



Ohio Legislative Service Commission

Bill Analysis

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S.B. 207

128th General Assembly
(As Introduced)

Sens. Sawyer, Turner, Cafaro, Schiavoni, Morano

BILL SUMMARY

- Ends the moratorium on the establishment of new Internet- or computer-based community schools (e-schools) on July 1, 2011.
- Directs the State Board of Education to adopt as administrative rules its recommended standards for the operation of e-schools and other educational courses delivered primarily via electronic media, and requires all e-schools to comply with those rules.
- Authorizes the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal data system for students in public elementary and secondary schools and public institutions of higher education by combining their student data, using the Department's existing system for giving each student a unique identifier number.
- Declares an emergency.

CONTENT AND OPERATION

Standards for Internet- or computer-based community schools (e-schools)

Background

Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. A conversion community school, created by converting an existing school district school or educational service center (ESC) building, may be located in and sponsored by any school district or ESC in the state. On the other hand, a "start-up" community school may be located only in a "challenged school district." A challenged

school district is any of the following: (1) a "Big-Eight" school district, (2) a school district in academic watch or academic emergency, or (3) a school district in the original community school pilot project area (Lucas County).¹

The sponsor of a start-up community school may be any of the following:

- (1) The school district in which the school is located;
- (2) A school district located in the same county as the district in which the school is located has a major portion of its territory;
- (3) A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;
- (4) An ESC serving the county in which the school is located or a contiguous county;
- (5) The board of trustees of a state university (or the board's designee) under certain specified conditions; or
- (6) A federally tax-exempt entity under certain specified conditions.²

The Department of Education may take over sponsorship of community schools, but only in specified exigent circumstances.

End to e-school moratorium

(R.C. 3314.013 and 3314.23)

Since May 1, 2005, there has been a moratorium on the establishment of new Internet- or computer-based community schools (e-schools). This moratorium, which applies to both conversion and start-up e-schools, is currently in force until the effective date of any standards enacted by the General Assembly governing the operation of e-schools. Under existing law, the State Board of Education was required to make legislative recommendations for standards governing the operation of e-schools and other educational courses delivered primarily via electronic media.³ In September 2003, the State Board submitted its recommendations to the General Assembly. The State Board's 2003 recommended standards are attached as an appendix to the paper version

¹ R.C. 3314.02(A)(3), not in the bill. The "Big-Eight" districts are Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown.

² R.C. 3314.02(C)(1)(a) through (f), not in the bill.

³ R.C. 3314.033, repealed by the bill.

of this analysis. Users of the online version of this analysis may access the standards on the Department of Education's web site.⁴

The bill effectively ends the moratorium on new e-schools, by directing the State Board to adopt its recommended standards as rules in accordance with the Administrative Procedure Act. The State Board must time the adoption of the rules so that they take effect within 90 days after the bill's (immediate) effective date. According to the bill, it is the General Assembly's intent that the rules be effective in time for new e-schools to open in the 2011-2012 school year.⁵ Consequently, the bill specifies that the moratorium remains in place until July 1, 2011.

New e-schools must comply with all statutory requirements for opening, including a provision of continuing law that requires each new *start-up* e-school, like all "brick-and-mortar" start-up community schools established after June 30, 2007, to hire a qualified operator for the school. An operator is (1) an individual or organization that manages the daily operations of a community school or (2) a nonprofit organization that provides programmatic oversight and support to a community school and that retains the right to terminate its affiliation with the school for failure to meet the organization's quality standards.⁶

After its initial adoption of the e-school standards as rules, the State Board may amend the rules at any time. All e-schools must comply with the rules, including e-schools that were established before the moratorium went into effect. Because the State Board's e-school standards were originally proposed in 2003, they may not reflect statutory changes to the Community School Law that have been enacted since that time, but the bill does not appear to allow the State Board to revise the standards prior to their initial adoption as rules.

⁴ The standards are published at <http://education.ohio.gov/GD/DocumentManagement/DocumentDownload.aspx?DocumentID=62323>, visited 11/30/09.

⁵ Under continuing law, a community school and its sponsor must formally adopt the sponsorship contract by March 15 prior to the school year in which the school will open (R.C. 3314.02(D), not in the bill). Therefore, e-schools that seek to open in the 2011-2012 school year must adopt their contracts by March 15, 2011.

