



OHIO EDUCATION ASSOCIATION

Rebecca L. Higgins, President
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The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

October 2, 2017

Paolo DeMaria
Ohio State Superintendent of Public Instruction
Ohio Department of Education
25 S. Front St.
Columbus, Ohio 43215

Re: ECOT DOPR Application

Dear Superintendent DeMaria:

When the sponsor of Electronic Classroom of Tomorrow (ECOT), ESC of Lake Erie West, signed the ECOT application for "Dropout Prevention and Recovery (DOPR) Report Card Designation," it is implied that the sponsor has been able to "verify" that ECOT satisfies all eligibility requirements. There are two eligibility requirements that must be met: 1) at least half of the school's students must be between 16 and 22 years old, and 2) at least half of the school's students must be one grade level behind or have experienced a crisis that interfered with traditional schooling.

The Ohio Department of Education (ODE) has publicly stated it will independently verify the first DOPR requirement regarding student enrollment and age but will trust the sponsor of ECOT to verify whether the school satisfies the second requirement regarding academic characteristics of the student body. However, neither the Ohio Revised Code nor the Ohio Administrative Code require ODE to trust a school sponsor to verify any eligibility requirement for DOPR status.

Through its public comments, ESC of Lake Erie West has indicated that in fact that it does not have access to information necessary to "verify" that ECOT satisfies certain eligibility requirements. Apryl Morin of ESC Lake Erie West stated in the *Columbus Dispatch* (September 23, 2017): "We understand that the decision as to which report card a school should receive is controlled by the state and is the product of the state's data collection systems." ESC Lake Erie West **"...does not control or currently have access to day-to-day operational details regarding ever-fluctuating enrollment figures or the individualized characteristics of enrolled students."**

In light of this admission, the Ohio Education Association urges ODE to use its statutory authority to verify ECOT's dropout-prevention eligibility claims when the sponsor is "unable" to do so. OEA calls on ODE to fulfill its duty to "be responsible for the oversight of any and all sponsors of the community schools established under" Ohio Revised Code 3314.015.

ORC 3314.015 Oversight of sponsors.

➤ **3314.015(B)(1):**

All new and renewed agreements between the department and a sponsor shall contain specific language addressing the parameters under which the department can intervene and potentially revoke sponsorship authority in the event that the sponsor is unwilling or unable to fulfill its obligations.

Additionally, each agreement shall set forth any territorial restrictions and limits on the number of schools that entity may sponsor, provide for an annual evaluation process, and include a stipulation permitting the department to modify the agreement under the following circumstances:

(a) Poor fiscal management;

(b) Lack of academic progress.

➤ **3314.015(F)(1):**

In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F)(1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant.

I appreciate that when I brought to your attention that the sponsorship agreement between ODE and ESC of Lake Erie West is the only ODE contract with a sponsor not available for inspection on ODE's website, you said that you would look into it. As we discussed, this lapse in transparency is in violation of House Bill 2 (131st Ohio General Assembly), which requires that all ODE contracts with sponsors be made available to the public through ODE's website.

ODE has a fiduciary duty to execute basic oversight functions on this issue on behalf of the students, parents and taxpayers of Ohio.

Thank you for your consideration and your commitment to the success of all of Ohio's students.

Sincerely,



Becky Higgins

President

Ohio Education Association