

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 577

Representatives Miller, J., Lightbody

**Cosponsors: Representatives Galonski, Howse, Ingram, Lepore-Hagan, Miranda,
Patterson, Robinson, Sobecki, Weinstein**

A BILL

To amend sections 3302.036 and 3302.17; to enact 1
new sections 3302.101 and 3302.102 and sections 2
3301.28, 3301.29, and 3302.103; and to repeal 3
sections 3302.042, 3302.101, 3302.102, and 4
3302.12 of the Revised Code and to repeal 5
Section 265.520 of H.B. 166 of the 133rd General 6
Assembly to dissolve existing academic distress 7
commissions, to place a moratorium on the 8
creation of academic distress commissions, to 9
establish the School Transformation Board, and 10
to declare an emergency. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3302.036 and 3302.17 be amended 12
and new sections 3302.101 and 3302.102 and sections 3301.28, 13
3301.29, and 3302.103 of the Revised Code be enacted to read as 14
follows: 15

Sec. 3301.28. (A) (1) The school transformation board is 16
hereby created. The board shall be responsible for actions 17
related to school district academic performance improvement. 18

<u>(2) The board shall consist of the following members:</u>	19
<u>(a) The superintendent of public instruction or the</u>	20
<u>superintendent's immediate subordinate as the superintendent's</u>	21
<u>designee;</u>	22
<u>(b) The chancellor of higher education or the chancellor's</u>	23
<u>immediate subordinate as the chancellor's designee;</u>	24
<u>(c) One member from the house of representatives appointed</u>	25
<u>by the speaker of the house;</u>	26
<u>(d) One member from the house of representatives appointed</u>	27
<u>by the house minority leader;</u>	28
<u>(e) One member from the senate appointed by the senate</u>	29
<u>president;</u>	30
<u>(f) One member from the senate appointed by the senate</u>	31
<u>minority leader;</u>	32
<u>(g) Three individuals with experience and expertise in</u>	33
<u>education policy or school improvement, appointed by the</u>	34
<u>governor, with the advice and consent of the senate. One of the</u>	35
<u>appointees shall not be from the same political party as the</u>	36
<u>appointing governor, and at least one of the appointees shall</u>	37
<u>have at least ten years of teaching experience. Each member</u>	38
<u>appointed under division (A) (2) (g) of this section shall serve</u>	39
<u>for a term of three years and may be reappointed for additional</u>	40
<u>terms.</u>	41
<u>All initial appointments to the board shall be completed</u>	42
<u>not later than ninety days after the effective date of this</u>	43
<u>section.</u>	44
<u>(3) The board shall designate one of its members to serve</u>	45
<u>as chair.</u>	46

(4) The board may hire an executive director and any necessary staff to assist with the execution of the board's duties. 47
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The board shall become operational after one of the members has been appointed under division (A) (2) (g) of this section. 50
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(B) A majority vote of all of the members of the school transformation board shall be required for the school transformation board to take action. 53
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(C) Each board member appointed under division (A) (2) (g) of this section shall file the statement described in section 102.02 of the Revised Code with the Ohio ethics commission. The statement shall be confidential, subject to review, as described in division (B) of that section. 56
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(D) The school transformation board is a body politic and shall be subject to sections 121.22, 149.43, 2921.42, and 2921.43 and Chapter 102. of the Revised Code. 61
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Sec. 3301.29. (A) (1) The department of education, in collaboration with the school transformation board, shall review the current state-level school improvement process for Ohio schools and the budgetary requirements supporting that process and make recommendations to the state board of education to improve that process not later than December 31, 2020. 64
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(2) The state board shall review the department's recommendations and suggest any changes to them. The state board shall then approve and include those recommendations in the state-level school improvement process. 70
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(3) The department annually shall provide progress reports on the state-level improvement process to the state 74
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transformation board by the thirty-first day of October. The 76
board may recommend additional changes to the process to the 77
state board of education for consideration. 78

(B) The department, the school transformation board, and 79
the state board of education shall ensure that each entity's 80
improvement efforts identify best practices to build improvement 81
capacity and are aligned with the state-level improvement 82
process and the "Elementary and Secondary Education Act of 83
1965," 20 U.S.C. 6311 to 6339. 84

