the two most recent school years or (2) been notified of the sponsor's intent to terminate or not renew the school's contract.

#### **Procedure**

The governing authorities of the merging community schools must adopt a resolution and, within 60 days prior to its effective date, provide a copy of the resolution to the school's sponsor and inform the Department of the merger. Notice to the Department must include the effective date of the merger, the name of the surviving school, and the name of the surviving school's sponsor. The merger must take effect on July 1 of the year specified in the resolution.

The bill specifies the governing authority of the surviving community school must enter into a new contract with the school's sponsor. The school must comply with this requirement regardless of any law, rule, or contractual right that might waive the need to enter into a new contract.

#### **Assignment or assumption of existing contract prohibited**

Except in the case of the Department's Office of Ohio School Sponsorship, the bill prohibits a sponsor from (1) assigning its existing contract with a merging community school to the sponsor of the surviving school or (2) assuming an existing contract from the sponsor of a school involved in a merger.

#### **Report card ratings of a surviving school**

The bill clarifies that participating in a merger does not exempt a community school from automatic closure and requires the Department to issue report cards for the surviving

school in accordance with continuing law. To that end, the Department must use all report card ratings associated with the surviving school, including those issued before the merger, when determining any matter that is based on report card ratings or measures, including whether the school has met the criteria for automatic closure.<sup>27</sup>

## **Conditions triggering ineligibility**

### **Academic performance that could lead to permanent closure**

A community school that has met the performance criteria for permanent closure for at least one of the two most recent school years is ineligible to participate in a merger. This would apply to the following categories of schools under continuing law:

1. A school that does not offer a grade level higher than three and receives a grade of “F” in improving literacy;
2. A school that does not offer a grade level higher than three and receives an overall grade of “F”;
3. A school that offers any of grade levels four to eight but not higher than nine and receives grades of “F” in both performance index and value added;
4. A school that offers any of grade levels ten to twelve and receives a grade of “F” for the performance index and has not met annual measurable objectives;
5. A school that offers any of grade levels four to twelve and receives an overall grade of “F” and a grade of “F” in value-added;
6. A school that operates a dropout prevention and recovery program and receives a designation of “does not meet standards.”<sup>28</sup>

### **Nonrenewal or termination of sponsorship contract**

The bill also makes ineligible to participate in a merger any community school that has been notified of the sponsor’s intent to terminate or not renew the sponsorship contract for cause. Under continuing law, that includes:

1. Failure to meet student performance requirements stated in the contract;
2. Failure to meet generally accepted standards of fiscal management;
3. Violation of any provision of the contract or applicable state or federal law.<sup>29</sup>

## **Employment of classroom teachers by a community school**

(R.C. 3314.03(A)(11)(d))

The bill exempts community schools from the prohibition against employing teachers of a core subject area unless they are “properly certified or licensed teachers,” or hiring paraprofessionals to provide support in a core subject area unless they are “properly certified

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<sup>27</sup> R.C. 3314.0211(F) and (G).

<sup>28</sup> R.C. 3314.35(A)(3) and 3314.351(A), not in the bill.

<sup>29</sup> R.C. 3314.07, not in the bill.

paraprofessionals.” The bill retains the prohibition, enacted in 2018 by S.B. 216 of the 132<sup>nd</sup> General Assembly, with respect to the hiring of teachers and paraprofessionals by school districts or STEM schools. S.B. 216 repealed the requirement that teachers of core subject areas be “highly qualified” (as under former federal law) and replaced it with the new state designation “properly certified or licensed.”<sup>30</sup>

Under continuing law, community school teachers and paraprofessionals must have a license, permit, or certification to provide instruction or academic support,<sup>31</sup> but under the bill they will not be required to be “properly certified” in any specific subject areas or grade levels.

## **Behavioral prevention initiatives**

(R.C. 3313.6024, 3314.03, 3326.11, and 3328.24)

The bill requires each public school to annually report to the Department on the types of prevention-focused programs, services, and supports it uses to promote healthy behavior and decision-making by students and their understanding of the consequences of risky behaviors, such as substance abuse and bullying. The report must include the following:

1. Curriculum and instruction provided during the school day;
2. Programs and supports provided outside of the classroom or outside of the school day;
3. Professional development for teachers, administrators, and other staff;
4. Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;
5. School efforts to engage parents and the community; and
6. Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.

The bill also permits the Department to use these reports as a factor to determine the distribution of any funding for prevention-focused behavioral initiatives.

## **Computer coding as a foreign language**

(R.C. 3313.603(E))

Under current law, a minimum of 20 specified units of academic credit is required for high school graduation. (One unit is 120 hours of instruction.) However, school districts and chartered nonpublic schools have the authority to require more challenging minimum requirements for graduation. The bill stipulates that if a school district or chartered nonpublic school requires a foreign language as an additional requirement for high school graduation, the district or school must accept one unit of computer coding instruction toward satisfying that requirement.

The bill also specifies that, if a student applies more than one course of computer coding toward the requirement, they must be sequential and progressively more difficult.

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<sup>30</sup> See R.C. 3319.074(A) and (B) and 3326.13, not in the bill.

<sup>31</sup> R.C. 3314.03(A)(10).

The provision also applies to STEM schools.<sup>32</sup> However, it may or may not apply to community schools even though they generally must comply with the minimum high school curriculum.<sup>33</sup>

## **English learners**

(R.C. 3301.07, 3301.0710, 3301.0711, 3301.0714, 3302.01, 3302.03, 3302.061, 3302.18, 3313.608, 3313.61, 3313.611, 3313.612, 3314.08, 3317.016, 3317.02, 3317.022, 3317.03, 3317.06, 3317.16, 3317.40, 3326.31, 3326.32, and 3326.33)

The bill changes all references of “limited English proficient student” in the Revised Code to “English learner” to align with recent amendments to federal law.<sup>34</sup>

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<sup>32</sup> See R.C. 3326.15, not in the bill.

<sup>33</sup> R.C. 3314.03(A)(11)(f) regarding community school curriculum requirements does not specifically reference division (E) of R.C. 3313.603.

<sup>34</sup> See 20 U.S.C. 7801(20).