



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 298**

131st General Assembly  
(As Introduced)

**Sens.** Schiavoni, Cafaro, Tavares, Sawyer, Thomas, Yuko, Brown, Skindell, Gentile, Williams

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## **BILL SUMMARY**

### **I. Internet- or computer-based community schools (e-schools)**

#### **Recording, calculating, and reporting attendance**

- Specifies that an e-school must keep a record of the number of hours in which each student is actively participating in learning opportunities during a consecutive 24-hour period.
- Requires e-schools to certify and submit to the Department of Education student attendance records on a monthly basis and requires the Department to post that information on its website.
- Requires an e-school to notify the Department, parents, guardians, custodians, and the student's resident district of a student's failure to participate in learning opportunities for ten consecutive days.
- Excuses, under "extenuating circumstances," an e-school from automatically withdrawing a high-performing student enrolled in an e-school for being absent without legitimate excuse for 105 hours of learning opportunities.
- Specifies that, for e-schools to determine a student's percentage of full-time equivalency, the percentage of learning opportunities offered by the community school is equal to the amount of time a student was actively engaging in learning opportunities during that school year.

## **Career-technical education by e-schools**

- Removes provisions of law that specifically permit e-schools to offer career-technical education and removes provisions for additional funding for e-schools for career-technical education.

## **E-School Funding Commission**

- Creates the E-School Funding Commission to study the actual costs required to operate an e-school and to submit a report of its findings to the General Assembly and Governor by December 31, 2016.

## **State report cards**

### **Reporting of student mobility data**

- Clarifies that additional report card information must include student mobility data, which must be provided for each district and school, including each e-school.

### **Test score attribution of transfer students**

- Requires that test scores of students who were enrolled in an e-school but transferred to the student's resident school district be attributed to the e-school if that student participated in learning opportunities at the e-school for more than 90 days during the school year of the transfer.

### **Grades on promotional materials**

- Requires e-schools to include certain grades the e-school received on the most recent state report card on any advertising, recruiting, or promotional materials.

## **Operation of e-schools**

### **Operating standards**

- Requires the State Board of Education to adopt, as rules, the e-school operating standards that were initially recommended by the State Board to the General Assembly in 2003 and requires all e-schools to comply with these standards.
- Specifies that, if an e-school fails to comply with the newly adopted standards, the e-school's sponsor must report such noncompliance to the Department of Education.

### **Governing authority meetings**

- Requires all public meetings of an e-school governing authority to be made available to the public in an online streaming format.



### **Parent-teacher conferences**

- Requires that, if an e-school student's academic performance declines, the student's parents and teachers, as well as the principal or lead teacher of the school, must confer to evaluate the student's continued enrollment in the school.

## **II. Operation of all community schools**

### **Operator contracts**

- Prohibits any new or renewed contract between the operator and governing authority of a community school from exceeding a term of three years.
- Requires that, upon renewal of their contract, the operator and governing authority must (1) comply with all applicable modifications that were made to the Community School Law prior to the effective date of the renewed contract and (2) incorporate these modifications in the renewed contract.

### **Sponsor contracts – attendance reporting**

- Requires the contract between a sponsor and governing authority of a community school to require each community school to comply, as if it were a school district, with attendance requirements and standards established by rule of the State Board.

### **Blended learning models**

- Prohibits community schools from using a "blended learning" method, unless the school's sponsor received an "exemplary" rating from the Department for the most recent school year.

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## **CONTENT AND OPERATION**

### **I. Internet- or computer-based community schools (e-schools)**

Under continuing law, an "Internet- or computer-based community school" (hereafter referred to as an "e-school") is a community school in which the students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided by way of (1) an Internet- or other computer-based instructional method that does not rely on regular classroom instruction or (2) "comprehensive instructional methods" that include Internet-based, other computer-based, and noncomputer-based learning opportunities, unless a student receives career-technical education.<sup>1</sup> The bill makes several changes to the law regarding e-schools.