Sec. 3302.036. (A) Notwithstanding anything in the Revised 85
Code to the contrary, the department of education shall not 86
assign an overall letter grade under division (C) (3) of section 87
3302.03 of the Revised Code for any school district or building 88
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 89
the discretion of the state board of education, not assign an 90
individual grade to any component prescribed under division (C) 91
(3) of section 3302.03 of the Revised Code, and shall not rank 92
school districts, community schools established under Chapter 93
3314. of the Revised Code, or STEM schools established under 94
Chapter 3326. of the Revised Code under section 3302.21 of the 95
Revised Code for those school years. The report card ratings 96
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 97
shall not be considered in determining whether a school district 98
or a school is subject to sanctions or penalties. However, the 99
report card ratings of any previous or subsequent years shall be 100
considered in determining whether a school district or building 101
is subject to sanctions or penalties. Accordingly, the report 102
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 103
years shall have no effect in determining sanctions or 104
penalties, but shall not create a new starting point for 105
determinations that are based on ratings over multiple years. 106

(B) The provisions from which a district or school is 107
exempt under division (A) of this section shall be the 108
following: 109

(1) Any restructuring provisions established under this 110
chapter, except as required under the "No Child Left Behind Act 111
of 2001"; 112

~~(2) Provisions for the Columbus city school pilot project 113
under section 3302.042 of the Revised Code; 114~~

~~(3) Provisions for academic distress commissions under 115
former section 3302.10 of the Revised Code as it existed prior 116
to the effective date of this amendment October 15, 2015. The 117
provisions of this section do not apply to academic distress 118
commissions under the version of that section as it exists on or 119
after the effective date of this amendment October 15, 2015. 120~~

~~(4) (3) Provisions prescribing new buildings where 121
students are eligible for the educational choice scholarships 122
under section 3310.03 of the Revised Code; 123~~

~~(5) (4) Provisions defining "challenged school districts" 124
in which new start-up community schools may be located, as 125
prescribed in section 3314.02 of the Revised Code; 126~~

~~(6) (5) Provisions prescribing community school closure 127
requirements under section 3314.35 or 3314.351 of the Revised 128
Code. 129~~

(C) Notwithstanding anything in the Revised Code to the 130
contrary and except as provided in Section 3 of H.B. 7 of the 131
131st general assembly, no school district, community school, or 132
STEM school shall utilize at any time during a student's 133
academic career a student's score on any assessment administered 134
under division (A) of section 3301.0710 or division (B) (2) of 135

section 3301.0712 of the Revised Code in the 2014-2015, 2015-
2016, or 2016-2017 school ~~year~~years as a factor in any decision
to promote or to deny the student promotion to a higher grade
level or in any decision to grant course credit. No individual
student score reports on such assessments administered in the
2014-2015, 2015-2016, or 2016-2017 school years shall be
released, except to a student's school district or school or to
the student or the student's parent or guardian.

Sec. 3302.101. (A) Notwithstanding anything in the Revised
Code to the contrary, the superintendent of public instruction
shall not establish any new academic distress commissions,
beginning on the effective date of former Section 265.520 of
H.B. 166 of the 133rd general assembly through December 31,
2023.

(B) Beginning January 1, 2024, the state superintendent
shall resume establishing academic distress commissions for
districts that meet the condition prescribed in division (A)(1)
of section 3302.10 of the Revised Code.

Sec. 3302.102. (A) Beginning on the effective date of this
section, an academic distress commission established under
section 3302.10 of the Revised Code on or before the effective
date of this section shall begin to transition operational,
managerial, and instructional control from the academic distress
commission and the chief executive officer appointed by the
commission back to the district board of education. During the
transition period, the chief executive officer shall work
closely with the district board and the district superintendent
to increase their ability to resume control of the district and
sustain the district's academic improvement over time.

