



OEA Legislative Watch

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Questions?

Contact your
Governmental
Services Team

Ron Rapp
Director
rapp@ohea.org

Melissa Clark
Lobbyist
clarkm@ohea.org

Robert Davis
Lobbyist
davisr@ohea.org

Matthew Dotson
Lobbyist
dotsonm@ohea.org

Dan Ramos
UniServ Political
Advocacy Consultant
ramosd@ohea.org

Russ Harris
Education Research
Development
Consultant
harrisr@ohea.org

Overview of Senate Bill 316: Mid-Biennium Review (MBR) Legislation

On Tuesday, March 27, the Senate Education Committee held sponsor testimony on Senate Bill 316, the education mid-biennium review legislation. The bill contains many education related policy changes of importance to OEA members. The committee is expected to hold hearings during the week of April 16, 2012. Below is a synopsis along with OEA's positions on major provisions of the bill.

Evaluation

- Allows for third-party evaluators, such as Educational Service Centers, to be contracted by the board to perform evaluations (requires that an evaluator must hold a credential from ODE).
- Specifies that the public school teachers who are subject to the requirement in current law to undergo evaluation by their employers are those teachers who are employed under a teacher license and spend at least 50% of their time employed providing student instruction.
- Requires the district to annually report teacher name and evaluation rating to ODE.
- Specifies that the statutory requirements regarding teacher evaluations prevail over collective bargaining agreements entered into on or after September 29, 2011.
- Eliminates the specific authority for persons designated by a peer review agreement to conduct evaluations. However, it replaces that specific authority with a general authority for evaluations to be done by persons designated by *any* agreement entered into by the employer. Presumably, then, the bill would still allow the employer and teachers' union to designate evaluators through a peer review agreement.
- Permits an employer to require only one classroom observation (instead of two, as currently required) for an evaluation of a teacher rated as "accomplished" on the teacher's most recent evaluation, if the teacher completes a project approved by the employer to demonstrate continued growth and practice at the accomplished level.
- Requires state agencies that employ teachers to create a standards-based evaluation framework for teachers by June 30, 2013 (affects SCOPE and DD) and stipulates the evaluation framework must be used at the expiration of any collective bargaining agreement that is in effect on the effective date of this amendment and must be included in any renewal or extension of the agreement.

OEA Position:

Collective Bargaining: *Teachers bring invaluable expertise to the process of effective evaluation. OEA will seek to ensure that collective bargaining language in the bill allows teachers to negotiate issues regarding the process of implementing Ohio's new evaluation system.*

New SCOPE & DD Teacher Evaluations: *The requirement that new evaluations be developed for SCOPE and DD teachers must include language that requires the employing state agencies to consult with these teachers in the development of the evaluation framework. Further, these teachers must be allowed to collectively bargain issues regarding the implementation of the new evaluations.*

Third Party Evaluators: *OEA opposes using third party teacher evaluators in place of school employees. Requiring evaluators to be employed by the school district will better ensure that evaluators are knowledgeable about, and accountable to, the school district's mission and culture and that teachers are evaluated by highly trained and experienced individuals.*

Evaluations under a Peer Review Agreement: *If specific legislative authority is removed for a teacher evaluator to be an individual designated under a peer review agreement (PAR), the bill must contain no restrictions from collectively bargaining PARs that designate teacher evaluators.*

Evaluation Flexibility: *OEA supports allowing teachers rated "accomplished" to complete a project instead of a second evaluation, but the teacher must be able to collaborate with the supervising administrator to shape and agree to such a decision.*

Charter School Teacher Evaluations: *Charter school teachers are currently exempted from the new Ohio teacher evaluation framework (unless the school is a participant in the federal Race to the Top program). OEA recommends that all charter school teachers be evaluated the same way that traditional public school teachers are.*

Teacher Re-testing

- Requires retesting of public school teachers currently teaching in core subject areas (reading and English language arts, math, science, foreign language, government, economics, fine arts, history, or geography) if the teacher is rated ineffective for two out of three years (changed from core subject teachers in lowest 10% of schools).
- Retains the law applying the retesting requirement to teachers employed by charter schools and STEM schools when the teacher's building is ranked by performance index score in the lowest 10% of all public schools.
- While the law states that the teacher is not responsible for the cost of retaking an exam, it does not specify who is responsible. Presumably, that cost must be paid by the employer.

