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135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Isaacsohn and Robinson

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SUMMARY

Chartered Nonpublic School Reporting

- Requires chartered nonpublic schools in which at least 25% of its enrolled students participate in a state scholarship program to do all of the following:
 - Submit five-year projections of revenues and expenditures to the Department of Education and Workforce;
 - Include the school's graduation rates and aggregate state assessment results in all school advertising and recruitment materials;
 - Submit a funding and expenditure accountability report of state funding to the Department; and
 - Comply with requests for the school's financial records as though the school were a school district under Ohio's public records law.
- Requires the Auditor of State to conduct a financial audit of each chartered nonpublic school described above.
- Requires the Department of Education and Workforce to issue a state report card for chartered nonpublic schools.
- Requires the Department to post and distribute performance data of Ed Choice scholarship students by September 15 each year, rather than February 1 as under current law.

Assessments

- Decreases from 65% to 50% the threshold of state scholarship student enrollment used to determine whether a chartered nonpublic school must administer state elementary assessments to *all* of its students, rather than just scholarship recipients.

- Requires all chartered nonpublic schools that primarily serve students with disabilities to administer state elementary assessments.
- Requires chartered nonpublic schools to administer the state end-of-course exams to state scholarship recipients.
- Eliminates the eligibility of a state scholarship student attending a chartered nonpublic school to qualify for a high school diploma by attaining a specified score on an approved alternative assessment or the ACT or SAT.
- Requires chartered nonpublic schools to post aggregate data regarding the state assessments it administers to its students.

Nondiscrimination

- Prohibits the Director of Education and Workforce from granting a charter to a nonpublic school unless the school submits an affidavit of intent not to discriminate, implements a racial nondiscriminatory policy, and posts that policy in various materials.

Bill title

- Entitles the bill the “Private School Accountability and Transparency Act.”

DETAILED ANALYSIS

Accountability measures for certain chartered nonpublic schools

The bill creates new accountability requirements for qualifying chartered nonpublic schools. To qualify, at least 25% of a chartered nonpublic school’s enrolled students must participate in a state scholarship program. State scholarship programs include the Ed Choice, Autism, Jon Peterson Special Needs, and Pilot Project (Cleveland) Scholarship programs.

Five-year projections of revenues and expenditures

The bill requires each qualifying chartered nonpublic school to comply with rules adopted by the Department of Education and Workforce and the Auditor of State regarding submission of five-year projections of operational revenues and expenditures as though the school were a school district.¹ Additionally, the bill permits the State Board of Education to limit, suspend, or revoke a license issued to any school employee who is found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of a chartered nonpublic school’s five-year projection.²

¹ R.C. 3301.165(B); see also R.C. 5705.391, not in the bill.

² R.C. 3301.165(C).

Administrative rule currently requires school districts to submit a five-year projection of operational revenues and expenditures by November 30 of each fiscal year and an update to the projection by May 31 of the fiscal year.³

Funding and expenditures accountability report

The bill requires each qualifying chartered nonpublic school to submit to the Department of Education and Workforce, in a manner determined by the Department, a funding and expenditure accountability report. The report must include the amount of state funding the school received from EdChoice scholarships, a detailed account of the expenditure of those funds, and any other relevant data required by the Department.⁴

Financial audits

The bill requires the Department of Education and Workforce to provide a list of qualifying chartered nonpublic schools to the Auditor of State. The bill then requires the Auditor of State to conduct an annual financial audit of each of those schools. Audits must be conducted in accordance with state law regarding audits of public funds distributed to private institutions.⁵

Advertising and recruitment materials

The bill requires each qualifying chartered nonpublic school to include the school's graduation rates and aggregate results on state assessments⁶ in all school advertising and recruitment materials.⁷

Requests for financial records

The bill requires chartered qualifying nonpublic schools to comply with requests received from any person for the school's financial records as though it were a school district under Ohio public records law. This requirement is subject to state law on the confidentiality of student information and the federal Family Educational Rights and Privacy Act of 1974,⁸ which limit the release of personally identifiable information on students and student educational records.⁹

³ Ohio Administrative Code 3301-92-04.

⁴ R.C. 3310.101.

⁵ R.C.117.10, not in the bill.

⁶ See R.C. 3301.0710, 3301.0712, and 3313.619, none in the bill.

⁷ R.C. 3301.167.

⁸ 20 United States Code 1232g.

⁹ R.C. 3301.168; see also R.C. 149.43 and 3319.321, neither in the bill.

