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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 577  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. J. Miller and Lightbody

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### SUMMARY

#### School Transformation Board

- Establishes the School Transformation Board (STB), a nine-member board responsible for overseeing actions related to school district academic performance improvement.
- Specifies that the STB is a body politic and subject to public records and open meeting laws.

#### Academic distress commissions

- Requires academic distress commissions (ADCs) established prior to the bill's effective date to transition control of the district from the ADC and CEO back to the district board by June 30, 2020, at which point the ADC will dissolve.
- Permits a district board of a school district formerly subject to an ADC, to employ as district superintendent the individual who previously served as CEO of the ADC and specifies that that individual is not required to hold an educator license issued by the State Board of Education.
- Places a moratorium on the creation of new ADCs between October 17, 2019, and December 31, 2023, and requires the Superintendent of Public Instruction to resume establishing new ADCs, beginning on January 1, 2024.
- Requires the STB to prepare a report regarding the STB's recommendations for replacing ADCs and on improving principal and teacher preparation programs and to submit that report to the General Assembly by January 30, 2022.

#### School improvement process review

- Requires the Department to review the current state-level school improvement process for Ohio schools and the budgetary requirements supporting that process and make recommendations to the State Board of Education to improve the process by December 31, 2020.

- Requires the Department to provide progress reports on the improvement process to the STB by October 31 each year.
- Requires the State Board to review the recommendations made by the Department, suggest any changes to them, and then approve and include those recommendations in the improvement process.

## **Repealed provisions**

Repeals all of the following:

- The pilot project in the Columbus City School District, under which parents may petition the district to make reforms in certain poorly performing schools.
- A provision that requires a school district to restructure any school building that is ranked in the lowest 5% of all public schools by performance index score for three consecutive years and that meets additional criteria.
- An obsolete provision requiring the state Superintendent to review all policies and procedures regarding ADCs and to prepare and submit a report on the findings.
- Obsolete provisions requiring the Joint Education Oversight Committee to review the ADC report submitted by the state Superintendent and hold at least one public hearing on it.
- The one-year moratorium on the establishment of new ADCs.

## **Emergency clause**

- Declares an emergency.

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# **DETAILED ANALYSIS**

## **School Transformation Board**

The bill establishes the School Transformation Board (STB), a nine-member board responsible for actions related to school district academic performance improvement. The STB consists of the following members:

1. The Superintendent of Public Instruction or the state Superintendent's immediate subordinate as the state Superintendent's designee;
2. The Chancellor of Higher Education or the Chancellor's immediate subordinate as the Chancellor's designee;
3. One member from the House of Representatives appointed by the Speaker of the House;
4. One member from the House appointed by the House Minority Leader;
5. One member from the Senate appointed by the Senate President;
6. One member from the Senate appointed by the Senate Minority Leader;

7. Three individuals with experience and expertise in education policy or school improvement appointed by the Governor, with the advice and consent of the Senate. One of the Governor's appointees cannot be from the same political party as the Governor, and at least one of the appointees must have at least ten years of teaching experience. Each Governor-appointed member serves a term of three years, may be reappointed for additional terms, and must file a financial disclosure statement with the Ohio Ethics Commission.<sup>1</sup>

The STB becomes operational after the Governor makes one appointment to the STB, and all initial appointments must be completed within 90 days after the bill's effective date.<sup>2</sup> Once operational, the STB must appoint one of its members to serve as chair. A majority vote of all members of the STB is required for it to take action.

The bill permits the STB to hire an executive director and any necessary staff to assist with the execution of the STB's duties and specifies that the STB is a body politic and subject to public records and open meeting laws.<sup>3</sup>

## **Academic distress commissions**

### **Dissolution of existing ADCs**

Beginning on the bill's effective date, academic distress commissions (ADCs) established on or prior to that date must begin transitioning operational, managerial, and instructional control from the ADC and the chief executive officer (CEO) appointed by the ADC back to the district board of education. During the transition period, the CEO must work with the district board and district superintendent to increase their ability to resume control of the district and sustain the district's academic improvement over time. Meanwhile, the district must continue to operate under continuing ADC law requirements during the transition. Currently, the Youngstown, Lorain, and East Cleveland school districts are subject to an ADC. For a detailed description of current law on ADCs, see pp. 10-23 of the LSC Final Analysis of H.B. 70 of the 131<sup>st</sup> General Assembly at: <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

The transition period ends on June 30, 2020, at which point the existing ADCs dissolve. Upon the dissolution of the ADCs, the Department must pay the remainder of each CEO's contract.<sup>4</sup>

The bill permits the board of education of a school district formerly subject to an ADC to employ as district superintendent the individual who previously served as CEO of the ADC for the district. The bill also specifies that that individual is not required to hold an educator license

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<sup>1</sup> R.C. 3301.28(A)(2) and (C).

