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H.B. 54
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. J. Miller and Cutrona

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SUMMARY

- Dissolves all current academic distress commissions (ADCs) and repeals the law on the establishment of new commissions.
- Requires the district board of education of a school district previously subject to an ADC to establish an improvement team for each school building under the board's control that also received an overall grade of "F" for the previous school year, beginning July 1, 2021.
- Requires a district board not previously subject to an ADC to establish an improvement team for each school building under a board's control when a school receives an overall grade of "F" for previous school year, beginning July 1, 2022.
- Requires the Superintendent of Public Instruction, using criteria developed by the State Board of Education, to review when a school may leave "in need of improvement status."
- Requires the state Superintendent, in conjunction with the State Board, to convene a meeting of stakeholders, beginning July 1, 2021, to determine methods of support for low-performing school buildings and submit a report to the General Assembly by January 1, 2022.
- Repeals a septate provision on school restructuring.

DETAILED ANALYSIS

Academic distress commissions

The bill dissolves all current academic distress commissions for persistently low-performing school districts and repeals the law on the establishment of new commissions. It

also repeals the law regarding obsolete reports by the Superintendent of Public Instruction about ADCs.¹

Current law, enacted in 2015, requires the state Superintendent to establish an academic distress commission for certain school districts with persistently low academic performance to guide actions to improve their performance. The law requires each commission to appoint a chief executive officer who has substantial powers to manage the operation of a qualifying district and prescribes progressive consequences for the district, including possible changes to collective bargaining agreements and eventual mayoral appointment of the district board. Currently, Youngstown, Lorain, and East Cleveland have academic distress commissions.

H.B. 166 of the 133rd General Assembly placed a one-year moratorium on the establishment of new ADCs, which expired on October 1, 2020.²

In addition, in 2020 due to the COVID-19 pandemic, the Department of Education was prohibited from issuing ratings for overall grades on the state report cards for any school districts or schools for the 2019-2020 and 2020-2021 school years. And, due to absence of report card grades, a safe harbor was enacted for districts and schools from various provisions of law reliant on report card grades, including the establishment of new ADCs and additional progressive consequences for existing ADCs for those school years. On the other hand, the powers authorized prior to the 2021-2022 school year were retained by the CEO of the ADC.³

Under the repealed law, students in a school district currently subject to an ADC are eligible for an Educational Choice (Ed Choice) scholarship. The bill clarifies that a student remains eligible for an Ed Choice scholarship if the student's resident school district "was" subject to the former section of law and the student continues to use the scholarship to attend a nonpublic school, while also maintaining other eligibility requirements. However, the bill maintains a provision of current law specifying that the Department must cease awarding first-time scholarships under the repealed academic distress commission provision when the commission ceases to exist.⁴

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

¹ New R.C. 3302.10(A); Repealed R.C. 3302.10, 3302.101, 3302.102, and 3302.11; Repealed Sections 4, 5, and 6 of H.B. 70 of the 131st General Assembly; Conforming changes in R.C. 133.06(G)(1) and (2), 3302.036(B)(3), 3302.042(F), 3310.02(B), 3310.03(C) and (E), 3311.29(D), and 3314.102 and Section 5 of S.B. 89 of the 133rd General Assembly.

² Section 265.520 of H.B. 166 of the 133rd General Assembly.

³ Section 17(B) of H.B. 197 of the 133rd General, as subsequently amended by H.B. 409 of the 133rd General Assembly.

⁴ R.C. 3310.03(C) and (E); conforming changes in R.C. 3310.02 and Section 5 of S.B. 89 of the 133rd General Assembly.

Progressive improvement interventions

The bill requires a school district board of education to establish an improvement team for each school building under the board's control that received an overall grade of "F" for the previous school year. Districts previously subject to an academic distress commission also must commence the improvement team process beginning July 1, 2021, and districts not previously subject to an academic distress commission must begin the improvement team process beginning July 1, 2022.⁵ The Superintendent of Public Instruction must designate such school buildings as "in need of improvement."⁶

Establishment of an improvement team

A school improvement team during the school's first year with "in need of improvement status," must comprise administrators and teachers, and may include community stakeholders, with oversight from the district board. The bill does not specify how many individuals comprise a team.

