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Bill Analysis

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Primary Sponsor: Sen. Manning

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Summary

- Modifies the composition and operation of an academic distress commission (ADC) of a school district for which (1) an ADC was established in 2013 under former law and (2) the ADC was re-established under continuing law.
- Requires the ADC to conduct and submit to the district board at least one annual performance evaluation of the chief executive officer (CEO) appointed by the ADC.
- Specifies that the CEO must appear at least quarterly before the district board to report on the district's progress.
- Requires the Auditor of State to conduct a performance audit of the district each year that it is subject to the ADC.
- Requires the Department of Education to initiate a site evaluation in the district in each year that the district is subject to the ADC.

Detailed Analysis

Academic distress commission for a specified school district

The bill modifies the composition and operation of an academic distress commission (ADC) of, and provides additional state support to, a school district for which (1) the ADC was established in 2013 under former law and (2) an ADC was re-established by the Superintendent of Public Instruction under continuing law as enacted in 2015 (see "**Background reference,**" below).¹ The only school district to which those conditions apply is the Lorain City School District.

¹ R.C. 3302.103(A).

Appointment and powers of district treasurer

The bill stipulates that the district board must appoint the district treasurer in the same manner as any other treasurer. Furthermore, the district treasurer must exercise the powers and duties provided to a treasurer as chief fiscal officer under continuing law. The bill's provisions in this regard override any other provision of law to the contrary.²

Current law, which continues to apply to other school districts under the bill, empowers a chief executive officer (CEO) appointed by the ADC to "exercise complete operational, managerial, and instructional control of the district." This includes powers and duties such as, among other things, replacing administrators and central office staff, hiring new employees, and defining employee responsibilities.³ Ordinarily, a school district treasurer is the chief fiscal officer of the district appointed by and answerable only to the district board.⁴

ADC composition

The bill modifies the composition of an ADC in the district by specifying that the state Superintendent and the mayor of the municipality in which the majority of the district is located must each appoint two members to the commission and the district board must appoint one member. To reach that composition, the bill requires that existing members of the ADC retain their membership, except that the state Superintendent must terminate one appointment, and the mayor must fill that vacancy, not later than 30 days after the bill's effective date. Otherwise, the appointment of ADC members and the appointment of the chairperson, as well as the chairperson's powers and duties, remain unchanged by the bill.⁵

Current law, which continues to apply to other school districts, requires that an ADC be composed of three members appointed by the state Superintendent, one of whom is a resident in the county in which a majority of the district's territory is located, one teacher appointed by the president of the district board, and one member appointed by the mayor.⁶

District board and the CEO

The bill requires that an ADC conduct an annual performance evaluation of the CEO and submit it to the district board. The ADC must conduct and submit to the district board up to three additional evaluations of the CEO per year upon the board's request.⁷

Additionally, the CEO must appear before the district board to make a quarterly report on progress made by the district toward entering and completing the transition period required under continuing law to move out of being subject to an ADC. Upon the district board's request,

² R.C. 3302.103(B).

³ R.C. 3302.10(C)(1), not in the bill.

⁴ R.C. 3313.22 and 3313.31, neither in the bill.

⁵ R.C. 3302.103(C).

⁶ R.C. 3302.10(B)(1), not in the bill.

⁷ R.C. 3302.103(D).

the CEO also is required to appear and make a similar report to the board at any of its regularly scheduled meetings.⁸

Annual performance audit

The Auditor of State is required under the bill to conduct a performance audit of the district in each year that the district is subject to an ADC. The audit must be conducted as required for a district in fiscal distress.⁹

Under continuing law, the Auditor of State may initiate a performance audit for a district in fiscal “caution,” “watch,” or “emergency.” The audit may review any programs or operations where greater operational efficiencies or enhanced program results can be achieved. The cost of the performance audit must be paid by the Auditor of State, and the audit must not include the review or evaluation of a district’s academic performance.¹⁰

Site evaluation

Under the bill, the Department of Education must initiate a site evaluation in the district in each year that the district is subject to an ADC. The site evaluation must be conducted in a manner similar to a site evaluation included in the state system of support for districts and buildings with poor academic performance.¹¹

Continuing law requires the Department to establish a “system of intensive, ongoing support for the improvement of school districts and school buildings” in a manner prescribed by an agreement with the U.S. Department of Education. As part of that system, the Department may initiate a site evaluation of a building or district.¹² Under administrative rules adopted by the Department, a site evaluation must be designed to review conditions in a school district or building as well as to document implementation of the requirements outlined in the agreement with the U.S. Department of Education.¹³

Background reference

For a detailed background on the current law on academic distress commissions, see pp. 10-23 of the LSC Final Analysis for H.B. 70 of the 131st General Assembly at <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

⁸ R.C. 3302.103(E).

⁹ R.C. 3302.103(F).

¹⁰ R.C. 3316.042, not in the bill.

¹¹ R.C. 3302.103(G).

¹² R.C. 3302.04(A)(2) and (D)(2), not in the bill.

¹³ Ohio Administrative Code 3301-56-01(D).

History

Action	Date
Introduced	03-13-19