(B) During the transition period, the district shall

continue to operate under the academic distress commission as 166
prescribed in section 3302.10 of the Revised Code until June 30, 167
2020. On that date, the chief executive officer shall relinquish 168
all operational, managerial, and instructional control of the 169
district to the district board and district superintendent, and 170
the academic distress commission shall cease to exist. 171

(C) The department of education shall pay the remainder of 172
each chief executive officer's contract upon dissolution of the 173
academic distress commission as specified in division (B) of 174
this section. 175

(D) (1) The board of education of a school district for 176
which an academic distress commission had been established may 177
employ as the district superintendent, under section 3319.01 of 178
the Revised Code, the individual who previously served as chief 179
executive officer for the district under division (C) of section 180
3302.10 of the Revised Code. However, notwithstanding anything 181
in the Revised Code or Administrative Code to the contrary, such 182
an individual so employed as the district superintendent need 183
not hold an educator license issued by the state board of 184
education. 185

(2) If a district board of education enters into a 186
contract with the district's former chief executive officer to 187
become the district superintendent, the district board may 188
request that the department of education reimburse the 189
difference between the cost of the former chief executive 190
officer's contract and the contract offered by the district 191
board for the position of district superintendent. 192

Sec. 3302.103. The school transformation board established 193
under section 3301.28 of the Revised Code shall prepare a report 194
regarding the board's recommendations on replacing academic 195

distress commissions under section 3302.10 of the Revised Code, 196
and its recommendations on improving principal and teacher 197
preparation programs. 198

The board shall submit the report to the general assembly, 199
in accordance with section 101.68 of the Revised Code, not later 200
than January 30, 2022. 201

Sec. 3302.17. (A) Any school building operated by a city, 202
exempted village, or local school district, or a community 203
school established under Chapter 3314. of the Revised Code is 204
eligible to initiate the community learning center process as 205
prescribed by this section. 206

(B) Beginning with the 2015-2016 school year, each 207
district board of education or community school governing 208
authority may initiate a community learning center process for 209
any school building to which this section applies. 210

First, the board or governing authority shall conduct a 211
public information hearing at each school building to which this 212
section applies to inform the community of the community 213
learning center process. The board or governing authority may do 214
all of the following with regard to the public information 215
hearing: 216

(1) Announce the meeting not less than forty-five days in 217
advance at the school and on the school's or district's web 218
sites and using tools to ensure effective communication with 219
individuals with disabilities; 220

(2) Schedule the meeting for an evening or weekend time; 221

(3) Provide interpretation services and written materials 222
in all languages spoken by five per cent or more of the students 223
enrolled in the school; 224

(4) Provide child care services for parents attending the meeting;	225 226
(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;	227 228 229
(6) Comply with section 149.43 of the Revised Code.	230
In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.	231 232 233
The board or governing authority may enter into an agreement with any civic engagement organizations, community organizations, or employee organizations to support the implementation of the community learning center process.	234 235 236 237
The board or governing authority shall conduct a follow-up hearing at least once annually until action is further taken under the section with respect to the school building or until the conditions described in division (A) of this section no longer apply to the school building.	238 239 240 241 242
(C) Not sooner than forty-five days after the first public information hearing, the board or governing authority shall conduct an election, by paper ballot, to initiate the process to become a community learning center. Only parents or guardians of students enrolled in the school and students enrolled in a different school operated by a joint vocational school district but are otherwise entitled to attend the school, and teachers and nonteaching employees who are assigned to the school may vote in the election.	243 244 245 246 247 248 249 250 251
The board or governing authority shall distribute the ballots by mail and shall make copies available at the school	252 253

and on the web site of the school. The board or governing authority also may distribute the ballots by directly giving ballots to teachers and nonteaching employees and sending home ballots with every student enrolled in the school building.

(D) The board or governing authority shall initiate the transition of the building to a community learning center if the results of the election held under division (C) of this section are as follows:

(1) At least fifty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least sixty-seven per cent are in favor of initiating the process; and

(2) At least fifty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least sixty-seven per cent are in favor of initiating the process.

(E) If a community learning center process is initiated under this section, the board or governing authority shall create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, ~~3302.12, or 3302.042~~ of the Revised Code, or federal law.

The school action team shall provide quarterly updates of 283
its work in a public hearing that complies with the same 284
specifications prescribed in division (B) of this section. 285

(F) Upon completion of the audit and review, the school 286
action team shall present its findings at a public hearing that 287
complies with the same specifications prescribed in division (B) 288
of this section. After the school action team presents its 289
findings at the public hearing, it shall create a community 290
learning center improvement plan that designates appropriate 291
interventions, which may be based on the recommendations 292
developed by the department under division (H) (1) (b) of this 293
section. 294

If there is a federally mandated school improvement 295
planning process, the team shall coordinate its work with that 296
plan. 297

