



Ohio Legislative Service Commission

Bill Analysis

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S.B. 246

128th General Assembly
(As Introduced)

Sens. Sawyer, Cates, R. Miller, Turner, Morano, Seitz, Smith, D. Miller, Schiavoni, Goodman, Cafaro, Kearney

BILL SUMMARY

- Permits the establishment of a new community school, if it serves adults who are 18 to 21 years old, have not received a high school diploma, and have been released from an institution maintained by the Department of Youth Services or are confined in a state correctional institution.
- Prescribes exceptions and conditions for the operation of a new community school established under the bill.
- Declares an emergency.

CONTENT AND OPERATION

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, may be located in and sponsored by any school district 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

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.

Community school for institutionalized or incarcerated adults of school age

(R.C. 3314.019(B), (C), and (F))

The bill permits the establishment of a start-up community school to serve adults who are 18 to 21 years old, have not graduated from high school, and have been released from an institution maintained by the Department of Youth Services or are being held in a state correctional institution operated by the Department of Rehabilitation and Correction.² The school's educational program must enable students to earn high school credits and to complete the requirements for a high school diploma upon their release. Furthermore, the school must use a curriculum that has a demonstrated record of success in improving student achievement and lowering recidivism. This curriculum also must emphasize "conflict resolution, strengthened interpersonal communication and relationships, personal responsibility, independence, and positive community involvement."

Each student who successfully completes the school's program must receive, in addition to a high school diploma, an instrument the bill refers to as a "certificate of achievement and future employability." This certificate may include a summary of the student's education and work skills, information on bonding programs and tax credits available under state or federal law for employers who hire former offenders, and other information determined by the school's governing authority.

A community school established under the bill is subject to all provisions of the Community School Law. However, due to the specialized nature of the school, the bill authorizes the school to operate differently from other community schools in some respects, as described below.

Sponsorship of school

(R.C. 3314.019(B))

A community school established under the bill may be sponsored by any of the following entities:

- (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;

² Under continuing law, a person who has not earned a high school diploma is entitled to attend a public school free of charge until the person reaches age 22 years (R.C. 3313.64(B), not in the bill).

(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 educational service center serving the county in which the school is located or a contiguous county; or

(5) The board of trustees of a state university or an entity designated by the board.³

The school may not be sponsored by a federally tax-exempt private entity, which may be approved to sponsor other types of community schools under continuing law.

Operation of school

(R.C. 3314.019(D)(3))

Generally, under continuing law, each start-up community school established after June 30, 2007, must contract with a qualified operator.⁴ 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.⁵

A community school established under the bill is exempt from this requirement. Instead, the school must contract with a nonprofit organization that (1) has at least ten years of experience in the fields of education and corrections and (2) has previously contracted with the Department of Rehabilitation and Correction to serve persons in the Department's custody. This nonprofit organization is responsible for directing the school's educational concept, curriculum, and instructional practices and for performing any other aspects of the school's daily operations assigned by the school's governing authority. The bill also explicitly states that the nonprofit organization hired by the school is an operator for purposes of the Community School Law.

³ If the sponsor is a state university board of trustees, or its designee, one of the school's missions must be the practical demonstration of teaching methods, educational technology, or other teaching practices included in the curriculum of the university's teacher preparation program (see R.C. 3314.02(C)(1)(e), not in the bill). Given the bill's requirements for the school's educational program, it seems unlikely that the school would satisfy this condition and would probably instead need to seek a sponsor described in (1) to (4) above.

⁴ R.C. 3314.016(A), not in the bill. To be considered qualified, the operator must manage other schools in the United States that perform at a level higher than academic watch and, if any of those schools are in Ohio, at least one of the Ohio schools must perform at that level.

⁵ R.C. 3314.014(A), not in the bill.

Location of school

(R.C. 3314.019(D)(1) and (2))

Unlike other community schools, which are generally prohibited from being located in more than one school district under the same contract or from having multiple facilities,⁶ a community school established under the bill is *required* to have facilities in two or more school districts. To serve students while they are still incarcerated, the school must maintain at least one facility on the site of a state correctional institution. It also must maintain a community-based facility for students to attend following their release from an institution operated by the Department of Youth Services or a state correctional institution. The community-based facility must be located in a Big-Eight school district, which guarantees that at least one of the districts in which the school is located will be a "challenged school district."

In consultation with the Department of Rehabilitation and Correction, the school must identify institutions at which it may maintain a facility. The Department must allocate space at the identified institutions for use by the school. Each facility located at those institutions must be a single-gender facility. Due to this requirement and the need to maintain another community-based facility, the bill exempts the school from a provision of continuing law that generally prohibits community schools with multiple facilities from offering the same grade level in more than one facility.⁷ It also requires the school to ensure that comparable facilities and learning opportunities are provided for each gender.

School board approval of community-based facility

(R.C. 3314.019(D)(2)(c))

With one exception, prior to establishing a community-based facility, the community school must obtain the approval of the board of education of the Big-Eight school district in which it is considering locating the facility. To start this process, by April 15 before the school year in which the school intends to open the facility, it must notify the school board of each Big-Eight district under consideration for the facility of its interest in locating there. The school board, within 60 days after the notification, must hold a public hearing on the matter and vote on the question of allowing the facility in the district. If the board votes against allowing the facility there, the school must find another Big-Eight district for the community-based facility.

⁶ See R.C. 3314.05(A) and (B)(1), not in the bill.

⁷ See R.C. 3314.05(B)(1), not in the bill.

Under the sole exception, if a community school initially opens in the 2010-2011 school year, it must locate its first community-based facility in the Columbus City School District and is exempt from obtaining the Columbus school board's approval to do so. However, if the school seeks to establish additional community-based facilities, either in the Columbus City School District or any other district, it must secure the district board's approval using the process described above.

