



# Ohio Legislative Service Commission

## Bill Analysis

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### **H.B. 379**

131st General Assembly  
(As Introduced)

**Reps.** Lepore-Hagan, Antonio, Boccieri, Driehaus, Fedor, Howse, G. Johnson, Patterson, K. Smith

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## **BILL SUMMARY**

### **Academic distress commission membership**

- Adds two new members, a parent or guardian and a teacher, to the required membership of an academic distress commission.
- Requires members of the academic distress commission, instead of the Superintendent of Public Instruction, to choose, by majority vote, the chairperson, who may be chosen from the entire membership, as opposed to just those appointed by the state Superintendent.
- Specifies that the term of office for the chairperson of an academic distress commission is for one year.

### **CEO qualifications and powers**

- Requires that a CEO of an academic distress commission have at least ten years of experience working in the education field as either a teacher or administrator and significant experience working with economically disadvantaged communities.
- Requires the CEO to create a community learning center for one or more buildings operated by a district subject to an academic distress commission and requires such creation as a part of a district's academic improvement plan.
- Requires the creation of school action teams for each building operated by a district subject to an academic distress commission.
- Requires that the academic improvement plan for a district subject to an academic distress commission include annual cultural competency training for all teachers

and administrators and a plan to maximize enrollment in preschool programs offered by the district.

- Requires the CEO to conduct a public hearing before implementing the improvement plan and annually after implementing the plan.
- Removes provisions authorizing the CEO to enter into, limit, reopen, and suspend a district's collective bargaining agreements.
- Requires the CEO to develop a closure plan before closing a school.

### **Mayoral appointment of district board**

- Eliminates the requirement that a district that has been subject to an academic distress commission for at least four years create a new mayoral appointed board of education and the related subsequent referendum vote.

### **Other provisions regarding academic distress commissions**

- Prescribes criteria for schools to qualify as "high-quality" schools, to be eligible to receive academic performance bonuses for enrolling students from a district subject to an academic distress commission.
- Changes the criteria under which a district may transition out of an academic distress commission from an overall grade of "C" on the most recent state report card to a "C" for the performance index score or overall value-added progress dimension score.
- Subjects all documents, notices, or information related to academic distress commissions to the Public Records Law and requires that copies of such documents be submitted to the Speaker of the House of Representatives, President of the Senate, Minority Leaders of both houses, and the chairpersons of the education committees of both houses
- Exempts school buildings operated by a district subject to an academic distress commission from CEO control, if the building receives a grade of "C" or higher for the performance index score or the overall value-added progress dimension score on the most recent report card.
- Requires the Department of Education to include on the state report card for any district subject to an academic distress commission the number of students entitled to attend school in that district who are enrolled in other public or private schools and other related information.

## District resource coordinator earmark

- Modifies the earmarked funding appropriated to the Department of Education for duties and activities related to academic distress commissions to permit the use of those funds to hire a district resource coordinator to assist on development and coordination of programs and services for community learning centers.

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## CONTENT AND OPERATION

### Overview

H.B. 70 of the 131st General Assembly substantially revised the law regarding school district academic distress commissions, effective October 15, 2015. It revised the membership of each district's commission and gave the commission more of an advisory role in the improvement of the district's performance, rather than a direct leadership role as under prior law. That act also required each commission to appoint a chief executive officer (CEO) who, then, has "complete operational, managerial, and instructional control" of the district. It also created progressive consequences for districts that remain subject to an academic distress commission, including possible changes to collective bargaining agreements and mayoral appointment of the district board.

For a detailed description of the academic distress commission provisions enacted by H.B. 70, see pp. 10-24 of the LSC final analysis for the act.<sup>1</sup>

The bill further revises the academic distress commission law to add members to each commission appointed from among the district's employees and parent community, reform the qualifications and powers of the CEO, require the establishment of school actions teams, and make other changes in the operation of the commission and the CEO's procedures. It also revises an existing earmark to permit funding appropriated for the establishment of academic distress commissions to be used to hire a district resource coordinator to assist in the development and coordination of programs and services for community learning centers.

### **Academic distress commission membership**

The bill adds two members to an academic distress commission, increasing the size of each commission from five to seven members. One of the added members must be a parent or guardian of a student enrolled in the district, appointed by the president of the district board, and the other added member must be a teacher employed by the district and appointed by the president of the district's teacher labor organization. Current law requires three members to be 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, one teacher to be appointed by the president of the district board, and one member to be appointed by the mayor of the municipality in which the majority of the district is located.<sup>2</sup>

In addition, the bill requires the commission to designate annually, by majority vote, a chairperson for the commission from among *all* of its members. Current law requires the state Superintendent to appoint a chairperson from among the members appointed by the state Superintendent. The bill also specifies that the term of the chairperson is for one year.<sup>3</sup>

### **Qualifications for the CEO**

In addition to having high-level management experience in the public or private sector as under current law, the bill requires that the CEO have at least ten years' experience working in the education field, as either a teacher or administrator, and

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<sup>1</sup> <https://www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-HB-70>.

