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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 100  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. K. Smith and Manning

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### SUMMARY

- Dissolves all current academic distress commissions and repeals the law on the establishment of new commissions.

### DETAILED ANALYSIS

#### Academic distress commissions

The bill dissolves all current academic distress commissions (ADC) 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.<sup>1</sup>

Current law, enacted in 2015, requires the state Superintendent to establish an ADC 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.

Under the repealed law, students in a school district currently subject to an ADC are eligible for an Educational Choice (Ed Choice) scholarship.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"

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<sup>1</sup> Section 7; Repealed R.C. 3302.10, 3302.101, 3302.102, and 3302.11; Repealed Sections 4, 5, and 6 of H.B. 70 of the 131<sup>st</sup> General Assembly; Conforming changes in R.C. 133.06, 3302.036, 3302.042, 3302.12, 3302.17, 3310.02, 3310.03, 3311.29, and 3314.102 and Section 5 of S.B. 89 of the 133<sup>rd</sup> General Assembly.

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a provision of current law specifying that the Department must cease awarding first-time scholarships under the repealed academic distress commission provision when the commission ceases to exist.<sup>2</sup>

## Background

H.B. 166 of the 133<sup>rd</sup> General Assembly placed a one-year moratorium on the establishment of new ADCs, which expired on October 1, 2020.<sup>3</sup>

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 those school years were retained by the CEO of the ADC.<sup>4</sup>

Moreover, H.B. 110 of the 134<sup>th</sup> General Assembly, As Introduced (currently pending in the House Finance Committee) proposes to prohibit the state Superintendent from establishing any new ADCs for the 2021-2022 and 2022-2023 school years. That provision does not affect the existing ADCs.<sup>5</sup>

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 131<sup>st</sup> General Assembly at: <https://www.legislature.ohio.gov/download?key=2653&format=pdf>.

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## HISTORY

Action	Date
Introduced	02-09-21

H0100-I-134/ec

<sup>2</sup> R.C. 3310.03(C) and (E); conforming changes in R.C. 3310.02 and Section 5 of S.B. 89 of the 133<sup>rd</sup> General Assembly.

<sup>3</sup> Section 265.520 of H.B. 166 of the 133<sup>rd</sup> General Assembly.

<sup>4</sup> Section 17(B) of H.B. 197 of the 133<sup>rd</sup> General, as subsequently amended by H.B. 409 of the 133<sup>rd</sup> General Assembly.

<sup>5</sup> Section 265.520 of H.B. 110 of the 134<sup>th</sup> General Assembly, As Introduced.