



Ohio Community School Governance: An Overview

September 18, 2015

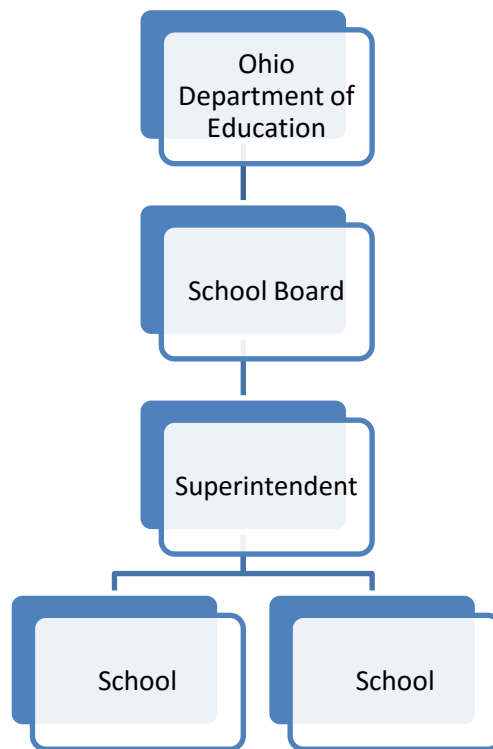
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BACKGROUND

The Ohio Revised Code defines a community school as a public school that is independent of any school district but still part of the state’s program of education.¹ Although Ohio law calls them community schools, they are also widely referred to as charter schools. Since community schools are public schools, they are tuition-free, non-religious, nonprofit, and open to any student.² Like traditional public schools, community schools are required to submit to state and federal regulations regarding transparency, state testing, financial audits, and overall academic standards; these regulations, however, are balanced by community schools’ right to be more flexible in how they operate (such as how they hire, fire, and pay teachers, or the length of the school day/year).³ The Ohio Department of Education (ODE)’s 2013–2014 Annual Report on Ohio Community Schools estimates that Ohio has 395 community schools in total, which serve more than 120,000 students.⁴ ODE maintains a directory of all community schools and their sponsors.⁵

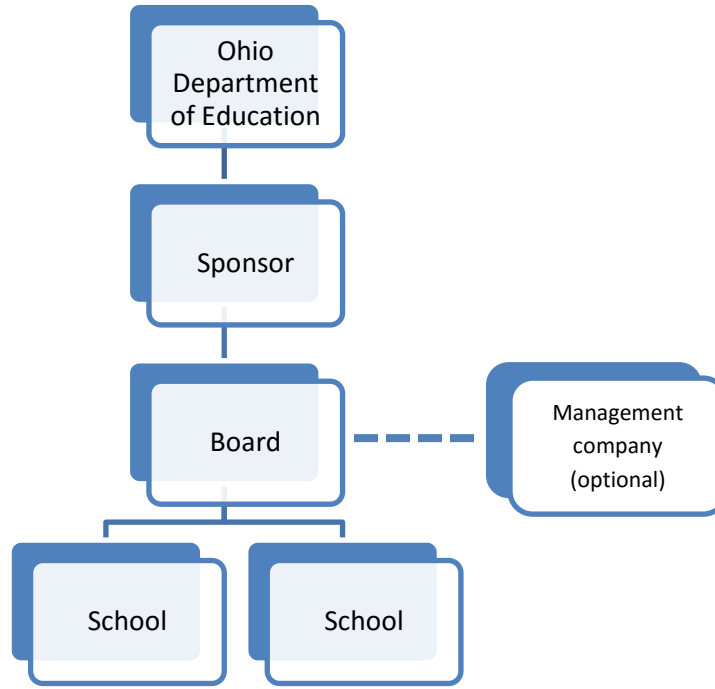
The autonomous nature of community schools means that their governance hierarchy is different from the hierarchy of traditional public schools. For example, the hierarchy of a traditional public school looks like this:



In this hierarchy, the operations, budgets, and curricular decisions that impact day-to-day operations of schools are made by boards and superintendents. Superintendents, meanwhile, are chosen by publicly elected school boards. A given school board and superintendent work together to manage the operation of all the schools in the district’s control. Since districts are determined geographically, this means that school boards and superintendents manage the schools in one geographical location—such as all

traditional public schools within the city of Columbus. School boards answer to ODE and the state board of education.

