

Review of HB79 and related changes in House Bills 137, 276 and 422

OCS Overview of the Changes Relevant to the Community School Program

Partnership for Continued Learning

ORC Section 3301.41

Background: Legislation created ORC § 3301.41, The Partnership for Continued Learning. Chaired by the Governor, the Partnership for Continued Learning works to establish a seamless, lifelong learning experience to prepare Ohioans for the 21st Century global economy.

Language and Impact: The Partnership will include a member representative of a sponsor of a community school and a member who is either a teacher or an administrator employed by a community school, both appointed by the governor. The superintendent of schools (Dr. Zelman), the Chancellor of the Ohio Board of Regents, private sector appointees, a student, legislators and others will also serve at the request of the Governor. The Partnership will meet quarterly and at other times upon the call of the Governor to conduct Partnership business. The Partnership is currently operating and meeting minutes, documents and other information is available on the Partnership web site: <http://www.pcl.ohio.gov> .

Study the Operation of Community Schools by the Partnership for Continued Learning

Section 3, HB 79.

The Partnership for Continued Learning shall study the operation and oversight of community schools and the Educational Choice Scholarship Pilot Program established under Chapter 3310 of the Revised Code. The study shall include, but not be limited to, an evaluation of the impact of community schools and the Educational Choice Scholarship Pilot Program on students, communities, traditional public schools, and chartered nonpublic schools. Not later than one year after the effective date of this section, the partnership shall submit recommendations to the General Assembly.

Disposal of Real Property

ORC Section 3313.41

Background: When school district boards of education decide to dispose of real property suitable for use as classroom space, they first must offer that property for sale to the governing authorities of the start-up community schools located within the territory of the school district, at a price not higher than the appraised fair market value of that property. They are compelled to sell it to the first bidder.

Language and Impact: School district boards of education must still comply with the section above. The primary change to this section is that school district boards of education must also offer community schools real property that is suitable for classroom space for academic instruction, administration, storage, or any other educational purpose, if it has not been used for one full school year and the board has not adopted a resolution outlining a plan for using the property for any of those purposes within the next three school years. The property must sold to the first bidder, just as if it had elected to dispose of the property as noted above.

Disposal of Real Property, continued

ORC Section 3314.051

Language and Impact: House Bill 79 places requirements on community schools respecting the disposal of real property. When a community school governing authority that purchased real property (facilities) from a district pursuant to ORC 3313.41 (G) chooses to dispose of that property or, (Section B) the community school closes, it must first offer the property back to the school district board of education from which it was purchased at fair market value. If the district board does not accept the offer within 60 days, the community school can dispose of the property in another lawful manner. The statute is specific to start-up community schools and does not cover district conversion school real property.

Changes to Parental Involvement

ORC Section 3313.472 (A)

Background: Each community school is required to adopt a policy on parental involvement, designed to build consistent and effective

communication between the parents and foster caregivers of students enrolled in the community school. The policy must also provide the opportunity for parents and foster caregivers to be actively involved in their children's or foster children's education and to be informed specifically about the importance of their involvement on the student's educational success, how to help the student with classroom learning activities, and ways to improve student success.

Language and Impact: HB 79 requires the state board of education to adopt *recommendations* for the development of parental involvement policies under this section. Prior to adopting the recommendations, the state board shall consult with the national center for parents at the University of Toledo.

Changes to Comprehensive School Safety Plans

ORC Section 3313.536, section added to 3314.03

Background: HB 422 added community schools to the list of educational entities that have to comply with Section 3313.536, which provided specific direction for the development of comprehensive school safety plans.

Language and Impact: The added sections to this section make clear that while the attorney general still requires community schools to file a copy of the current safety plan and a floor plan of the building with them, they do **not** require a building blueprint. Schools are still required to furnish the building blueprint to each law enforcement agency and fire department, along with the safety plan. It also makes clear that this provision requires all documents to be filed not later than the ninety-first day after the revision is adopted. In addition it specifies that the floor plan that is filed with the attorney general's office is not a public record as are floor plans kept as records by another public office.

