



Ohio Legislative Service Commission

Bill Analysis

John Rau

H.B. 366

128th General Assembly
(As Introduced)

Reps. Gardner, Burke, Morgan, Lehner, Ruhl, Boose, J. Adams, Blessing, Derickson, McGregor, Hottinger, Blair, Uecker, Huffman, Evans, Hackett, Zehringer, Wachtmann, R. Adams, Combs, Bacon, Amstutz, Sears, Maag, Mecklenborg, Wagner, Martin

BILL SUMMARY

- Permits a school district board of education to adopt a resolution exempting the district from rules, to be adopted by the Superintendent of Public Instruction, regarding the expenditure of state funds calculated for the core teacher and specialist teacher factors, in lieu of having to apply for a waiver from the state Superintendent.
- Permits a school district board to adopt a resolution exempting the district from the requirement to provide all-day kindergarten.
- Directs the Ohio School Funding Advisory Council to identify unfunded or underfunded school funding mandates enacted in the budget act for the current biennium.

CONTENT AND OPERATION

Exemption from teacher spending rules

(R.C. 3306.25)

Current law

Am. Sub. H.B. 1 of the 128th General Assembly (the main operating budget act for the 2010-2011 biennium) requires the Superintendent of Public Instruction to adopt rules prescribing spending standards and reporting requirements for the various components funded under that act's new school funding model. In doing so, the Superintendent must classify the components into three separate categories: (1) core

academic strategies, (2) academic improvement, and (3) other funded components. The Superintendent is to adopt spending standards for only the first two categories, and the standards will not apply uniformly. School districts receiving a report card rating of "excellent" will be completely exempt from compliance. Moreover, the spending standards for the academic improvement components will apply only to districts that have been rated "academic watch" or "academic emergency" for two or more consecutive years. Districts that do not comply with all applicable spending requirements could face sanctions.¹

The Superintendent's spending rules cannot take effect before July 1, 2011. Also, a school district board of education may apply to the Superintendent for a waiver from standards or requirements related to the funding model, including the Superintendent's spending rules.²

The bill

The bill permits a school district board of education, by a majority vote, to adopt a resolution unilaterally exempting the district from any of the rules regarding the expenditure of funds calculated for the core teacher factor and the specialist teacher factor under the new school funding model. The resolution must include a statement identifying cost or space concerns as the basis for adopting the resolution. A new resolution must be adopted in each fiscal year for which the district board seeks an exemption from the rule. If a board adopts a resolution, the board is not required to apply to the state Superintendent for a waiver from that rule. In other words, the district board's resolution is a substitute for obtaining a waiver.

Background--core and specialist teacher factors

H.B. 1's funding model contains an "instructional services support component," which funds core teachers and certain specialized teachers. A "core teacher" is one who provides instruction in English language arts, math, science, social studies, or foreign language.³ Funding for core teachers is calculated based on the district's student count and a student-teacher ratio of 25:1 for grades 4 to 12 and the following student-teacher

¹ See R.C. 3306.33 (not in the bill) for the prescribed sanctions.

² R.C. 3306.40, not in the bill. The State Board of Education must adopt standards for the granting of such waivers. The state Superintendent must specify the effective term of each waiver granted, which may not exceed five years.

³ R.C. 3306.02(F), not in the bill.

ratios for grades K to 3: (1) 19:1 in fiscal years 2010 and 2011, (2) 17:1 in fiscal years 2012 and 2013, and (3) 15:1 in fiscal year 2014 and later.⁴

A "specialist teacher" is one who provides instruction in dance, drama and theater, music, visual art, or physical education.⁵ Funding for specialist teachers is calculated by multiplying the number of funded K-8 core teacher positions by 1/5, and by multiplying the number of funded 9-12 core teacher positions by 1/4.⁶

Exemption from the all-day kindergarten requirement

(R.C. 3321.05)

Current law

H.B. 1 also requires each school district, beginning in the 2010-2011 school year, to provide all-day kindergarten to each kindergarten student, except that the district must honor the wishes of parents who want their children to attend class only for a half day. In addition, as in the case of the spending rules described above, a district may apply to the state Superintendent for a waiver of the requirement to provide all kindergartners with all-day kindergarten. H.B. 1 specifies that, in deciding whether to grant the waiver, the Superintendent may consider space concerns or alternative delivery approaches used by the district.

The bill

The bill permits a school district board, by a majority vote, to adopt a resolution unilaterally exempting the district from the all-day kindergarten requirement. It eliminates outright the option for a waiver granted by the state Superintendent and, instead, leaves it to the discretion of the district board to exempt the district. Like the bill's provision for a resolution exempting a district from the core and specialist teacher spending rules, the district board must adopt a new resolution in each fiscal year for which it seeks an exemption from the all-day kindergarten requirement, and each resolution must identify cost or space concerns as the basis for adopting the resolution. (See **COMMENT.**)

⁴ R.C. 3306.05(B)(1), not in the bill.

⁵ R.C. 3306.02(BB), not in the bill.

⁶ R.C. 3306.05(B)(2), not in the bill. There are other factors for the funding of "lead teachers," "special education teachers," "special education teacher's aides," "limited English proficiency teachers," and "supplemental teachers."

Identification of unfunded or underfunded mandates

(Section 3)

H.B. 1 created the Ohio School Funding Advisory Council to recommend biennial updates to the components of the new school funding system.⁷ The bill directs the Council also to identify unfunded or underfunded school funding mandates enacted in H.B. 1 and imposed on public and chartered nonpublic schools and on the Department of Education. The Council must identify the costs of the mandates and recommend to the Governor and the General Assembly what action the Council deems appropriate, if any, to amend or repeal the mandates. The Council must convene a meeting for these purposes as soon as practicable following the bill's effective date.

COMMENT

Sub. H.B. 318 of the 128th General Assembly, which passed the General Assembly on December 17, 2009, and was signed by the Governor on December 22, 2009, permits a school district to obtain from the state Superintendent a full or partial "delay" of the all-day kindergarten requirement for the 2010-2011 school year, without having to apply for a waiver as otherwise required under current law. The state Superintendent *must* grant the delay if the district board submits to the Superintendent (1) a resolution formally requesting the delay and providing justification for seeking it and (2) "a plan for the full implementation of all-day kindergarten in [fiscal year] 2012."

The bill's provision for a unilateral resolution exempting a district from the all-day kindergarten requirement does not affect the one-year "delay" option of H.B. 318, and appears to be an additional mechanism for relieving a district from the requirement. Unlike the H.B. 318 option, the bill's provision may be applied to school years beyond 2010-2011 school year.

HISTORY

ACTION	DATE
Introduced	11-12-09

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⁷ R.C. 3306.29, not in the bill. The Council consists of the Governor or designee, the state Superintendent or designee, the Chancellor of the Board of Regents or designee, and 25 other members appointed by the Governor, the Senate President, and the Speaker of the House.