On the other hand, the hierarchy of community schools looks something like this:



This graphic demonstrates that, like traditional public schools, community schools are overseen by boards. Unlike traditional public schools, however, community school boards are not elected. They also have an additional layer of hierarchy between the board and ODE. This entity is known as a sponsor (or an authorizer). In this paper, each level of the community school hierarchy will be explored, beginning with the roles and responsibilities of ODE.

GOVERNANCE STRUCTURE

Ohio Department of Education

The Ohio Revised Code explicitly states that ODE is responsible for the oversight of any and all sponsors.⁶ When ODE approves an entity to become a sponsor, ODE and the entity sign a written agreement. This initial contract lasts for seven years. Under current law, one year is added to the contract for every year that the sponsor is rated “exemplary” or “effective” under the sponsor evaluation system.⁷ There are exceptions in the law⁸ that allow entities⁹ to sponsor schools without ODE’s approval, but these exceptions do not excuse the sponsor from ensuring that their contracts conform with the Ohio Revised Code. In addition, with or without ODE’s approval, all sponsors are under the oversight powers of ODE.

If ODE determines that a sponsor is not in compliance with its contract, the state board of education is required to hold a hearing. If the hearing confirms that the sponsor is not in compliance with the

contract, ODE is permitted to revoke the sponsor’s ability to sponsor schools. (If this happens, ODE may—but is not required to—take over sponsorship responsibilities for the school until the school’s contract with the now-defunct sponsor concludes.) However, in place of revoking a sponsor’s authority to sponsor schools, ODE may send a written notice to the sponsor detailing the areas of noncompliance and allowing the sponsor time (fourteen days) to propose a plan that remedies any issues. ODE retains the power to approve or reject the plan.

Sponsors

A sponsor is an entity that “authorizes” a community school to open and operate as a public school.¹⁰ In most states, sponsors are school districts or state boards of education. School districts, the state board, educational service centers, nonprofits, state universities, and one mayor’s office are permitted to authorize community schools in Ohio.¹¹

Sponsors set the academic, fiscal, and governance structures that governing boards (and therefore their schools) must abide by.¹² In addition, they are responsible for renewing the contracts of existing schools, approving the opening of new schools, and closing poorly performing schools. In exchange for this power, ODE holds sponsors accountable through an annual review process.¹³

A sponsor’s contract with a board includes academic, fiscal, and operations-performance requirements. Schools that fail to meet these requirements can be shut down by their sponsors, which is accomplished by the sponsor terminating its contract with the school.¹⁴ Sponsors can also terminate a contract based on problems with financial management, financial deficiencies, unsafe conditions for staff and students, or other good cause.¹⁵ Any community school whose contract is terminated must close permanently at the end of its current school year or on a specified date, and it may not enter into a contract with any other sponsor. Expiration of a contract, however, does not automatically necessitate a shutdown. Schools that have expiring contracts and aren’t eligible for permanent closure are permitted to find new sponsors.

Board of directors/governing authority

A board of directors, also known as a governing authority, governs each nonprofit community school. Boards are accountable and responsible for all aspects of school performance, including the operational, financial, and academic performance of community schools. Directors are appointed according to the bylaws of the nonprofit entity.

Boards sign contracts with sponsors specifying the requirements that community schools must adhere to. The Ohio Revised Code mandates numerous requirements that must exist in these contracts.¹⁶ Examples include (but are not limited to) academic goals, performance standards for evaluation purposes, facility use and location, financial plans, and staff policies. Copies of sponsor/board contracts must be filed with the superintendent of public instruction and made available on ODE’s website for the public.

