

EDUCATION LAW ALERT

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Unanticipated Legislation Impacting Failing Schools and Collective Bargaining Rights

On June 25, 2015, the Ohio General Assembly passed House Bill No. 70, which included an amendment that would centralize power to a chief executive in academically distressed districts and diminish the authority of collective bargaining agreements between teachers' unions and school districts.

The legislation, initially introduced in the House in February 2015, was a bipartisan effort to support lower performing schools in achieving academic success.

Yesterday, the legislation was introduced in the Senate. In a procedural whirlwind, the bill was voted out of the Senate Education Committee and brought to the Senate floor for a vote. The Senate version of H.B. 70 included an amendment that fundamentally alters the way academically distressed districts operate. The amendment requires that the superintendent establish an academic distress commission in any school district that is currently under an academic distress commission under the former Revised Code or for any school district that received an "F" for three consecutive years under the amended R.C. 3302.03.

This commission consists of five members, three of which are appointed by the state superintendent, one by the district board of education, and one by the mayor. The commission then selects a chief executive officer that is responsible for overseeing the school's operations including, but not limited to:

- Replacing school administrators and central office staff;
- Hiring new employees;
- Approving transfers;
- Defining employer responsibilities;
- Establishing compensation;
- Allocating teacher class loads;
- Conducting evaluations;
- Creating a budget for the district;
- Contracting for services for the district;
- Determining the school curriculum; and
- Formulating and implanting a strategy for improving the distressed district.

In specific circumstances, the new legislation allows the chief executive officer and district board to effectively eliminate collective bargaining provisions that conflict with management statutory prerogatives until the academic distress commission ceases to exist.

The Senate passed the legislation by a vote of 55 to 40. Notably, the Senate reportedly did not allow testimony from the Ohio Federation of Teachers who opposed the bill amendments. The House

subsequently concurred with the Senate version of the legislation by a close vote of 18 to 14. The bill is now before Gov. Kasich. His office expressed support for the legislation.

It is anticipated the practical impact of this new legislation would not be felt until the 2016-2017 school year, at the earliest.

Please do not hesitate to contact any of the following Roetzel education law attorneys should you have any questions regarding this topic.

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