



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Carol Napp

Sub. H.B. 438

132nd General Assembly
(As Passed by the General Assembly)

Reps. Hambley and Kick, Seitz, Brenner, Stein, Anielski, Antonio, Greenspan, Householder, Landis, Rogers, R. Smith, Strahorn, West, Wiggam

Sens. Beagle, Brown, Dolan, Eklund, Huffman, Lehner, Manning, Obhof, O'Brien, Tavares, Thomas, Yuko

Effective date: September 28, 2018

ACT SUMMARY

Educational service centers

- Permits a "local" school district to sever its territory from its current educational service center (ESC) and annex to an adjacent ESC if it had severed and annexed its territory under a substantially similar provision of law repealed in 2011.
- Permits the governing board of any ESC (rather than only the board of a joint ESC) to add appointed members to the board.
- Permits ESCs to establish local professional development committees to serve Ohio-licensed educators and pupil services personnel who either (1) are not currently employed as educators or (2) are not employed by an entity that operates a local professional development committee.

Community school classroom facilities grants

- Requires at least three rounds of grant funding for community school facilities grants and specifically permits participants to receive additional funding.

* This version updates the effective date.

CONTENT AND OPERATION

Educational service centers

Local district severance from one ESC and annexation to another

The act permits a "local" school district to sever its territory from its current educational service center (ESC) and annex to an adjacent ESC, so long as that district had severed and annexed its territory under a substantially similar provision of law that was repealed on June 30, 2011, by H.B. 153 of the 129th General Assembly.¹

The severance and annexation action is subject to both approval of the State Board of Education and referendum by petition of the district's voters. That action cannot be effective sooner than one year after July 1 following the later of (1) the date the State Board approves the action or (2) the date voters approve the action at a referendum election, if one is held. If a district severs from its ESC and annexes to another, it cannot do so again for at least four years after the prior action's effective date.²

Appointed members to ESC boards

The act permits the elected members of any ESC governing board to add appointed members to the board. Under prior law, this provision applied only to the governing boards of joint ESCs (those formed by combining up to five adjacent ESCs into one³). Law unchanged by the act specifies that the number of appointed members may be up to one less than the number of elected members, but the total number of elected and appointed members must be an odd number.

The act requires that the qualifications for the appointed members, which must be specified by the elected members under continuing law, include the experience, knowledge, and skills that advance the mission and vision of the ESC. Additionally, if the appointed members are representative of the ESC's "client" school districts, the act specifies that they must represent client districts that are not otherwise represented on the board.⁴

¹ R.C. 3311.059(A).

² R.C. 3311.059(B) through (E).

³ R.C. 3311.053, not in the act.

⁴ R.C. 3311.056.



Local professional development committees

The act permits ESCs to establish local professional development committees to serve Ohio-licensed educators and pupil services personnel who either (1) are not currently employed as an educator or (2) are not employed by an entity that operates a local professional development committee. (Employers that do not operate local committees could include ESCs, county boards of developmental disabilities, university departments of education, Head Start Programs, or the Ohio Education Computer Network.) The committees may agree to review these educators' coursework, continuing education units, or other equivalent activities related to classroom teaching or their proposed areas of licensure to determine whether they meet the State Board of Education's requirements.⁵

Background

An ESC is a public regional service provider that can contract with any school district, community school, STEM school, or private school. A school district with a student count of 16,000 or less must have an agreement with an ESC, while larger districts are permitted, but not required, to do so.⁶ Each ESC has its own superintendent and a governing board made up of representatives of the "local" school districts located in the county or counties within its service territory. Generally, members of an ESC's governing board are elected by the voters of those "local" school districts. An ESC governing board also may have a minority of appointed members. These appointed members may represent "city" and "exempted village" school districts receiving services from the ESC.⁷

Community school classroom facilities grants

The act requires the Ohio Facilities Construction Commission to conduct at least three rounds of funding for community school classroom facilities grants, including the rounds conducted prior to the act's effective date. In 2017, H.B. 49, the biennial budget act, appropriated \$7,989,174 in capital funds for the grants for FYs 2018-2019, which continues funding commenced in 2015. The act specifies that a community school that has already received funds may participate in additional rounds, as long as it continues to satisfy the eligibility criteria.⁸

⁵ R.C. 3319.22(G)(2).

⁶ R.C. 3313.843, not in the act.

⁷ R.C. 3311.05 and 3311.053 to 3311.57, none except R.C. 3311.56 in the act.

⁸ Section 503.05 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended in Sections 3 and 4 of the act.



These grants may be used by community schools to purchase, construct, renovate, or add to classroom facilities. The school must fund at least 50% of the project and use the moneys to increase classroom seating, serve unmet student needs, and show innovation in design so as to be replicable. Only high-performing community schools and newly established community schools implementing a model with a track record of high-quality academic performance are eligible to receive the funds.

HISTORY

ACTION	DATE
Introduced	12-07-17
Reported, H. Education & Career Readiness	02-21-18
Passed House (96-0)	03-07-18
Reported, S. Education	05-21-18
Passed Senate (32-0)	05-23-18
House concurred in Senate amendments (72-15)	06-07-18

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