

House Bill 70 FAQ

What could happen if the district receives an overall grade of “F” for three consecutive years?

The State Superintendent is required to establish an Academic Distress Commission (ADC) for any school district that has received an overall grade of "F" on the state report card for three consecutive years.

What is the ADC’s first job?

Once the State Superintendent designates a chairperson for the ADC, it must appoint a chief executive officer (CEO) within 60 days.

Who pays for the CEO and what qualifications must the CEO have?

The CEO is paid by the Ohio Department of Education. The CEO must have high-level management experience in the public or private sector.

Who will be in control of the district?

The CEO will have the authorities of both a Superintendent and Board of Education, with complete operational, managerial, and instructional control of the district, including:

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| (a) Replacing school administrators and central office staff; | (i) Setting the school calendar; |
| (b) Assigning employees to schools and approving transfers; | (j) Creating a budget for the district; |
| (c) Hiring new employees; | (k) Contracting for services for the district; |
| (d) Defining employee responsibilities and job descriptions; | (l) Modifying policies and procedures established by the district board; |
| (e) Establishing employee compensation; | (m) Establishing grade configurations of schools; |
| (f) Allocating teacher class loads; | (n) Determining the school curriculum; |
| (g) Conducting employee evaluations; | (o) Selecting instructional materials and assessments; |
| (h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code; | (p) Setting class sizes; |
| | (q) Providing for staff professional development. |

By law, the only authority the CEO will not have is to put a levy on the ballot to support the schools.

How does a state takeover impact collective bargaining?

- It nullifies any part of a collective bargaining agreement in which a school district relinquishes one or more rights or responsibilities having to do with the management and direction of a district [RC 4117.08(C)]. The CEO and the district board retain those duties until the ADC ceases to exist and the district board agrees to relinquish those rights in a new collective bargaining agreement.
- Does not require subjects reserved to the management and directions of the school district to be negotiated under collective bargaining or effects bargaining. Also exempts those subjects' effects on wages, hours, terms and continuation of employment, or the deletion of an existing provision of a collective bargaining agreement from collective bargaining or effects bargaining.
- The CEO shall represent the district board during any negotiations to modify, renew, or extend a collective bargaining agreement entered into by the board.
- Authorizes the CEO to exempt employees of a conversion community school sponsored by a school district for which an ADC has been established from future collective bargaining.
- The CEO may submit to the district board and the State Employment Relations Board a statement requesting that the employees be removed from their collective bargaining units. If the CEO submits such a request, the employees remain subject to their current collective bargaining agreements until the agreements expire on their own terms. But once the agreements expire, the employees are no longer covered by the state Collective Bargaining Law.

What could happen at the end of the first year of the ADC/CEO?

If the district does not receive an overall grade of "C" or higher, the CEO may reconstitute any school operated by the district. This includes:

- (1) Changing the mission of the school or the focus of its curriculum;
- (2) Replacing the school's principal and/or administrative staff;
- (3) Replacing a majority of the school's staff, including teaching and nonteaching employees;
- (4) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.
- (5) Reopen the school as a community school or a STEM (science, technology, engineering, and mathematics) school;
- (6) Permanently close the school.

In addition, the CEO may reopen, in consultation with the chair of the commission, any collective bargaining agreement to renegotiate the terms of the agreement to reconstitute a school.

What could happen at the end of year 2?

- If a school district remains subject to an ADC after report cards have been issued for the second year, the CEO may do any of the actions listed in "End of year 1."
- In addition, the bill allows the CEO to limit, suspend, or alter any provision of a collective bargaining agreement entered into, modified, renewed, or extended on or after the bill's effective date to reconstitute a school.
- The CEO may not reduce any base hourly rate of pay and may not reduce any insurance benefits.
- Exempts the CEO's decision to limit, suspend, or alter any provision of a collective bargaining agreement from the Collective Bargaining Law.

What could happen at the end of year three?

- If a school district remains subject to an ADC after report cards have been issued for the third year, the CEO may do any of the actions listed in "End of year 1," and "End of year 2."
- Further, the CEO may continue in effect a limitation, suspension, or alteration of a provision of collective bargaining agreement.

What could happen at the end of year four?

- If a school district remains subject to an ADC after report cards have been issued for the fourth year, the CEO may do any of the actions listed in "End of year 1," "End of year 2," and "End of year 3."
- Requires that a new board of education be appointed for the district by the mayor of the municipality in which a majority of the territory of a school district subject to an ADC is located. The mayor must appoint a new five-member board of education on January 1 following the fourth year the district is subject to an ADC. The mayor must select the members based on a slate of candidates nominated by a separate panel.

However, the CEO retains complete operational, managerial, and instructional control of the district until the CEO relinquishes that control once a district transitions out of being subject to an ADC.

What could happen at the end of year five?

If a school district remains subject to an ADC after report cards have been issued for the fifth year, or any subsequent year, the CEO may do any of the actions listed in "End of year 1," "End of year 2," "End of year 3," and "End of year 4."