#### **Recording, calculating, and reporting attendance**

Current law, recently enacted by H.B. 2 of the 131st General Assembly, requires each e-school to keep an accurate record of each individual student's participation in learning opportunities each day. That record must be kept in such a manner that the information can be easily submitted to the Department of Education, upon request by the Department or the Auditor of State. Further, continuing law, enacted prior to H.B. 2, limits an e-school student to not more than ten hours of learning opportunities in any 24-hour period.

The bill specifies that each school keep an accurate record of the number of hours in which each individual student is actively participating in learning opportunities during each period of 24 consecutive hours. This record must be certified monthly by a licensed educator employed by the school and submitted to the Department, in the form and manner prescribed by the Department. The Department must make each report available on its website to the extent permitted under the federal Family Educational Rights and Privacy Act and the implementing state law.<sup>2</sup>

If a student enrolled in an e-school fails to participate in learning opportunities for ten consecutive days, the bill requires the e-school to notify the Department, the

<sup>1</sup> R.C. 3314.02(A)(7).

<sup>2</sup> See R.C. 3319.321 and 20 United States Code 1232g.

student's parent, guardian, or custodian, and the student's resident school district of the failure to participate.<sup>3</sup>

### **Exception from automatic withdrawal for nonattendance**

Currently, the governing authority of any community school must automatically withdraw a student who failed without legitimate excuse to participate in 105 consecutive hours of learning opportunities offered to the student.<sup>4</sup> The bill excuses, under "extenuating circumstances," an e-school from that requirement. The bill further specifies that for purposes of calculating a high-performing student's percentage of full-time equivalency for funding determinations, "percentage of learning opportunities offered by the community school to that student" does not need to equal the amount of time that the student was actively engaging in learning opportunities during that school year.

The bill requires the State Board of Education to adopt rules to implement the provision. Specifically, the State Board must define what a "high-performing student" is and specify the extenuating circumstances under which a student would not be withdrawn. Further, the State Board must specify any necessary parameters for determining a high-performing student's percentage of full-time equivalency.<sup>5</sup>

### **Full-time equivalency**

The bill specifies that, in determining an e-school student's percentage of full-time equivalency, the percentage of learning opportunities offered by the e-school to that student must be equal to the amount of time that the student was actively engaging in learning opportunities during that school year. This does not apply to "high-performing students," as described above. A student's percentage of full-time equivalency is used to calculate the amount of funding deducted from a student's resident school district for payment to the community school.<sup>6</sup>

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<sup>3</sup> R.C. 3314.27.

<sup>4</sup> See R.C. 3314.03(B)(6)(b).

<sup>5</sup> R.C. 3314.088. Conforming changes in R.C. 3314.03(A)(6)(b) and 3314.08(H)(2)(c).

<sup>6</sup> R.C. 3314.08(H)(3).

## Career-technical education

The bill removes provisions of law that specifically permit an e-school to offer career-technical education. Further, the bill removes provisions of current law that permit an e-school to receive additional funding for career-technical education.<sup>7</sup>

## E-school Funding Commission

The bill creates the E-School Funding Commission to study the actual costs required to operate an e-school. The commission must determine a rational methodology for calculating an e-school's operating costs and submit a report of its recommendations to the General Assembly by December 31, 2016. The commission also must submit a copy of its report to the Governor for use when considering school funding recommendations for the 2018-2019 biennial budget act.

Members serve without compensation.

The Department of Education must provide administrative support to the commission.

The commission consists of the following members:

- (1) The Governor, or the Governor's designee;
- (2) The Superintendent of Public Instruction, or the Superintendent's designee, who will serve as the chairperson of the committee;
- (3) The Chancellor of Higher Education, or the Chancellor's designee;
- (4) Two teachers currently employed by an e-school in the state, one appointed by the President of the Senate and one appointed by the Senate Minority Leader;
- (5) The chief administrator of an e-school that (a) *is* sponsored by a school district, and (b) has received at least a "C" grade for both performance index score and overall value-added progress score on the most recent state report card, appointed by the Speaker of the House of Representatives;
- (6) The chief administrator of an e-school that (a) *is not* sponsored by a school district, and (b) has received at least a "C" grade for both performance index score and overall value-added progress score on the most recent state report card, appointed by the Minority Leader of the House;

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<sup>7</sup> R.C. 3314.02(A)(7), 3314.08(C)(2), and 3314.086.