<sup>2</sup> R.C. 3302.10(B)(1).

<sup>3</sup> R.C. 3302.10(B)(1).



"significant" experience working with communities where a majority of the residents have family incomes that are at or below 200% of the federal poverty guidelines.<sup>4</sup>

## **CEO responsibilities**

### **Community learning centers**

The bill requires the CEO to establish a community learning center for one or more buildings in the district subject to the academic distress commission.<sup>5</sup> Under separate law, also enacted by H.B. 70, a community learning center is a school that "participates in a coordinated community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session."<sup>6</sup> H.B. 70 authorized a school district or community school to transition any of its school buildings into a community learning center to participate in a coordinated, community-based effort to provide comprehensive services to students, families, and community members. To do so, the district or community school must hold public hearings and hold a vote among parents, teachers, and nonteaching employees on whether to initiate the process.<sup>7</sup> The bill requires the CEO to use that same process.

### **Academic improvement expectations**

Under current law, the CEO must convene groups of community stakeholders to develop expectations for the academic improvement of a district subject to an academic distress commission. The bill eliminates the requirement to convene these groups of stakeholders and, instead, requires the CEO to develop the expectations with "school action teams."<sup>8</sup> Separately, the bill requires each school building operated by a school district subject to an academic distress commission to create a school action team. See below.

### **Academic improvement plans**

Current law requires the CEO to create an "academic improvement plan" for the district. The bill requires that in doing so, the CEO must consult with the school action teams created for each building in the district, instead of with a group of community

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<sup>4</sup> R.C. 3302.10(C)(1).

<sup>5</sup> R.C. 3302.10(C)(1)(r) and (E)(3)(a).

<sup>6</sup> R.C. 3302.16(A)(1), not in the bill.

<sup>7</sup> R.C. 3302.17, not in the bill. See also pp. 4-10 of the LSC final analysis for H.B. 70.

<sup>8</sup> R.C. 3302.10(E)(1) and 3302.101.



stakeholders. Further, the bill requires that the plan include minimum levels of progress required to avoid actions to reconstitute a school.<sup>9</sup>

The bill also requires the CEO to include in the plan three other new requirements. First, the CEO must include the establishment of at least one community learning center, as discussed above. Second, the plan must include annual cultural competency training for all teachers and administrators of the district. Third, the CEO must include a plan to maximize enrollment in preschool programs provided by the district. The plan must identify barriers to access to preschool programs, and the CEO must work with school action teams to build outreach efforts to increase enrollment in such programs.<sup>10</sup>

Finally, the bill requires the CEO to conduct a public hearing subject to the Open Meetings Law<sup>11</sup> before implementing the improvement plan and annually after implementing a plan. In addition, the meetings may not be held between 8 a.m. and 5 p.m., Monday through Friday; the CEO must provide at least 30 days advanced notice of each meeting; and members of the community must have an opportunity to speak at each meeting. Minutes of the meetings must be "broadly distributed." The CEO must conduct follow-up meetings, at least once annually, until action is taken with regard to the academic improvement plan or the district is no longer subject to an academic distress commission.<sup>12</sup>

### **Collective bargaining**

The bill removes provisions of H.B. 70 regarding the CEO's involvement in collective bargaining matters. Those provisions include:

(1) CEO and district board retention of previously relinquished management rights and responsibilities under a collective bargaining agreement;<sup>13</sup>

(2) CEO authority to reopen, limit, suspend, or alter any provision of a collective bargaining agreement as a component of the progressive consequences imposed for failure to improve the district's academic performance;<sup>14</sup>

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<sup>9</sup> R.C. 3302.10(E)(2).

<sup>10</sup> R.C. 3302.10(E)(3).

<sup>11</sup> R.C. 121.22, not in the bill.

<sup>12</sup> R.C. 3310.02(O)(2).

<sup>13</sup> R.C. 3302.10(F).

<sup>14</sup> R.C. 3302.10, former divisions (G)(5), (H)(2), (I)(2), and (J)(2).