<sup>2</sup> R.C. 3301.28(A)(1) and (2).

<sup>3</sup> R.C. 3301.28(B) and (D).

<sup>4</sup> New R.C. 3302.102(A), (B), and (C).

issued by the State Board of Education to hold the superintendent position.<sup>5</sup> If a district board enters into a contract with the district's former CEO to become district superintendent, the district board may request that the Department reimburse the difference between the individual's former CEO salary and the contract offered for the district superintendent position.<sup>6</sup>

### **Moratorium on establishing new ADCs**

The bill prohibits the state Superintendent from establishing any new ADCs between October 17, 2019, and December 31, 2023. Beginning January 1, 2024, the state Superintendent must resume establishing ADCs for school districts that receive three consecutive overall "F" grades on the state report card.<sup>7</sup> Therefore, on January 1, 2024, the state Superintendent must establish ADCs for any school district that received an overall grade of "F" on the state report card for the 2020-2021, 2021-2022, and 2022-2023 school years.

### **Report on ADC replacement**

The bill requires the STB to prepare a report with recommendations on replacing ADCs and for improving principal and teacher preparation progress. The STB must submit the report to the General Assembly by January 30, 2022.<sup>8</sup>

### **School improvement process review**

The bill requires the Department, in collaboration with the STB, to review the current state-level school improvement process for Ohio schools and the budgetary requirements supporting that process and make recommendations to the State Board to improve the process by December 31, 2020. The State Board must review the Department's recommendations and suggest any changes to them. The State Board then must approve and include the recommendations in the state-level school improvement process.

The bill requires the Department to provide annual progress reports on the improvement process to the STB by October 31. The STB may recommend additional changes to the process to the State Board for consideration.

The Department, the STB, and the State Board also must ensure that each entity's improvement efforts identify best practices to build improvement capacity and are aligned with the state-level improvement process and federal law.<sup>9</sup>

### **Repealed provisions**

The bill repeals the following provisions from current law:

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<sup>5</sup> R.C. 3319.22, not in the bill.

<sup>6</sup> New R.C. 3302.102(D).

<sup>7</sup> New R.C. 3302.101.

<sup>8</sup> R.C. 3302.103.

<sup>9</sup> R.C. 3301.29.

1. The pilot project in the Columbus City School District, under which parents may petition the school district to make reforms in certain poorly performing schools within the district;<sup>10</sup>
2. The requirement that a school district restructure any school building that is ranked in the lowest 5% of all public schools by performance index score for three consecutive years and that meets additional criteria;<sup>11</sup>
3. Obsolete requirements that the now-disbanded Joint Education Oversight Committee review the ADC report submitted by the state Superintendent and hold at least one public hearing on it;<sup>12</sup>
4. An uncodified section of law enacted in H.B. 166 of the 133<sup>rd</sup> General Assembly that placed a moratorium on the establishment of new ADCs, effective October 17, 2019, which then is replaced by a statutory provision within the bill that establishes a longer moratorium (see above).<sup>13</sup>

### Emergency clause

The bill declares an emergency.<sup>14</sup>

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## HISTORY

Action	Date
Introduced	03-23-20

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H0577-I-133/ar

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<sup>10</sup> Repealed R.C. 3302.042; conforming changes in R.C. 3302.036 and 3302.17.

<sup>11</sup> Repealed R.C. 3302.12; conforming change in R.C. 3302.17.

<sup>12</sup> Repealed R.C. 3302.101 and 3302.102.

<sup>13</sup> Repealed Section 265.520 of H.B. 166 of the 133<sup>rd</sup> General Assembly in Section 4 of the bill.

<sup>14</sup> Section 6 of the bill.