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Legislative History of Academic Distress Commissions

Summary

Enacted in 2005, R.C. 3302.10 required the Superintendent of Public Instruction to establish academic distress commissions (ADC) for persistently poor performing school districts. The statute has been revised a number of times to provide for administrative details and to conform to changes in the state report system. In 2015, R.C. 3302.10 was repealed and re-enacted to substantially revise the law on ADCs. The new law revises the membership of a commission and gives each commission more of an advisory role in the improvement of a district's performance, rather than a direct leadership role as under prior law. It requires that each commission appoint a chief executive officer who has complete operational, managerial, and instructional control of the district. It also specifies progressive consequences for districts that remain subject to an ADC, including possible changes to collective bargaining agreements and mayoral appointment of the district board.

This memorandum lists the acts that affected R.C. 3302.10 with a brief description of each act's contents regarding ADCs.

Currently, there are three school districts with ADCs. They are Youngstown, Lorain, and East Cleveland.

H.B. 66 of the 126th General Assembly

(Effective September 29, 2005)

- Required the state Superintendent to establish an ADC for each school district that was in a state of "academic emergency" and that failed to make "adequate yearly progress" for four or more consecutive years. The ADC remained in place until the district's performance rating was upgraded to "continuous improvement" for two out of three

school years, unless the state Superintendent sooner determined that the district could perform adequately without the commission.¹

- Each commission consisted of three voting members appointed by the state Superintendent and two voting members appointed by the president of the district board of education.
- Granted each commission the following powers:
 1. Appoint, reassign, and terminate the contracts of district administrative personnel;
 2. Contract with a private entity to perform school or district management functions; and
 3. Establish a budget for the district and approve school district expenditures, unless a financial planning and supervision commission has been established under the school district fiscal emergency law.
- Prohibited a district board from entering into a collective bargaining agreement provision that would render any decision of the ADC unenforceable.
- Provided that, if a district board had bargained away some of its management rights and responsibilities, they were restored to the board until both the district's ADC is dissolved and the board agrees, in a new collective bargaining agreement, to relinquish them.

H.B. 119 of the 127th General Assembly

(Effective September 29, 2007)

- Specified that the two members appointed by the district board president must be residents of the district.
- Required that:
 1. Members of the commission serve at the pleasure of their appointing authority during the life of the commission;
 2. A vacancy must be filled within 15 days; and
 3. The members serve without compensation, but are to be paid by the commission for their necessary and actual expenses incurred doing the business of the commission.
- Required the members of an ADC to file financial disclosure statements in the same manner as a state or local government official or a candidate for office.

¹ "Adequate yearly progress" or AYP was a measure of improvement required under the former federal No Child Left Behind Act. "Academic emergency" was the lowest rating that could be given to a school district or building under the former state report card system. "Continuous improvement" was the middle rating under that report card system.

- Required the following operating procedures:
 1. When an ADC was established, the state Superintendent provided written notice to the district board and requested the board's president to submit the names of the president's appointees, to be made within 30 days after the Superintendent's notice to the board;
 2. The state Superintendent called the first meeting of the commission immediately after the initial members were appointed. The meeting had to include an overview of the commission's roles and responsibilities, the requirements of the state Ethics Law, the Open Meetings Law, and adopt temporary bylaws until the adoption of permanent bylaws; and
 3. The state Superintendent designated a chairperson from among the members appointed by the Superintendent. The chairperson called and conducted meetings, set meeting agendas, served as a liaison between the commission and the district board, and appointed a secretary (noncommission member).
- Required each ADC to create an academic recovery plan for the school district within 120 days after its first meeting. The commission was required to update the plan at least annually. The plan had to include the following:
 1. Short-term and long-term actions to be taken to improve the district's academic performance;
 2. The sequence and timing of those actions;
 3. Resources that will be applied toward improvement efforts;
 4. Procedures for monitoring and evaluating improvement efforts; and
 5. Reporting requirements.

