

# OHIO

(Law passed in 1997; 14th strongest of the nation's 43 charter laws)



As a politically reactionary response to several studies that questioned the performance of Ohio's charter schools and the accountability of its authorizers, we expect significant legislative activity in 2015 to "correct" the past. Well-intentioned legislation already introduced outlines what would be a comprehensive overhaul of most aspects of the state's charter law but falls short of addressing what has really plagued the Buckeye State's charter sector. Allowing all types of charter schools, brick-and-mortar and online, to open across the state without geographic restrictions, and improving charter funding, would go a long way in improving Ohio's ranking.

## INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (4)

APPROVAL	School boards including boards of joint vocational districts, boards of educational service centers; state universities and nonprofit entities as approved by the Ohio Department of Education; and the Department of Education itself. School boards can only serve as sponsors in "challenged" districts - those rated in the lowest five percent by the state's academic index or the Big 8 Districts. There are currently 39 "challenged" districts. All authorizers must apply to the State Board of Education for approval to serve as an authorizer if it is not currently an authorizer.
APPEAL	None

## OPERATIONAL AUTONOMY

STATE	Limited. Charter schools do receive a blanket waiver from most traditional public school rules, but additional restrictions and rules governing charters are imposed. Virtual schools are allowed, but applications must be approved by the authorizer and the state superintendent of instruction (rules do not apply to brick-and-mortar schools). Management contracts with ESPs are not restricted. The Ohio Department of Education can close a charter school if it has been labeled "academically failing" for two out of three years, or close an authorizer if it has authorized too many failing schools.
LOCAL	Yes, the blanket waiver also applies to district rules and regulations. Charters do follow any rules imposed by their sponsors. Under state law, the charter is the LEA for special education.
TEACHER FREEDOM	Yes for new starts; teachers may negotiate as a separate unit with the charter school governing body, or work independently. Conversion school employees are subject to collective bargaining, unless a majority of teachers petition to work independently or form their own unit. Conversions sponsored by the state are not subject to collective bargaining if the mayor submits to the sponsor and the state employment relations board a statement requesting that all employees of the conversion charter school be removed from a collective bargaining unit. Charters are required to participate in relevant retirement system.



## NUMBER OF SCHOOLS ALLOWED

### CAP

Yes. New starts can only open in the “challenged” districts, which are those districts in the lowest five percent academically, the “Big 8” Districts, and those within the former Lucas County area. There is no cap on the number of schools in these districts. Conversion charter schools can open across the state. Each authorizer can approve up to 100 schools, except for the state department of education, which can approve no more than 20 schools each year during its initial five years of chartering, and of those 20, only five can be new start-ups. Only five virtual schools can open each year and there is an enrollment cap – a virtual school can’t enroll more students than its enrollment limit, and the base enrollment is currently their enrollment number from the 2012 school year. For new schools, the base enrollment is 1,000. There are enrollment growth limits depending on the size of the virtual school – 15 percent for those with an enrollment over 3,000 and 25 percent for those under 3,000 students.

## EQUITY

### STUDENT FUNDING

Funds pass through state. The funding formula is based on full-time enrollment plus adjustments for special education, career-technical categories, economically disadvantaged, etc. Funding formula intended but often fails to distribute money to charters equitably. State does not enforce equitable funding as outlined in the law. For example, transportation, while provided for in law, is not usually delivered. An authorizer fee must not exceed three percent.

“C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student’s resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

- (a) An opportunity grant in an amount equal to the formula amount;
- (b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student’s resident district, as determined by the department, X O.25;
- (c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code” Ohio Rev. Code Ann. § 3314.08 (West).

### FACILITIES FUNDS

Brick-and-mortar schools receive \$100 per-pupil facilities funding. There are two other programs – a Community Schools Facilities Guaranteed Loan Program and a revolving loan program – but the state is funding neither. Ohio Rev. Code Ann. § 3314.08 (West).

LINK TO THE  
OHIO CHARTER  
SCHOOL LAW