(3) Requirements that the CEO represent the district board during any collective bargaining negotiations;<sup>15</sup>

(4) Requirement that each collective bargaining agreement entered into after October 15, 2015, incorporate H.B. 70's provisions;<sup>16</sup> and

(5) CEO authority to exempt employees of a conversion community school sponsored by the district from future collective bargaining.<sup>17</sup>

### **School closure plans**

If the CEO intends to close a school in the district, the bill requires the CEO to develop a closure plan. The closure plan must include the reasons for closing the school, reassignment plans for students enrolled in the school to be closed, and the method by which the CEO will inform parents of students enrolled in the school of educational options, including other district-operated schools.<sup>18</sup>

The CEO must conduct a public hearing to present the closure plan. As in the case of the academic improvement plan, described above, notice of a closure plan hearing must be given at least 30 days prior to the date of the hearing, and the hearing may not be held between 8 a.m. and 5 p.m. Monday through Friday. The public must have an opportunity to speak at the hearing, and the bill requires that minutes be "broadly distributed" to residents of the district.<sup>19</sup>

### **Mayoral appointment of district board**

Current law requires that a new five-member board of education be appointed for any district that has been subject to the H.B. 70 academic distress commission provisions for four years. That appointment must be made by the mayor of the municipality in which a majority of the territory of the district is located or, if no such municipality exists, the state Superintendent must select a mayor of a municipality in which the district has some territory to appoint the board members. The bill eliminates that provision and a related provision requiring a subsequent referendum vote on

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<sup>15</sup> R.C. 3302.10, former division (G)(5).

<sup>16</sup> R.C. 3302.10, former division (P).

<sup>17</sup> R.C. 3314.102.

<sup>18</sup> R.C. 3302.10(G)(2)(b).

<sup>19</sup> R.C. 3302.10(G)(2)(b).



whether to continue mayoral appointments after a district is no longer subject to an academic distress commission.<sup>20</sup>

### **Academic performance bonuses**

Under current law enacted by H.B. 70, when a district has been subject to an academic distress commission for two or more consecutive school years, other public schools not operated by the district and nonpublic schools that enroll the district's students may be eligible for an academic performance bonus in each fiscal year for which the General Assembly appropriates funds for it. The bonuses are intended to give students residing in the district access to a "high-quality" education by encouraging "high-quality" schools to enroll those students.

The bill requires that schools must qualify as a "high-quality school or district" to be eligible for the bonus. Further, if the school is a community school, the bill requires that the school's sponsor also must be considered "high-quality."<sup>21</sup> For schools and districts, the bill defines "high-quality" as meaning the school or district received an "A" for performance index score or for the overall value-added progress dimension score on the most recent state report card. The bill specifies that a community school sponsor is considered "high-quality" if the majority of schools that it sponsors received an "A" in either of the aforementioned categories on the most recent state report card. The bill directs the Department of Education to determine what qualifies as a "high-quality" school for chartered nonpublic (private) schools.<sup>22</sup>

### **Transitioning out of academic distress commission control**

The bill changes the criteria under which a school district may begin the transition period to move out of being subject to an academic distress commission. Under current law, a district must receive an overall grade of "C" or higher on the state report card. The bill specifies, instead, that the transition period begins once a district receives a "C" for the performance index score or overall value-added progress dimension score.<sup>23</sup>

### **Public Records and Open Meetings Laws**

The bill expressly subjects all documents, notices, or information related to academic distress commissions to the Public Records Law. Under the bill, this includes:

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<sup>20</sup> R.C. 3302.10(K); repealed R.C. 3302.11.

<sup>21</sup> R.C. 3302.10(I).

<sup>22</sup> R.C. 3302.10(P).

<sup>23</sup> R.C. 3302.10(J).





- (1) Each appointment made to an academic distress commission;
- (2) The designation of a chairperson of an academic distress commission;
- (3) The appointment of a CEO;
- (4) The salary of a CEO;
- (5) The creation of a high-quality school accelerator;
- (6) The CEO's district improvement plan.<sup>24</sup>

Likely, the Public Records Law already applies to these items.

The bill also requires that copies of all such documents be submitted to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the chairpersons of the House and Senate Education committees.<sup>25</sup>

The bill also subjects each meeting of any of the members of an academic distress commission to the Open Meetings Law. But the bill further prohibits an academic distress commission to hold its meetings between 8 a.m. and 5 p.m., Monday through Friday, and requires the commission to give at least 24 hours advance notice of any meeting. Notice of meetings must be posted on the district's website, and members of the community must have the opportunity to speak at each meeting. The bill requires the meeting minutes to be "broadly distributed."<sup>26</sup>

### **School action teams**

The bill requires each school building operated by district that is subject to an academic distress commission to establish a school action team, similar to those required for community learning centers. If a building already has a school action team in relation to a community learning center, then that team must also perform the additional duties required by the bill.<sup>27</sup> A teacher assigned to the building or a group of teachers assigned to the building must establish the team within 30 days after the academic distress commission has appointed the CEO. Appointments to the team are subject to the Public Records Law and must be reported to the Speaker and Minority

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<sup>24</sup> R.C. 3302.10(N).

<sup>25</sup> R.C. 3302.10(N).