Each school improvement team must do the following:

1. Conduct a performance audit, reviewing the needs of students, parents, teachers, and administrators of the school building.

As part of the audit, the team must convene a group of parents and community stakeholders within the attendance zone of the school building to seek input on student needs and improvement strategies.

2. Develop a school improvement plan based on a multi-tiered, evidence-based model.

The plan may, but is not required to, include measurable benchmarks for improvement in (a) parent and family engagement, (b) creating a culture of academic success among students, (c) building a culture of student support among school faculty and staff, (d) student attendance, (e) dismissal and exclusion rates, (f) student safety and discipline, and (g) student promotion and graduation and dropout rates.

3. Submit the improvement plan to the district board for approval by the final day of the school year in which the school building is first designated as "in need of improvement."

Additionally, school improvement teams may request technical support from the Department during the development of the improvement plan.

The team also may recommend that the district board voluntarily initiate a community learning center process for the school building.⁷ (A description of the community learning center process is available at pp. 4-10 of the LSC Final Analysis of H.B. 70 of the 131st General Assembly.)

⁵ New R.C. 3302.10(B).

⁶ New R.C. 3302.10(C)(1).

⁷ New R.C. 3302.10(C)(1) and 3302.17.

Implementation of improvement plans

School buildings that receive an overall grade of “F” for a second consecutive year retain “in need of improvement status” and must begin implementing the improvement plan developed by the improvement team. The improvement team must monitor the progress of the implementation, with oversight from the district board. The improvement team may hire an academic coordinator or request technical support from the Department during implementation.⁸

School buildings that receive an overall grade of “F” for a third consecutive year retain “in need of improvement status” and must continue implementing the improvement plan, with oversight from the district board. The Department, during a school building’s third year of “in need of improvement status,” may perform a mid-year and end-of-year review of the measurable benchmarks included in the school building’s improvement plan and provide feedback to the school building’s improvement team, district board, and district superintendent.⁹

School buildings that receive an overall grade of “F” for a fourth consecutive year retain “in need of improvement status” and must continue implementing the improvement plan, with oversight from the district board. The state Superintendent, during a school building’s fourth year of “in need of improvement status,” must review the progress made under the school’s improvement plan and, using the State Board of Education’s criteria, determine if the school building may move out of “in need of improvement status.”¹⁰

The bill does not specify consequences for school buildings that receive an overall grade of “F” after the fourth year.

State Superintendent and State Board duties

The bill requires the State Board to adopt rules establishing the criteria for the state Superintendent to consider when a school building may move out of “in need of improvement status.”

The bill also requires the state Superintendent, in conjunction with the State Board, beginning July 1, 2021, to convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan. The state Superintendent, by January 1, 2022, must report these recommendations to the House and Senate Education committees.¹¹

⁸ New R.C. 3302.10(C)(2).

⁹ New R.C. 3302.10(C)(3).

¹⁰ New R.C. 3302.10(C)(4)(a).

¹¹ New R.C. 3302.10(D).

Existing school restructuring provision repealed

The bill repeals a current provision that requires a school district to restructure any building that is ranked in the lowest 5% of all public schools by performance index score for three consecutive school years and for which any combination of the following applies for three consecutive school years: (1) the school is in academic watch or academic emergency under former law, (2) the school has received a grade of “F” for the value-added progress dimension, or (3) the school has received an overall grade of “F.”

Under that law, a district must choose one of the following restructuring actions for an affected building:

1. Close the school and reassign the school’s students to other schools with higher academic achievement;
2. Contract with another school district or a nonprofit or for-profit entity with a record of effectiveness to operate the school;
3. Replace the school’s principal and teaching staff, exempt the school from any specified district regulations regarding curriculum and instruction at the request of the new principal, and allocate at least the per-pupil amount of state and local (that is, nonfederal) revenues to the school for each of its students; or
4. Reopen the school as a conversion community school.¹²

HISTORY

Action	Date
Introduced	02-03-21

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¹² Repealed R.C. 3302.12.