H.B. 555 of the 129th General Assembly

(Effective March 22, 2013)

- Revised the conditions under which a district qualified for an ADC under the new state A-F report card rating system. A district qualified if it met any of the following conditions for three or more consecutive years:
 1. The district had been declared to be in academic emergency and failed to make adequate yearly progress;
 2. The district received a grade of "F" for the performance index score *and* a grade of "D" or "F" for the overall value-added progress dimension;
 3. The district received an overall grade of "F" *or* a grade of "F" for the overall value-added progress dimension; *or*
 4. At least 50% of the schools operated by the district have received an overall grade of "D" or "F."

- The commission ceased to exist when the district for two of the three prior school years either:
 1. Is rated in need of continuous improvement or better; or
 2. Receives a grade of "C" or better for *both* the performance index score and overall value-added progress dimension.

H.B. 487 of the 130th General Assembly

(Effective September 17, 2014)

- Revised the conditions for establishment of an ADC. A district qualified if it met any of the following conditions for three or more consecutive years:
 1. The district has been declared to be in a state of academic emergency (under the former rating system) and has failed to make adequate yearly progress;
 2. The district has received, for the 2012-2013 or 2013-2014 school years, a grade of "F" for the performance index score and a grade of "D" or "F" for the value-added progress dimension;
 3. The district has received an overall grade of "F."
- Required the state Superintendent, by December 31, 2014, to submit recommendations to the Governor and General Assembly for legislative changes regarding intervention for poor performing school districts that were at risk of becoming subject to the establishment of an ADC.

H.B. 70 of the 131st General Assembly

(Effective October 15, 2015)

- Repealed and re-enacted R.C. 3302.10 to make the following changes to ADCs:
 1. Requires the establishment of an ADC for any district that either:
 - a. has received an overall grade of "F" on the state report card for three consecutive years; or
 - b. had an ADC established under prior law that was still in existence on the act's effective date, and has been in existence for at least four years.²
 2. Provides for specific, graduated consequences for prolonged poor performance, including possible replacement of a school's principal or a majority of the school's teaching staff, reorganization of a district-operated school as a community or STEM school, or permanent closure of a school;

² Youngtown and Lorain qualify for an ADC under "b." and East Cleveland recently qualified for an ADC under "a." H.B. 70 also specifies equivalencies for the Department of Education to use to determine whether a district is subject to an ADC in school years for which there is no overall grade on the state report card. The first overall grades were issued for the 2017-2018 school year.

3. Requires an ADC to appoint a chief executive officer (CEO), who has complete operational, managerial, and instructional control of the district;
 4. Permits an ADC, in consultation with the state Superintendent, to create an entity to act as a "high-quality school accelerator" for schools not operated by the district;
 5. Requires reorganization of the board of education of a district that has been subject to an ADC for four or more years and subjects that board to mayoral appointment rather than election;
 6. Requires a referendum on mayoral appointment of a district's board three years after the district is no longer subject to an ADC;
 7. Suspends parts of collective bargaining agreements to varying degrees, depending on how long a district has been subject to an ADC, and granted the CEO the authority to limit, suspend, or alter contracts;
 8. Gives the CEO the authority to exempt employees of a conversion community school sponsored by a school district for which an ADC has been established from future collective bargaining;
 9. Qualifies students of a district subject to an ADC for the Educational Choice scholarship;
 10. Subjects to appropriations, provided for academic performance bonuses for other public schools and nonpublic schools that enroll the students of a district that has an ADC;
 11. Requires the state Superintendent, by January 15, 2016, to submit to the General Assembly recommendations regarding how to make academic performance bonus payments;
 12. Permits the Department of Education's support system for low-performing districts and schools to provide for appointment of an improvement coordinator; and
 13. Terminates the position of an improvement coordinator appointed for a school district when it becomes subject to an ADC, but permits the CEO to employ the person who served in that position to perform similar duties.
- For a detailed description of current law, see the Final Analysis of H.B. 70 at: <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

S.B. 216 of the 132nd General Assembly

(Effective November 2, 2018)

- Enacted R.C. 3302.101 to require the state Superintendent to review all policies and procedures regarding academic distress commissions and issue a report to the General Assembly by May 1, 2019.

- Enacted R.C. 3302.102 to require the Joint Education Oversight Committee to review, and hold at least one public hearing on, the report after it is submitted to the General Assembly.