

John R. Kasich, Governor  
Paolo DeMaria, Superintendent of Public Instruction

September 1, 2016

Stefan Huh  
Director  
Charter Schools Program  
U.S. Department of Education  
400 Maryland Ave. S.W.  
Washington, D.C. 20202

Dear Director Huh:

Thank you for taking the time to speak with us regarding our Charter School Program grant award. The Ohio Department of Education is committed to completing a comprehensive and fair evaluation of community school sponsors by Oct. 15 and fully complying with the reforms enacted in House Bill 2.

Recent action taken by the Joint Committee on Agency Rule Review on the department's proposed rule relative to the "compliance with laws and rules" component of the sponsor evaluation raised some questions about whether we could complete the evaluations in a timely manner and in full compliance with state law. We have concluded that we can complete the evaluations without the adoption of the proposed rule by using the *current* rule. Consequently, the department is conducting the required evaluations of sponsors of community schools for the 2015-2016 school year, and the results of these evaluations will be released between Oct. 1-15, 2016, as required by Ohio law.

You asked us to share with you the legal basis for conducting the sponsor evaluations and our justification for our chosen course of action. In response, I am enclosing the pertinent sections of the Ohio Revised Code and the Ohio Administrative Code. Specifically, Ohio Revised Code section 3314.016 requires the department to evaluate sponsors of community schools in three categories: academic performance of students enrolled in community schools sponsored by the same entity; adherence by a sponsor to the quality practices prescribed by the department; and compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

The evaluations will be completed pursuant to the requirements of the Ohio Revised Code as follows:

- (a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section [3302.03](#) or [3314.017](#) of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes

in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use non-report card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

- (b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section. The overall rating chart for 2015-2016 sponsor evaluations is attached.
- (c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school. This component is further governed by Ohio Administrative Code 3301-102-08.

For the compliance with all applicable laws and rules component, the department will be evaluating 100 percent of the sponsors. The rating for each sponsor, however, will comply with Ohio Administrative Code 3301-102-08(B)(3), which requires the rating to be based upon a "document and onsite review for randomly selected community schools representing a ten per cent sample of each sponsor's cohort of schools." Consistent with the existing rule, this compliance will be measured from a random sampling of 10 percent of each sponsor's schools while reviewing compliance with all laws and rules, as mandated in House Bill 2. The department has retained the service of an outside vendor to complete these reviews and to draw the 10 percent sample.

It is important to note that the quality practices component is based upon standards developed in consultation with entities that sponsor community schools and is based upon standards developed by the National Association of Charter School Authorizers. This review also is being completed by an outside vendor.

The department is currently conducting its evaluation of community school sponsors for each of the above categories and the results of each category, as well as a total score based upon all three categories, will be included in the overall ratings that will be publicly available on the department's website. The Ohio Department of Education is committed to fully complying with Ohio law and completing the required sponsor evaluations for the 2015-2016 school year

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Paolo A. DeMaria  
Superintendent of Public Instruction

Enclosures