



ODE orders conversion community schools to sever operational ties with sponsor school districts

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We have recently learned that numerous conversion community schools have received letters from ODE asserting that the schools are operating in violation of state and federal law because the schools are not "operationally independent" from their sponsor districts. The letters indicate that corrective plans must be developed and submitted to ODE within 90 days, "with a target date for full implementation by July 1, 2010." The letters also state that repayment of federal grant funds may be required.

Not surprisingly, the schools we have heard from are alarmed. The "independence" ordered by ODE is inconsistent with the model on which these and other conversion schools have long operated – with ODE's approval. Many of these schools believe that, if fully enforced, the new requirements will prevent them from being academically successful and economically viable. Coupled with the possibility of a clawback of federal grant funds, the new demands are disheartening and demoralizing to those who have worked so hard to make these schools a reality and to change the lives of students.

The purpose of this Alert is to provide you with information regarding this controversy so that you are aware of the issues. At this point, we do not know whether ODE has sought, or will seek, to challenge every conversion community school, nor do we know what degree of separation from the sponsor will satisfy ODE. However, the principles set forth in ODE's letters are sufficiently broad that a substantial number, if not all, of Ohio's conversion community schools are potentially at risk.

Below, you will find a summary of the back-ground and current status of these issues.

Background

School district boards of education that sponsor conversion-type community schools historically have worked in partnership with those schools, often sharing facilities, staff, and other resources. Some of the schools encourage students to customize an educational program by taking a portion of their coursework in the community school and a portion in the classrooms of the sponsor district; students enrolled in the sponsor district may have reciprocal privileges. Experienced administrators of the district, typically including the superintendent and the treasurer, may be assigned by the district's board of education to provide similar services to the sponsored community school. The two entities may also share teachers, counselors, and other staff.

These kinds of collaborations have expanded the range of educational opportunities available to thousands of students, while enabling the collaborating school districts and community schools to make efficient use of resources.

Earlier this year, ODE began to question the collaborative model on which these schools operate. This past spring and summer, ODE conducted site visits to conversion community schools throughout the state, assessing those schools against a checklist that contained numerous items related to the separateness of the schools and their sponsors. At the time, ODE explained the site visits and the checklist as information-gathering. But the recent letters sent by ODE state that "Data gathered through this process were used to determine if the conversion school met or did not meet expectations for each of the checklist items." To their great dismay, even schools that were highly commended by ODE at the time have now received letters requiring them to change.

It is also noteworthy that, as H.B. 1 was making its way through the legislature this past summer, ODE proposed an amendment that would have expressly required complete independence between the operations of conversion community schools and their sponsor school districts. Although the amendment was not enacted, it appears that ODE is nevertheless seeking to enforce what it did not achieve in law.

What, specifically, is ODE ordering?

In the recent letters from ODE that we have seen, ODE summarizes its position with respect to the separation of community schools and their sponsors as follows:

"Both state and federal regulations require that conversion schools be operationally independent of the sponsor. Indicators of a conversion school's autonomous operations include such things as separate facilities, staffs, students, treasurers and governing boards, and whether the day-to-day operations are carried out by an administrator who does not also administer programs on behalf of the sponsoring district."

The conversion community schools that have received these letters are then cited for specific aspects of their operations that ODE believes are improper, ranging from use of the district's treasurer to lack of separate entrances (and signage) for school facilities.

As noted above, the letter asks the schools to develop a corrective plan within 90 days that can be implemented by July 1, 2010.

How might this affect your community school?

ODE has communicated its very consequential demands – which the agency knows from its site visits to be significantly at variance with the way many conversion community schools currently operate – without a single supporting citation to legal authority. Moreover, ODE's demands appear to be at odds with provisions of Ohio law that support collaboration between community schools and sponsors. At this point, it is unclear to us why ODE is pursuing this challenge, and we do not know how, and to what degree, ODE will seek to enforce the mandates it is now communicating.

In the hope of ascertaining ODE's intent and requiring ODE to identify the legal basis for its demands, we have sent to ODE a letter that can be accessed [here](#).

Meanwhile, as we await further word from ODE, if you have questions about your school's status or options, you may want to contact ODE. You might also consider communicating with your legislative representatives and your State Board of Education member about these issues.

For more information, read our past [Alerts](#).

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