



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 449

132nd General Assembly
(As Introduced)

Reps. Rogers and Patterson

BILL SUMMARY

- Directs the Department of Education to attribute the community school sponsor ratings and limitations of the board of trustees of a state university located in the community school pilot project area (Lucas County) to the board's successor, even if the successor severs its relationship with the university and establishes itself as a new sponsor.
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CONTENT AND OPERATION

Attributing community school sponsor ratings and limitations to successor

The bill directs the Department of Education to attribute the community school sponsor ratings and limitations on sponsorship of the board of trustees of a state university located in the original community school pilot project area (Lucas County) to the board's successor, even if the successor severs its relationship with the university and establishes itself as a new sponsor.¹ Under these parameters, the bill applies only to the relationship between the University of Toledo and the Ohio Council of Community Schools (OCCS). Since at least 2003, OCCS has, in accordance with state law, performed community school sponsorship duties on behalf of the University of Toledo.

Accordingly, the bill attributes all of the following to OCCS, regardless of whether it has severed its relationship with the University of Toledo and establishes itself as a sponsor in its own right:

(1) All sponsor ratings OCCS received as successor or designee to the University board of trustees;

¹ R.C. 3314.021(E).

(2) All sponsor ratings that the University board of trustees received during the time OCCS provided services to the University in the sponsorship of community schools; and

(3) All limitations on sponsorship placed on OCCS or the University in the sponsorship of community schools.

The bill specifically attributes to OCCS the overall rating of "ineffective" that the University board of trustees received for the 2015-2016 school year. By its own terms, it also would attribute to OCCS any ineffective rating the University board received for the 2016-2017 school year.² But for that year the University board received an "effective" rating.³ The bill is silent as to the attribution of any rating other than an "ineffective" one.

Background

Community schools in general

Community schools (often called "charter schools") are public schools that operate independently from a school district under a contract with a sponsoring entity. A conversion community school, created by converting an existing school, may be located in and sponsored by any school district or educational service center in the state. On the other hand, a new "start-up" community school may be located only in a "challenged school district." A challenged school district is any of the following: (1) a "Big-Eight" school district (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, or Youngstown), (2) a poorly performing school district as determined by the school's performance index score, value-added progress dimension, or overall ratings on the state report card, or (3) a school district in the original community school pilot project area (Lucas County).⁴

Sponsorship

A "sponsor" is the entity that authorizes a community school to open and operate as a public school and is responsible for establishing the school's academic, fiscal, and governance structures. It also must oversee the school's operation and performance and

² R.C. 3314.021(E).

³ At the Department of Education home page (<http://education.ohio.gov/>), under "Topics" click on "Community schools," then on "Overall Sponsor Ratings," and then the "Results" for each of the 2015-2016 and 2016-2017 schools years.

⁴ R.C. 3314.02(A)(3), not in the bill.



can take steps to correct performance or close or suspend the school for infractions of the law or poor performance.⁵

Sponsor ratings

The Department annually assigns an overall rating of "exemplary," "effective," "ineffective," or "poor" to the sponsors of community schools, based on a combination of three components: (1) the academic performance of students enrolled in the community schools it sponsors, (2) the sponsor's adherence to quality practices, and (3) the sponsor's compliance with laws and administrative rules. Each component receives an individual rating, and the overall rating is derived from those individual ratings.

Continuing law specifies several consequences that may be applied to a sponsor based on its rating. First, it prohibits a sponsor with an overall rating of "ineffective" from sponsoring any new or additional community schools. These sponsors are also subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the Department.⁶

Second, continuing law requires revocation of the sponsorship authority of (1) a sponsor with an overall rating of "poor" and (2) a sponsor with three consecutive overall ratings of "ineffective."⁷

Board of University of Toledo and OCCS

When authorized in 1997, start-up community schools could be located only in Lucas County⁸ but, by 1998, that authority was expanded statewide.⁹ Moreover, in 1999, the law was revised to complete the transition from the pilot project to a general authorization of start-up community schools. In so doing, the revised law recognized as sponsors, among others, the Lucas County Educational Service Center (now known as the ESC of Lake Erie West) and "a sponsoring authority designated by the board of trustees of a state university located in the pilot project area, or the board of trustees itself" (the University of Toledo).¹⁰ Using this authority, the University of Toledo board

⁵ R.C. 3314.015 and 3314.02(C)(1), neither in the bill.

⁶ R.C. 3314.016(B)(7)(b), not in the bill.

⁷ R.C. 3314.016(B)(7)(b)(ii) and (B)(7)(c).

⁸ Section 50.52 of H.B. 215 of the 122nd General Assembly.

⁹ R.C. 3314.02 as amended by S.B. 55 of the 122nd General Assembly.

¹⁰ R.C. 3314.02 as amended by H.B. 282 of the 122nd General Assembly.



created the "Charter School Council" to take over its sponsorship duties within the pilot project area and other areas of the state.

Effective in 2003, the law was further amended to permit the board of trustees of any state university, or its designee, to sponsor a new start-up school in a challenged school district, including the Lucas County pilot project area, after receiving approval from the Department.¹¹ At that time, a separate section of law permitted a tax-exempt entity to succeed the board of the University of Toledo as a sponsor of its schools and to renew sponsorship contracts and enter into new ones without needing to seek approval from the Department. While a successor entity was not required to obtain the Department's approval to sponsor, it is still under the Department's continuing oversight.¹² In response to that law, also in 2003, the University board "discontinued" the Charter School Council and "named OCCS as its independent designee."¹³

Prior to the 2016-2017 school year, the Department of Education recognized OCCS and not the University of Toledo as the sponsor of over 40 community schools. For the 2015-2016 school year, the Department gave OCCS an overall rating of "ineffective" and prohibited it from sponsoring any new or additional community schools.¹⁴ However, it appears that for the 2016-2017 school year the Department recognized the University of Toledo and not OCCS as the sponsor of those schools, and gave the University of Toledo an overall rating of "effective."

According to its website, OCCS has succeeded the University of Toledo as the sponsor of 47 schools.¹⁵ It further describes its sponsorship as follows:

OCCS, formerly the sole designee of the University of Toledo and part of Ohio's original charter school pilot, is a statewide community school sponsor that is a student-centered organization advocating excellence in education through strategic partnerships. During the 2016-2017 school

¹¹ R.C. 3314.02(C)(1)(e).

¹² R.C. 3314.021(A) through (D).

¹³ See http://www.ohioschools.org/media/1156/occs_timeline_scroll.jpg.

¹⁴ At the Department of Education home page (<http://education.ohio.gov/>), under "Topics" click on "Community schools," then on "Overall Sponsor Ratings," and then scroll down the page to "Sponsor Results" and click on "University of Toledo" to view rating letters sent to OCCS and the University.

¹⁵ See <http://www.ohioschools.org/news-events/blog-posts/ohio-council-of-community-schools-succeeds-the-university-of-toledo/>.



year, UT/OCCS sponsored 50 schools with enrollment of over 26,000 students.¹⁶

HISTORY

ACTION	DATE
Introduced	12-12-17

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¹⁶ See <http://www.ohioschools.org/about/annual-report/>.