<sup>26</sup> R.C. 3302.10(O).

<sup>27</sup> R.C. 3302.101(D).



Leader of the House of Representatives, the President and Minority Leader of the Senate, and the chairpersons of the House and Senate Education committees.<sup>28</sup>

Each school action team must have 11 members consisting of the following:

- (1) The principal of the school, or the principal's designee;
- (2) Four teachers assigned to the building, as elected by their peers;
- (3) One nonteaching employee assigned to the building, as elected by the employee's peers; and
- (4) Five parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by the teachers and nonteaching employees assigned to the school building.

Members of the team who are employed by the school may not be parents or guardians of students enrolled in the school. The team must meet within 60 days of establishment. All members are voting members who all serve without compensation. Terms of office are for three years.<sup>29</sup>

## **Report**

Each school action team must prepare an annual report on student success recommendations that include recommendations on the following:

- (1) Mechanisms to enable community partners and the school to jointly alleviate barriers to learning that impact students outside of the regular school day;
- (2) Additional support, assistance, and communication that the school can provide to facilitate parental engagement in student learning, including outreach and engagement strategies designed for parents of students with low attendance rates or have been suspended or expelled from school; and
- (3) The needs of the school to provide state and federally required intervention services and programs.<sup>30</sup>

This report must be made readily available to the public and posted in a prominent location on the district's website. The district is responsible for any

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<sup>28</sup> R.C. 3302.101(E) and (F).

<sup>29</sup> R.C. 3302.101(A).

<sup>30</sup> R.C. 3302.101(B)(1).



administrative costs incurred by the team and must provide space for a public hearing in a district building within the boundaries of the school attendance zone of the team's building, if so requested.<sup>31</sup>

The team annually must hold a public hearing to provide information on the progress of the report. Before the hearing, the team must submit the progress report to the school principal and review it with the principal if the principal is not a team member and meet with the district superintendent, president of the board of education, the CEO, and the chairperson of the academic distress commission, either individually or collectively, to provide an overview of the progress report.<sup>32</sup>

### **Other duties**

The bill also charges the school action team with consulting on performance goals and the academic improvement plan and working with the CEO to increase enrollment in district preschool programs. Further, school action teams must do all of the following:

- (1) Monitor and assist in the implementation of the improvement plan;
- (2) Meet with candidates for principal and other administrative positions and making recommendations;
- (3) Advise on school budgets;
- (4) Establish ongoing mechanisms that engage students, parents, and community members;
- (5) Collect feedback and information from parents using an annual survey;
- (6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;
- (7) Monitor school progress data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by racial and ethnic groups, limited English proficient students, economically disadvantaged groups, and students with disabilities. (It is unclear what "reclassification" is referring to.)

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<sup>31</sup> R.C. 3302.101(B)(3).

<sup>32</sup> R.C. 3302.101(B)(2).



(8) Receive regular updates from the principal on policy matters affecting the school and providing advice on such matters;

(9) Meet regularly with parents and community members to discuss policy matters affecting the school; and

(10) Determine appropriate services or programs, including health care services and on-site resource coordinators, which may be provided by a community partner to students, families, or community members.<sup>33</sup>

### **Exemption for high-performing buildings**

The bill exempts certain high-performing buildings from control of the academic distress commission and the CEO. Under that exemption, if a school building operated by a district that is subject to an academic distress commission receives a grade of "C" or higher for the performance index score or the overall value-added progress dimension score on the most recent report card, the CEO must relinquish all operational, managerial, and instructional control of the building back to the district board and superintendent. If the building later receives an overall grade of "F," it no longer qualifies for the exemption. However, a school may receive a new exemption if it improves its performance and again qualifies under the bill's provisions.<sup>34</sup>

### **Report card requirement**

For any school district subject to an academic distress commission, the bill requires the Department of Education to include on the state report card the number of students entitled to attend school in that district who are enrolled in other public or private schools, the names of the schools in which those students are enrolled, and the aggregate scores of those students on each of the state assessments.<sup>35</sup>

### **Funding for district resource coordinator**

Current law earmarks \$930,000, for fiscal year 2016, and \$2 million, for fiscal year 2017, for the Department of Education to use for duties and activities related to academic distress commissions. The bill modifies that earmark to permit the Department to use those funds to hire a district resource coordinator to assist in the

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<sup>33</sup> R.C. 3302.101(C).

<sup>34</sup> R.C. 3302.103.

<sup>35</sup> R.C. 3302.038.



development and coordination of programs and services for community learning centers.<sup>36</sup>

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## HISTORY

ACTION	DATE
Introduced	10-22-15

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<sup>36</sup> Section 263.220 of H.B. 64 of the 131st General Assembly, amended in Sections 3 and 4 of the bill.