Boards are also responsible for adopting admission procedures for community schools.¹⁷ A board may decide that its schools are limited to students in certain grade levels or age groups, students who meet a

definition of “at-risk,” or students who are within a specific geographical location. Ohio Revised Code notes that “at-risk” students may include those who are identified as gifted students; this is why Menlo Park—Ohio’s only K–8 community school for gifted students—is permitted. Boards may also establish single-gender schools for either sex. In addition, they may establish schools that simultaneously serve both non-disabled and autistic students.¹⁸ Despite these powers, boards are still required to ensure no discrimination is permitted in the admission of students. Furthermore, boards are not allowed to limit admission based on intellectual ability, achievement, aptitude, or athletic ability. Boards are required to annually report on the number, demographics, and certain designations of students enrolled in their schools.¹⁹ Community schools are funded based upon student enrollment and the needs of students.

Boards are permitted to hire management companies to run the day-to-day operations of schools instead of handling those duties themselves. However, even if a board hires a management company, it remains the entity ultimately responsible and accountable to its sponsor for the operational, financial, and academic performance of schools.²⁰

Operators

As mentioned previously, boards have the option to hire management organizations. Ohio refers to management organizations as “operators.” If hired, operators are permitted to offer either full service or a narrow and limited amount of service; the range varies based on what the board decides. For example, operators can provide support in the supervision and coaching of school leaders, professional development for teachers, staff recruitment, transportation, fundraising, and other areas.²¹ There are two types of operators: nonprofit organizations (known as community school management organizations, or CMOs) and for-profit organizations (known as education management organizations, or EMOs). Operators are often networks of schools that share a common mission and leadership and operate multiple schools, sometimes in multiple states.

ENDNOTES

¹ Ohio Revised Code §3314.01.

² “What Are Community schools?,” Ohio Council of Community Schools, accessed February 12, 2015, <http://www.ohioschools.org/about-us/what-are-community-school-schools>.

³ “Ohio Public Community schools: Just the Facts,” Ohio Alliance for Public Community Schools, accessed February 12, 2015, http://www.oapcs.org/files/u1255/Just_the_Facts.pdf.

⁴ “2013–2014 Annual Report on Ohio Community Schools,” Ohio Department of Education, accessed August 8, 2015, https://education.ohio.gov/getattachment/Topics/School-Choice/Community-Schools/Forms-and-Program-Information-for-Community-School/Annual-Reports-on-Ohio-Community-Schools/FNAL-150306_ODE_2014-Comm-Schools-Annual-Report_ART_rev_web.pdf.aspx.

⁵ Ohio Department of Education, Directory of Community Schools and Sponsors, accessed February 12, 2015, <http://education.ohio.gov/Topics/School-Choice/Community-Schools/Forms-and-Program-Information-for-Community-School/Directory-of-Community-Schools-and-Sponsors>.

⁶ Ohio Revised Code § 3314.015.

⁷ Ibid.

⁸ Ohio Revised Code § 3314.027.

⁹ Ohio Revised Code § 3314.021.

¹⁰ Patrick O’Donnell, “Ohio’s new community school ‘reform’ effort: What’s all this talk about sponsors?,” Cleveland *Plain Dealer*, accessed February 12, 2015 http://www.cleveland.com/metro/index.ssf/2015/02/ohios_new_community_school_school_reform_effort_whats_all_this_roundabout_talk_about_sponsors.html.

¹¹ Ohio Revised Code § 3314.02.

¹² Andy Smarick, *The Urban School System of the Future: Applying the Principles and Lessons of Community Schooling* (Lanham, MD.: R&L Education, October 2012).

¹³ Ohio Revised Code § 3314.016.

¹⁴ Ohio Revised Code § 3314.07.

¹⁵ Ibid.

¹⁶ Ohio Revised Code §3314.03.

¹⁷ Ohio Revised Code § 3314.06.

¹⁸ Ohio Revised Code § 3314.061.

¹⁹ Ohio Revised Code § 3314.08.

²⁰ Andy Smarick, *The Urban School System of the Future: Applying the Principles and Lessons of Community Schooling* (Lanham, MD.: R&L Education, October 2012).

²¹ “What is a Charter Management Organization,” Uncommon Schools, accessed February 12, 2015, <http://uncommonschoools.org/our-approach/how-we-work>.