



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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Sub. H.B. 21

132nd General Assembly
(As Passed by the General Assembly)

Reps. Hambley, Duffey, Hill, Riedel, G. Johnson, Miller, Rogers, Brenner, Fedor, Cupp, Galonski, Ingram, Manning, Patterson, Anielski, Antonio, Barnes, Boyd, Brown, Celebrezze, Clyde, Craig, Edwards, Faber, Ginter, Greenspan, Holmes, Howse, Hughes, T. Johnson, Kelly, Kick, Koehler, Lang, Leland, Lepore-Hagan, Perales, Ramos, Rezabek, Ryan, Schaffer, Sheehy, K. Smith, R. Smith, Stein, Strahorn, Sweeney, West, Young

Sens. Manning, Balderson, Beagle, Dolan, Eklund, Gardner, Hackett, Hoagland, Kunze, Lehner, Oelslager, Tavares, Terhar, Thomas

Effective date: September 28, 2018

ACT SUMMARY

Community school enrollment, residency, and attendance

- Requires a community school to verify the resident school district of each student upon enrollment and on an annual basis.
- Requires community schools, instead of school districts as under prior law, to conduct monthly reviews of community school student residency records.
- Permits school districts to review community school residency records and enrollment verifications.
- Requires community schools to adopt policies prescribing the number of documents and types of information needed to initially and annually verify a student's residency.
- Specifies that the contract between the sponsor and governing authority of a community school must include policies regarding changes in residence and address verification.

Community school sponsor evaluation system public comments

- Requires the Department of Education to post on its website the framework for the sponsor evaluation system and solicit public comment on that framework for 30 consecutive days.

Assessment and graduation requirements for certain nonpublic schools

- Prohibits administration of state high school assessments to students enrolled in a chartered nonpublic school if at least 95% of the students are children with disabilities or have other learning differences and the school meets other requirements.

Education Management Information System Advisory Council

- Eliminates the Education Information Management System (EMIS) Advisory Board and, instead, requires the Department of Education to establish a new EMIS Advisory Council.

Storm shelters

- Prohibits the Board of Building Standards from requiring the installation of storm shelters in public or private schools prior to September 15, 2019.

CONTENT AND OPERATION

Community school enrollment, residency, and attendance

Monthly review and verification of records

The act requires the governing authority of each community school to conduct monthly reviews of the residency records of the school's students. The governing authority must then verify to the Department of Education each student's resident school district.¹

School districts are specifically permitted to review these residency records and enrollment verifications under the act.

Former law placed the responsibility for conducting monthly reviews of community school residency records on school districts.

¹ R.C. 3314.11(A).



Policy on documents and information for residency verification

The act makes mandatory a provision that under former law only permitted a community school governing authority to adopt a policy prescribing the number of documents needed to initially verify a student's residency.²

The act also requires a community school to prescribe the information needed to annually verify student residency. This information may be obtained through any type of document, including any authorized document under continuing law, or any type of communication with a government official authorized to provide the information.³

Continuing law specifies the following documents that may be used as evidence of a student's primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current property tax bill;

(2) A utility bill or receipt of utility installation issued within 90 days of the student's enrollment;

(3) A paycheck or paystub issued to the parent or student within 90 days of the student's enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence; or

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The law directs the Superintendent of Public Instruction to develop guidelines for determining what qualifies as an "official document" for this purpose.⁴

Community school sponsor contract specifications

The act requires that the contract between the sponsor and governing authority of a community school include:

² R.C. 3314.11(B)(1).

³ R.C. 3314.11(B)(2).

⁴ R.C. 3314.11(E).



(1) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school when there is a change in the parent's or student's primary residence; and

(2) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.⁵

Community school sponsor evaluation system public comments

The act requires the Department of Education to post on its website the framework for the community school sponsor evaluation system by February 1 of each year. The framework must include technical documentation that the Department intends to use to rate sponsors for the next school year. The act requires the Department to solicit public comment on the evaluation system for 30 consecutive days. By April 1 of each year, the Department must compile and post on its website all public comments received.⁶

Assessment and graduation requirements for certain nonpublic schools

The act prohibits a chartered nonpublic school from administering state high school assessments to students if the school meets *all* of the following conditions:

(1) At least 95% of its students are children with disabilities or have received a diagnosis as having a condition that impairs academic performance, including dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(2) The school has solely served a student population described above for at least ten years.

(3) The school makes available to the Department at least five years of records of internal testing conducted by the school. Those records must provide the Department with the data required for accountability purposes, including growth in student achievement in reading or math, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

The testing exemption applies to any student who attends the school, regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.⁷

⁵ R.C. 3314.03(A)(32) and (33).

⁶ R.C. 3314.016.

⁷ R.C. 3301.0711(L)(4); conforming changes in R.C. 3310.522 and 3313.612.



Education Management Information System Advisory Council

The act eliminates the Education Management Information System (EMIS) Advisory Board and, instead, requires the Department of Education to establish an EMIS Advisory Council. The Council must make recommendations to the Superintendent of Public Instruction to improve the operation of EMIS. The Council also must provide a forum for communication and collaboration between the Department and parties affected by the collection, reporting, and use of EMIS data. Membership consists of Department staff and representatives of school districts and other entities that regularly interact with EMIS data.⁸

The former EMIS Advisory Board was established in 2006 to make recommendations to the Department for improving EMIS, including definitions used for the data maintained in the system, reporting deadlines, and rules and guidelines for its operation. The board consisted of 13 prescribed voting members representing the State Board and various stakeholder groups. It also included as nonvoting members the chairs and ranking minority members of the House and Senate Education committees.⁹

Storm shelters

The act prohibits the Board of Building Standards from requiring the installation of a storm shelter in any school building operated by a public or private school prior to September 15, 2019. It further prohibits the Board from requiring such an installation in a school building that is undergoing or about to undergo construction, alteration, repair, or maintenance for which financing has been secured prior to that date.¹⁰

Under the rules in effect as of the act's effective date (September 28, 2018), educational buildings must generally have a storm shelter that is constructed in accordance with the International Building Code and capable housing the structure's total occupancy when all of the following apply:

- (1) The building serves kindergarten through grade 12;
- (2) It has an aggregate occupancy of 50 or more; and

⁸ New R.C. 3301.0713.

⁹ Repealed R.C. 3301.0713.

¹⁰ R.C. 3781.1010.



(3) It is in an area where the shelter, in accordance with the International Building Code, must be designed for tornado wind speeds of 250 miles per hour.¹¹

Under the act, those rules may not be enforced until September 15, 2019.

HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. Education & Career Readiness	11-29-17
Passed House (94-0)	12-13-17
Reported, S. Education	05-23-18
Passed Senate (32-0)	05-23-18
House concurred in Senate amendments (87-0)	06-07-18

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¹¹ Ohio Administrative Code Section 305 of 4101:1-3-01 and Section 432 of 4101:1-4-01.