(7) The parent of a student enrolled in an e-school, appointed by the Senate President;

(8) A representative of the business community, appointed by the Minority Leader of the Senate;

(9) A representative of the general public, appointed by the Speaker of the House;

(10) A representative of community school operators, appointed by the Minority Leader of the House;

(11) A representative of community school sponsors, appointed by the Speaker of the House;

(12) A fiscal officer of an e-school, appointed by the Senate President;

(13) The chairpersons and ranking members of the standing House and Senate Education committees;

(14) A representative of an organization that serves as a bargaining representative for teachers in this state, appointed by the Minority Leader of the Senate; and

(15) A representative from an organization of school administrators or fiscal officials, appointed by the Minority Leader of the House.

## **State report cards**

### **Reporting of student mobility data**

Current law requires the Department of Education to include, as additional information on the state report card for each school district and school, student mobility data disaggregated by race and socioeconomic status, when available. The bill requires that the information be reported annually, instead of only "when available." The bill also expressly states that student mobility data must be reported for each school district and school, specifically including e-schools.<sup>8</sup>

### **Test score attribution of transfer students**

When calculating grades for school districts and schools on the state report card, the bill directs the Department to attribute the test scores of certain transfer students

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<sup>8</sup> R.C. 3302.03(H). Conforming change in R.C. 3302.01.



from e-schools to the e-school from which the student transferred. The Department must attribute test scores of students who satisfy both of the following requirements to the e-school:

(1) The student is enrolled in an e-school and has participated in learning opportunities at the e-school for more than 90 days in the school year for which the report card is issued.

(2) The student transfers to the school district in which the student is entitled to attend school during that same school year.

Thus, the scores of a student who attended an e-school for more than 90 days and transferred to the student's resident school district, all within the same school year, will be attributed to the report card ratings of the e-school from which the student transferred and not the school district.<sup>9</sup>

### **Grades on promotional materials**

The bill requires an e-school to include certain grades it received on the state report card on any advertising, recruiting, or promotional materials.<sup>10</sup> Specifically, such materials must include the e-school's most recent rating or grade for all of the following:

- (1) Overall grade;<sup>11</sup>
- (2) Performance index score;<sup>12</sup>
- (3) Overall value-added progress dimension score;<sup>13</sup> and
- (4) Four- and five-year adjusted cohort graduation rate score.<sup>14</sup>

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<sup>9</sup> R.C. 3302.038.

<sup>10</sup> R.C. 3314.242.

<sup>11</sup> See R.C. 3302.03(C)(3), unchanged by the bill.

<sup>12</sup> See R.C. 3302.03(B)(1)(b) and (C)(1)(b), unchanged by the bill.

<sup>13</sup> See R.C. 3302.03(B)(1)(e) and (C)(1)(e), unchanged by the bill.

<sup>14</sup> See R.C. 3302.03(B)(1)(d) and (C)(1)(d), unchanged by the bill.



## **Operation of e-schools**

### **Operating standards**

The bill requires the State Board of Education to adopt, as rules, the e-school operating standards that were initially recommended by the State Board to the General Assembly in 2003.<sup>15</sup> Further, it eliminates the requirement that e-schools comply with standards developed by the International Association for K-12 Online Learning (INACOL), and, instead, requires e-schools to comply with the rules implementing the 2003 standards. All new e-schools must comply with these standards upon beginning operation, while existing e-schools must comply with these standards within six months of the bill's effective date.