Limitation on initial community-based facilities

(R.C. 3314.019(D)(2)(c)(i))

A community school established under this bill may only establish up to two community-based facilities until July 1, 2013. The bill specifies, however, that a school may begin the process for establishing additional community-based facilities prior to that date, as long as they do not open sooner than July 1, 2013.

Student enrollment

(R.C. 3314.019(D)(4))

To be eligible to enroll in a community school established under the bill, a person must (1) have acquired sufficient high school credits relative to the person's age that the person is reasonably expected to complete the curriculum requirements for a high school diploma prior to turning 22 years old and (2) agree in writing to continue enrollment at the school's community-based facility upon release from state custody, if the person is in a state correctional institution. The school may enroll students who were not Ohio residents immediately prior to being institutionalized or incarcerated, as long as they meet these criteria. The Department of Youth Services and the Department of Rehabilitation and Correction must assist the school in identifying potential students. If necessary, the Department of Rehabilitation and Correction must reassign enrollees to an institution at which the school has a facility.

If the number of applicants for enrollment exceeds the school's capacity, students must be admitted by lottery. But preference must be given to applicants who, prior to being institutionalized or incarcerated, resided in a school district with a graduation rate of 90% or lower.

Funding

(R.C. 3314.019(E))

Under continuing law, a community school must report to the Department of Education the name of the school district in which each student enrolled in the school is entitled to attend school. The student is counted in the "formula ADM" (average daily

membership) of that school district, thereby crediting the district's state aid account with funds for the student. The Department then deducts a per-pupil amount attributable to the student from that district and pays it to the community school.⁸

The bill uses this same procedure for making state payments to a community school established in accordance with the bill's provisions.⁹ However, under the bill, for each student enrolled in the community school, the school district reported by the school and, therefore, the district from which funds are deducted for the student is the district in which the student was entitled to attend school *immediately prior to institutionalization or incarceration*. This district remains financially responsible for the student throughout the period of the student's enrollment in the community school, regardless of whether the student resides in that district after the student's release. If the student was not an Ohio resident prior to institutionalization or incarceration, the community school must report that fact to the Department of Education. If the school cannot ascertain the student's residency status, it must report to the Department that the student's residency status is unknown.

If the community school elects to enroll a student who was not an Ohio resident immediately prior to institutionalization or incarceration or a student whose residency status is unknown, the school must pay the total cost of educating that student. This requirement accounts for the fact that there appears to be no Ohio school district in which the student was entitled to attend school prior to being taken into state custody and from which deductions can be made. The school may apply for funding from public or private entities to defray the cost of educating such students.

Employment of former offenders

(R.C. 3314.019(D)(5))

Community schools, like all other public schools, are prohibited from employing a person whose criminal records check indicates that the person has been convicted of or pleaded guilty to a disqualifying criminal offense.¹⁰ The bill makes an exception to this prohibition to permit a community school established under the bill to employ a

⁸ The base formula amount paid for a community school student is \$5,718 for fiscal year 2010 and \$5,703 for fiscal year 2011. Additional per-pupil funds, such as special education or vocational education weighted funding, may be attributed to a student. (R.C. 3314.088, not in the bill.)

⁹ Because they are no longer responsible for providing educational services to students enrolled in the community school, the bill makes institutions maintained by the Department of Rehabilitation and Correction ineligible for tuition payments from those students' resident school districts (R.C. 3314.019(E)(6)).

¹⁰ R.C. 3314.03(A)(11)(d), 3319.39, and 3319.391, none in the bill.

person with a disqualifying offense in a position that does not require an educator license issued by the State Board of Education. Specifically, to be hired by the school, the person must meet the following conditions:

(1) Be a graduate of the school or another educational program provided by the nonprofit organization that directs the school's educational concept (see "**Operation of school**" above);

(2) Have received training in using personal experiences as an instructional tool and educational intervention for students; and

(3) During any period of time in which the person will have routine interaction with a student or regular responsibility for the care, custody, or control of a student, be supervised by a licensed teacher or by an employee of the state correctional institution where the school is located.

Student transportation

(R.C. 3314.019(D)(6))

Background

Continuing law generally requires a city, exempted village, or local school district to transport all students in grades K to 8 residing in the district to and from their assigned school, or to and from the nonpublic or community school they attend, if that school is more than two miles from their home. A district also may transport high school students; but if a district transports high school students to its own schools, it must transport nonpublic and community high school students on the same basis. However, a district is not required to transport a nonpublic or community school student, regardless of grade level, if the direct travel time from the district school to which the student would be assigned is more than 30 minutes. Moreover, a district may offer a payment in lieu of transportation to the parent of a particular student if the district determines that it is impractical to transport that student.¹¹

Continuing law also permits a community school to assume the transportation responsibility for its students from the resident school district. The community school may do this either by (1) entering into a bilateral agreement with the district under which the community school will transport the district's resident students to and from the school or (2) unilaterally accepting responsibility for transporting those students by

¹¹ R.C. 3314.09 and 3327.01, neither section in the bill.

notifying the district of its decision. In either case, the community school will receive a transportation payment, which is deducted from the district's state aid payments.¹²

The bill

The bill permanently relieves the resident district of the transportation responsibility for students attending a community-based facility maintained by a community school established under the bill. Instead, it requires the community school to provide transportation for those students in accordance with a transportation policy adopted by the school's governing authority. As in current law, the school must formally assume the transportation responsibility through one of the procedures described above, which enables the school to receive state payments for the provision of student transportation. The bill further states that the school is not entitled to any separate payment for transportation from the school district in which the community-based facility is located.

HISTORY

ACTION	DATE
Introduced	04-06-10

S0246-I-128.docx/jc

¹² R.C. 3314.091, not in the bill.