Changes to definition of an "operator"

ORC Section 3314.014

Background: Previously, "operator" meant an organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority.

Language and Impact: HB 79 expanded the definition to make a Governing Authority eligible to use the Operator Provision if it had been in charge of a successful school for 4 years and had not used a management company.

HB 276 further expanded the definition of an operator to include an individual, who, acting under a contract with the Governing Authority, was responsible for the success.

Limit on sponsored schools

ORC Section 3314.015 (B)(1)(c)

Background: Previously, sponsors approved by ODE had a sponsor cap established in the sponsorship agreement.

Impact: Under HB 79, sponsors approved by the department will have their caps reduced by one for every school that permanently closes.

New restrictions on board membership and re-employment

ORC Section 3314.02 (E)(2)

Background: Under 3314.02 (E), No governing authority member or immediate relative could be an owner or employee of a for profit firm that managed a community school. New sections were added to restrict conflict of interest and add non-profits.

Language and Impact: An individual may be on no more than two start-up school boards at the same time. There is a one year “time out” requirement for board members – present or former - and immediate relatives before any one of the them may be an owner, employee or consultant of any operator (profit or non-profit) of a school.

New restrictions on compensation of board members of start-up schools

ORC Section 3314.025

Background: Previously there were no specific restrictions on board member compensation.

Language and Impact: There is now a limit of \$125 per meeting attended AND no more than \$125 per month total compensation for board members. This is to be paid by the fiscal officer from the operating funds of the school's treasury. However, if a management company operates the school, the board member is to be paid by the operator *from funds paid to it by the school.*

If an individual is a member of more than one board and boards meet at the same place and time, the compensation may be no greater than the highest of the amount per meeting, per member, specified by the Governing Authorities' of the schools

New section concerning rights of an operator

ORC Section 3314.026

Background: Under previous law, an operator did not have rights outside those in its contract with a community school's governing authority. This new section expands the rights of an operator in this area, under certain circumstances.

Language and Impact: If a governing authority intends to end its contract with a school's operator, they must notify the operator of that intent and the operator has a right to appeal. The appeal is made to the State Board if the sponsor has sponsored the school for less than twelve months or to the sponsor if twelve months or longer. The consideration of the appeal hinges on whether or not the operator has complied with requirements Section 3314.03 and whether the school has made satisfactory academic progress according to the school's contract.

If the sponsor or state board finds in favor of the operator the sponsor shall remove the existing governing authority and the operator shall appoint a new governing authority.

Changes to the terms of the community school contract

ORC Section 3314.03

Background: Section 3314.03 describes the terms of the community school contract. A few revisions were made to these terms, as follows:

Language and Impact: Section 3314.03 (A)(4) a sponsor's evaluation standards of a school must be set forth in the contract, but the linkage

to the former expected gains language now is removed.

New requirements to **3314.03 (A)(11)(d)** include ORC Sections:

2151.358 – expungement of records is deleted;

2151.357 – sealing of records is added -- If the court orders the records of a person sealed, the person who is subject of the order properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter, and the court, except as provided in section.

3313.472 – ODE regional fiscal agents shall consider any services provided to school districts and schools in their region, which includes community schools, when allocating funds.

3313.536 - The Governing Authority shall adopt a School Safety Plan for each building; provide updates; file copies of plan and building blueprints; grant law enforcement access to hold training sessions.

3319.313 – Conduct unbecoming to the teaching profession – School is required to submit information to ODE concerning an investigation into a teacher suspected of conduct unbecoming to the teaching profession.

3319.314 – Reports required under ORC Section 3319.313 shall be kept in the employee's personnel file until ODE determines no further action is needed, at which point the reports are to be moved to a separate public file.

3319.315 – Sections 3319.313 and 3319.314 prevail over any conflicting provisions of a collective bargaining agreement or employment contract.

Deletion to **3314.03 (A)(11)(g)** – References to providing data to the Legislative Office of Education Oversight are removed.

New Section **3314.03(A)(h)** The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district, and display United States and Ohio mottoes.