State report card

The bill requires the Department of Education and Workforce to develop a state report card for chartered nonpublic schools using data the Department selects to create the rating system. That state report card for chartered nonpublic schools must be similar to the state report card that is issued for public schools. The Department must begin issuing state report cards for chartered nonpublic schools in the school year that begins after the bill's effective date.¹⁰

The state report card system for public schools measures the academic performance of school districts, individual buildings operated by districts, community schools, STEM schools, and college-preparatory boarding schools. It has a rating system that uses "stars" to indicate a district's or school's overall performance and performance for the individual components that are factored into the overall rating.¹¹ Most of the academic performance measures included on the state report card for public schools are based on state assessment results of students enrolled in a district or school. However, not every chartered nonpublic school administers state assessments to its students.

Ed Choice student performance data

The bill requires the Department to post on its website the assessment performance data of Ed Choice scholarship students by September 15 each year. It also must distribute that data to the parents of students eligible for Ed Choice scholarships by that date. Under current law, the Department must post and distribute that data by February 1 each year.¹²

State elementary assessments for chartered nonpublic schools

Threshold for testing all students

The bill decreases from 65% to 50% the threshold at which a school must administer elementary assessments to all of its students.¹³

Current law generally requires chartered nonpublic schools to administer state elementary assessments, or approved alternative assessments, to its students who participate in state scholarship programs. However, if 65% or more of a school's students attend it with a state scholarship, the school must administer elementary assessments to *all* of its students. Though, a nonscholarship student's parent may opt the student out of that testing.

¹⁰ R.C. 3301.141.

¹¹ R.C. 3302.03, not in the bill.

¹² R.C. 3310.15(C).

¹³ R.C. 3301.0711(K)(1)(a).

Waiver for a school serving students with disabilities

The bill eliminates a waiver that exempts qualifying chartered nonpublic schools from the requirement to administer state elementary assessments. Under current law, the Director of Education and Workforce must approve a waiver request submitted by a school if:

1. At least 95% of the school's students are children with disabilities or children who have a diagnosis by a physician or psychologist as having a condition that impairs academic performance, such as dyslexia or specified other conditions;
2. The school has served that student population for at least ten years; and
3. The school provides to the Department of Education and Workforce at least five years of records of internal testing conducted by the school that affords the Department with data required for accountability purposes.¹⁴

As a result, under the bill, most chartered nonpublic schools must administer state elementary assessments. The bill does not eliminate a similar law that exempts chartered nonpublic schools that enroll a significant number of students with disabilities from the requirement to administer the high school end-of-course exams.¹⁵

High school requirements for chartered nonpublic schools

State assessments

The bill modifies current law by requiring chartered nonpublic schools, including Independent Schools Association of the Central States (ISACS) – accredited schools, to administer the state's high school end-of-course exams and the nationally standardized assessment (ACT or SAT) to state scholarship students. In effect, it eliminates the current law exceptions that state scholarship recipients may take only the ACT or SAT or an approved alternative assessment.¹⁶

Graduation requirements

Continuing law establishes graduation requirements that public and chartered nonpublic school students must meet to qualify for a high school diploma. Generally, to qualify for a high school diploma, a student must demonstrate competency in English language arts and math on the end-of-course exams in those subject areas and earn two diploma seals.

However, current law permits students enrolled in chartered nonpublic schools to instead qualify for a high school diploma by attaining a specified score on an alternative assessment approved by the Department or a nationally standardized assessment (ACT or SAT) if the student's school administers either of those assessments instead of the end-of-course exams.

¹⁴ R.C. 3301.0711(K)(2); conforming changes in R.C. 3310.03, 3310.14, 3310.522, and 3313.976.

¹⁵ R.C. 3301.0711(L)(4).

¹⁶ R.C. 3301.0711(L).

The bill limits that exception to students who are not participating in a state scholarship program. Students participating in a state scholarship program must comply with the graduation requirements prescribed for public school students.¹⁷

Posting aggregate data

The bill requires each chartered nonpublic school to post on its website aggregate data regarding the results of the state assessments it administers, including the state elementary assessments and the high school end-of-course exams.¹⁸

Nondiscrimination Policy

The bill prohibits the Director of Education and Workforce from granting a charter to a nonpublic school unless the school does each of the following:

1. Submits an original, signed and notarized affidavit of intent not to discriminate;
2. Adopts and implements a racial nondiscriminatory policy that uses language required by the Department and is submitted for approval on official school letterhead;
3. Includes the adopted racial nondiscriminatory policy in the school's advertisement, policies, handbooks, and manuals. The Department is required to verify that the policy is in handbooks and manuals as part of the school's application for a state charter.¹⁹

HISTORY

Action	Date
Introduced	05-15-24

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¹⁷ R.C. 3301.0711(L)(2) and 3313.619(E). See also R.C. 3313.618, not in the bill.

¹⁸ R.C. 3301.164.

¹⁹ R.C. 3301.166.