The school action team shall approve the plan by a 298
majority vote. 299

(G) Upon approval of the plan by the school action team, 300
the team shall submit the community learning center improvement 301
plan to the same individuals described in division (C) of this 302
section. Ballots shall be distributed and an election shall be 303
conducted in the same manner as indicated under that division. 304

The school action team shall submit the plan to the 305
district board of education or community school governing 306
authority, if the results of the election under division (G) of 307
this section are as follows: 308

(1) At least thirty per cent of parents and guardians of 309
students enrolled in the eligible school building and students 310
enrolled in a different building operated by a joint vocational 311

school district but who are entitled to attend the school cast 312
ballots by a date set by the board or governing authority, and 313
of those ballots at least fifty per cent are in favor of 314
initiating the process; and 315

(2) At least thirty per cent of teachers and nonteaching 316
employees who are assigned to the school cast ballots by a date 317
set by the board or governing authority, and of those ballots at 318
least fifty per cent are in favor of initiating the process. 319

The board or governing authority shall evaluate the plan 320
and determine whether to adopt it. The board or governing 321
authority shall adopt the plan in full or adopt portions of the 322
plan. If the board or governing authority does not adopt the 323
plan in full, it shall provide a written explanation of why 324
portions of the plan were rejected. 325

(H) (1) The department shall do all of the following with 326
respect to this section: 327

(a) Adopt rules regarding the elections required under 328
this section; 329

(b) Develop appropriate interventions for a community 330
learning center improvement plan that may be used by a school 331
action team under division (F) of this section; 332

(c) Publish a menu of programs and services that may be 333
offered by community learning centers. The information shall be 334
posted on the department's web site. To compile this information 335
the department shall solicit input from resource coordinators of 336
existing community learning centers. 337

(d) Provide information regarding implementation of 338
comprehensive community-based programs and supportive services 339
including the community learning center model to school 340

buildings meeting any of the following conditions:	341
(i) The building is in improvement status as defined by	342
the "No Child Left Behind Act of 2001" or under an agreement	343
between the Ohio department of education and the United States	344
secretary of education.	345
(ii) The building is a secondary school that is among the	346
lowest achieving fifteen per cent of secondary schools	347
statewide, as determined by the department.	348
(iii) The building is a secondary school with a graduation	349
rate of sixty per cent or lower for three or more consecutive	350
years.	351
(iv) The building is a school that the department	352
determines is persistently low-performing.	353
(2) The department may do the following with respect to	354
this section:	355
(a) Provide assistance, facilitation, and training to	356
school action teams in the conducting of the audit required	357
under this section;	358
(b) Provide opportunities for members of school action	359
teams from different schools to share school improvement	360
strategies with parents, teachers, and other relevant	361
stakeholders in higher performing schools;	362
(c) Provide financial support in a school action team's	363
planning process and create a grant program to assist in the	364
implementation of a qualified community learning center plan.	365
(I) Notwithstanding any provision to the contrary in	366
Chapter 4117. of the Revised Code, the requirements of this	367
section prevail over any conflicting provisions of a collective	368

bargaining agreement entered into on or after ~~the effective date~~ 369
~~of this section~~ October 15, 2015. However, the board or 370
governing authority and the teachers' labor organization may 371
negotiate additional factors to be considered in the adoption of 372
a community learning center plan. 373

Section 2. That existing sections 3302.036 and 3302.17 of 374
the Revised Code are hereby repealed. 375

Section 3. That sections 3302.042, 3302.101, 3302.102, and 376
3302.12 of the Revised Code are hereby repealed. 377

Section 4. That Section 265.520 of H.B. 166 of the 133rd 378
General Assembly is hereby repealed. 379

Section 5. Section 3302.036 of the Revised Code is 380
presented in this act as a composite of the section as amended 381
by both H.B. 64 and H.B. 70 of the 131st General Assembly. The 382
General Assembly, applying the principle stated in division (B) 383
of section 1.52 of the Revised Code that amendments are to be 384
harmonized if reasonably capable of simultaneous operation, 385
finds that the composite is the resulting version of the section 386
in effect prior to the effective date of the section as 387
presented in this act. 388

Section 6. This act is hereby declared to be an emergency 389
measure necessary for the immediate preservation of the public 390
peace, health, and safety. The reason for such necessity is to 391
revise the methods of interventions for low-performing school 392
districts and schools so that they are effective in a timely 393
manner. Therefore, this act shall go into immediate effect. 394