⁶ R.C. 3314.014 and 3314.016(A), neither in the bill. To be a qualified operator, the operator must manage fewer community schools established after June 30, 2007, than the total number of schools nationwide managed by the operator that perform comparably to Ohio schools in continuous improvement or better. Furthermore, if the operator already manages community schools in Ohio, the operator is qualified only if at least one of those Ohio schools is rated continuous improvement or better.

Longitudinal data system

(R.C. 3301.0714(D)(2), 3301.94, and 3333.0410)

Background

The Department of Education operates the Educational Management Information System (EMIS), which is a statewide electronic database on elementary and secondary students, staff, and schools, including statistical, demographic, attendance and enrollment, fiscal, licensure, and student achievement information. As part of that system, the Department engages an independent contractor to assign each student enrolled in a public school a unique identifier number (often called the student's "SSID" number). Schools must use that number to report student data to the Department through EMIS. Each school also must include a student's number on records reported to another public school, and the other school must continue to use the same number when reporting data to the Department for that student. The number is used by the Department to ensure that students are properly counted for funding and state achievement testing purposes. However, with a few exceptions, the Department may not have access to other information that would permit it to match a particular student's number to the student's personal information.⁷

The Chancellor of the Board of Regents also collects student data from institutions of higher education for use in compiling statistical reports for the General Assembly and the federal government and for tracking student eligibility for state scholarships and other assistance. On the other hand, the Chancellor does not have a system for assigning each student a unique identifier number like the Department has for EMIS reporting. Currently, therefore, it may be difficult to match EMIS and the Chancellor's data for longitudinal studies of student achievement and mobility beyond high school.

The bill

The bill permits the Department of Education and the Chancellor to establish a longitudinal student data system for students in public elementary and secondary schools and public institutions of higher education (that is, a P-16 student data system) by combining their data, using the Department's existing system for assigning each student a unique identifier number. Accordingly, the bill permits the Superintendent of Public Instruction and the Chancellor to enter into a memorandum of understanding, under which the Department will receive and maintain copies of student data that are

⁷ Those exceptions permit the Department to match student names with numbers for students participating in the Educational Choice, Autism, and Cleveland Scholarship (voucher) programs and for students enrolled in programs operated by county boards of developmental disabilities.

reported to the Chancellor and will combine that data with the data reported by elementary and secondary schools through EMIS.

To facilitate the combined data system, the bill requires public elementary and secondary schools to include a student's SSID number on records they submit on behalf of their students to public institutions of higher education. The Chancellor is directed to require each public higher education institution to use that same number when reporting data for that student to the Chancellor and to other institutions. The EMIS contractor that assigns student identifier numbers must receive data from the Chancellor and match each student's data to that student's SSID number. If a number has not been previously assigned to that student, the contractor must assign one to the student. The contractor then must remove from the student's record any information that would enable the SSID number to be matched to personally identifiable student data and submit the record to the Department for inclusion in EMIS.

The state Superintendent and the Chancellor jointly must develop procedures for the maintenance of the combined data repository and designate the types of research that may be conducted using the data. Under the bill, permitted uses of the data must include (1) assisting the Department in compiling statistical reports, making state payments to schools, and evaluating and reporting district and school academic performance and (2) assisting the Chancellor in compiling statistical reports and tracking eligibility for state assistance. The bill specifically permits the Superintendent and the Chancellor to use the data for other purposes.

Nevertheless, the bill also states that all uses of student data must conform to the federal Family Educational Rights and Privacy Act of 1974 (20 United States Code 1232g). That act controls the release of student data by any public or private school or educational institution that receives federal funding. Under the federal act, subject to specific exceptions, schools and institutions may not release a student's personally identifiable information, which is not simply directory information, without the student's or parent's consent.⁸

Finally, the bill states that the data in the combined repository submitted by the Department remains under the direct control of the Department, and the data submitted by the Chancellor remains under the direct control of the Chancellor.

⁸ A state statute, R.C. 3319.321 (not in the bill), generally implements the federal act with respect to elementary and secondary schools.

HISTORY

ACTION

DATE

Introduced

11-16-09

S0207-I-128.docx/jc