Additionally, the bill requires each e-school sponsor to report to the Department of Education, in the manner prescribed by the Department, if the school fails to comply with the newly adopted standards. Continuing law, enacted by H.B. 2, specifies that each e-school sponsor is responsible for monitoring, ensuring, and reporting compliance with the e-school standards specified by law.<sup>16</sup>

### **Governing authority meetings**

The bill requires all public meetings of an e-school governing authority to be made available to the public in an online streaming (live event) format. At least two weeks before each public meeting, notice must be given by publication in at least one newspaper of general circulation within each city or county from which the school currently enrolls a student.<sup>17</sup>

The bill specifies that the requirements described above do not exempt e-schools from complying with the Open Meetings Laws, which all public schools are subject to under continuing law.<sup>18</sup>

### **Parent-teacher conferences**

Under continuing law, each e-school must communicate, on a periodic basis throughout each school year, with each student's parent regarding the performance and

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<sup>15</sup> See R.C. 3314.033 (not in the bill), which required the State Board to recommend standards to the General Assembly by September 30, 2003.

<sup>16</sup> R.C. 3314.23.

<sup>17</sup> R.C. 3314.241.

<sup>18</sup> See R.C. 3314.03(A)(11)(d). (See also R.C. 121.22, not in the bill.)



progress of that student. Each e-school also must provide opportunities for parent-teacher conferences, which may be conducted electronically.

The bill requires that, in addition to the offered parent-teacher conferences, if a student's academic performance declines, the student's parents and teachers, as well as the principal or lead teacher of the e-school, *must* confer to evaluate the student's continued enrollment in the school. As under current law, the conference may be conducted electronically.<sup>19</sup>

## **II. Operation of all community schools**

### **Operator contracts**

Many community schools, both e-schools and brick-and-mortar schools, are run by for-profit or nonprofit operators (or management companies) that do so under a separate contract with the schools' governing authorities.<sup>20</sup> The bill prohibits any new or renewed contract between a community school operator and governing authority from exceeding a term of three years. Additionally, the bill specifies that, upon renewal of their contract, the operator and governing authority must (1) comply with all applicable modifications made to the Community School Law prior to the effective date of the renewed contract, and (2) incorporate references to these modifications in the renewed contract.<sup>21</sup>

### **Sponsor contracts – attendance reporting**

Under continuing law, each contract entered into between a community school sponsor and governing authority must contain statutorily prescribed statements, descriptions, or assurances. The bill prescribes an additional assurance to be included in the sponsorship contract that requires each community school to comply with all attendance requirements and standards established by rule of the State Board, including those for excused absences, as if it were a school district.<sup>22</sup>

### **Blended learning models**

The bill prohibits community schools from operating by using a "blended learning" model, unless the school's sponsor received an "exemplary" rating from the Department for the most recent school year (see "**Background on sponsor evaluation**

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<sup>19</sup> R.C. 3314.271(D).

<sup>20</sup> See R.C. 3314.02(A)(8), not in the bill.

<sup>21</sup> R.C. 3314.032(E) and (F).

<sup>22</sup> R.C. 3314.03(A)(11)(k). (See also R.C. 3314.27.)

**system,"** below).<sup>23</sup> This provision does not apply to e-schools, which law unchanged by the bill expressly states are not blended learning schools.<sup>24</sup>

Under current law, "blended learning" is defined as the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning. Community schools (excluding e-schools), as well as school districts and other types of public and private schools, are specifically authorized by law to operate all or part of a school using a blended learning model.<sup>25</sup>

### **Background on sponsor evaluation system**

Beginning with the 2015-2016 school year, continuing law requires the Department to develop and implement an evaluation system that rates each community school sponsor. Under this system, each sponsor receives an annual rating based on a combination of three components: (1) the academic performance of students enrolled in community schools that it sponsors, (2) the sponsor's adherence to quality practices, which must be specified by the Department, and (3) the sponsor's compliance with all applicable laws and administrative rules. Based on those measures a sponsor will be rated "exemplary," "effective," "ineffective," or "poor." Certain sanctions and incentives will apply depending upon a sponsor's rating.<sup>26</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-22-16

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<sup>23</sup> R.C. 3314.192.

<sup>24</sup> See R.C. 3302.41(C), not in the bill.

<sup>25</sup> See R.C. 3301.079(K)(1) and 3302.41, neither section in the bill.

<sup>26</sup> R.C. 3314.016, not in the bill.