E-Schools, Provision of Computers

ORC Section 3314.22 (A)(1)

Background: Each child enrolled in an e-school is entitled to a computer provided by the e-school; however, the parent may waive the entitlement.

Language and Impact: e-Schools must provide written notice of the computer entitlement and waiver conditions to parents upon a parent's request to enroll their child. The written waiver must be executed and signed by the parent, and a copy of the signed waiver must be retained by the e-school. The e-school must submit a copy of the waiver to the Office of Community Schools. E-Schools should include a reference to the statute and waiver conditions in the school handbook.

Value-Added and School Closures

ORC Section 3314.35

Ohio's Value-Added System and Community School Closures due to Poor Academic Performance

Background: Expected gains has been replaced by the value-added system.

Language and Impact: Valued-added performance measures and state designations (ratings) will be used to determine which community schools will be required to permanently close and applies to any community school that meets one of the following sets of criteria after July 1, 2008. A school will permanently close at the end of the school year during which the school first becomes subject to 3314.35 as a result of meeting one of the following sets of criteria:

- The school meets all of the following conditions:
 - Offers any grade level between 4 and 8 but not higher than 9.
 - The school has been rated in Academic Emergency for 3 consecutive school years.
 - For 2 of the 3 consecutive school years that the school was rated in AE, the school made less than one standard year of academic growth in either reading or math under the state of Ohio's Value-added system.

Or

- The school meets all of the following conditions:
 - Offers any grade level between 10 and 12.
 - The school has been rated in Academic Emergency for 3 consecutive school years.
 - For 2 of the 3 consecutive school years that the school was rated in AE, the school made less than two standard years of academic growth in either reading or math under the state of Ohio's Value-added system.

Or

- The school does not offer any of grades 4 through 12 and has been rated in Academic Emergency for four consecutive school years.

The sponsor and governing authority will be required to comply with the community school closing procedures. Additionally, the governing authority will not be allowed to enter into a contract with any other sponsor.

Caveat:

The Ohio Department of Education is tasked with determining the feasibility of using the value-added performance measure in assessing the academic performance of schools meeting the second set of criteria, i.e. offering any grade level between 10 and 12. If ODE determines that it is not feasible to use the value-added performance measure in this manner, such a school will be required to permanently close only if it has been rated in Academic Emergency for four consecutive school years.

Drop-out/prevention and recovery program waiver from value-added/school closure

ORC Section 3314.36

This new section defines community schools which serve a majority of students who are enrolled in a dropout prevention and recovery program and may be granted a "waiver" from permanent closure conditions described in Section 3314.35

Background: New legislative requirements describe conditions under which poor-performing community schools are closed. New Section 3314.36 clarifies conditions specific to drop-out recovery schools.

Language and Impact: Section 3314.35 defines conditions under which community schools shall be permanently closed and cites schools which qualify for a waiver by the department under Section 3314.36 as the exception to these conditions. Section 3314.36 specifies the conditions under which such a waiver may be granted:

- First, the majority of students in the school must be enrolled in a dropout prevention and recovery program.
- Secondly, the program must serve students not younger than sixteen years of age and not older than twenty-one years of age.
- The program must also enroll students who are (either or both): at least one grade level behind their cohort age groups or; experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.
- The school's educational program requires students to attain at least the applicable score designated for each of the tests prescribed under division (B) of section 3301.0710 of the Revised Code.
- The program develops an individual career plan for the student that specifies the student's goals to either enter a two-year degree program, acquire a business and industry credential or to enter an apprenticeship.
- The program provides counseling and support for the student related to the plan developed above during the remainder of the student's high school experience.
- Prior to receiving the waiver, the program must submit an instructional plan that demonstrates how the academic content standards will be taught and assessed.

If the school meets all of the above conditions, the department must grant the waiver within sixty days after the school applies for the waiver. If the department does not act to either grant or deny the waiver within sixty days, the waiver shall be considered granted. The department shall not grant a waiver to any community school that did not qualify for such a waiver when it initially began operations, unless the state board of education approves the waiver.