- Specifies that the exams that teachers must take are content knowledge exams selected by the Department of Education to determine expertise to teach the teacher's subject area and grade level (rather than content knowledge and pedagogy exams needed for licensure in that subject area and grade level, as in current law).
- Stipulates that a teacher who passes the examination shall not be required to take the examination again for three years regardless of the teacher's evaluation ratings or the performance index score ranking of the building in which the teacher teaches.

OEA Position: OEA opposes the teacher re-testing provision because assuming lack of content knowledge is an ineffective teacher intervention strategy. The teacher re-testing requirement is a large unfunded mandate on school districts, which will divert dwindling funds from proven measures to support teachers.

OEA recommends replacing the teacher re-testing provision with a requirement for targeted, job-embedded professional development that builds teacher capacity in areas where it is needed as evidenced in the school assessment and teacher evaluation processes. Additionally, the re-testing requirement for teachers rated ineffective for two out of three years should also apply to charter school teachers. In order to do this, the new Ohio teacher evaluation framework must be applied to charter school teachers, who are currently exempted from the new evaluations (unless the school is a participant in the federal Race to the Top program).

District/Building Report Cards

- Makes changes to the school district and school building report cards beginning in the 2011-2012 school year by assigning letter grades "A" through "F" based on meeting the applicable performance indicators, performance index, meeting AYP and the value-added progress dimension.
 - "A" for a district or school making excellent progress
 - "B" for a district or school making above average progress
 - "C" for a district or school making satisfactory progress
 - "D" for a district or school making less than satisfactory progress
 - "F" for a district or school failing to make satisfactory progress
- Requires that by December 31, 2012 the State Board of Education, in consultation with the chancellor of the Ohio Board of Regents, approve a report card for joint vocational school districts.
- Requires the State Board to adopt performance indicators for dropout prevention and recovery programs operated by school districts or community schools for the purpose of report cards by March 13, 2013.

OEA Position: The proposed new report card measures in Senate Bill 316 are designed to provide a clearer communication on school progress to the local community and to inform local school improvement efforts. This proposed change in law reflects an element in the proposal submitted to the U.S. Department of Education by ODE for a waiver from the No Child Left Behind requirements, which has yet to be approved. If approved, this new system would allow Ohio to have flexibility from some elements of the federal No Child Left Behind Act giving school districts a broader range of options for school reform and improvement.

While the OEA is supportive of this shift to reporting several dimensions of school performance, available scenarios indicate that the revised report card measures will result in many school districts and buildings receiving a lower rating than their present rating. This would significantly expand the number of districts defined as “challenged school districts” — those in Academic Watch or Academic Emergency or rated with grades “D” and “F”—in which start-up charter schools could open and the number of school buildings statewide where students could be eligible for EdChoice vouchers. OEA is currently working with stakeholders on how best to address this issue.

Digital Learning/Blended Learning

- Allows for school districts to operate all or part of a school using a blended learning model.
- Requires the Department of Education, whenever the State Board adopts new state academic standards or model curricula, to provide information on the use of blended or digital learning in the delivery to students.
- Requires the State Board of Education to adopt standards for the operation of blended learning classrooms to include a student-to-teacher ratio whereby no school or classroom is required to have more than one teacher for every 125 students in blended learning classrooms, the extent to which digital learning tools will be provided, and the ability for students to advance grade levels or earn credit upon demonstrating mastery of knowledge or skills through competency-based learning models.
- Stipulates that an internet- or computer-based community school is not a blended learning school.

OEA Position: Blended learning is a promising way to engage students in academic learning and enhance their understanding of technology and its application. However, there is still a great need for individual instruction from teachers. The 125 to 1 student-to-teacher ratio in the bill for a blended learning classroom fails to recognize the time, attention, and expertise required to meet the needs of all students. This high ratio shortchanges our students and undervalues the role of the teacher.

Third Grade Reading Guarantee

- Beginning with students entering the third grade in the 2012-2013 school year this provision prohibits students who have been on a reading improvement and monitoring plan for two or more years from being promoted to the fourth grade regardless of whether other evaluations of the student’s skill in reading demonstrate academic preparedness. If the

student demonstrates reading proficiency at the conclusion of the services, the district shall promote the student to the fourth grade.

- Requires the school district to develop a reading improvement and monitoring plan in consultation with parents and the child's teacher for students in grades K-3 who are identified as reading below grade level within 60 days after receiving the student's results on the diagnostic assessment.
- Requires the school district to provide intervention services targeted at the student's reading deficiencies to each student in grades K-3 identified as reading below grade level.
- Requires the school district to provide intensive summer remediation services to a student who enters second grade after July 1, 2012 who is reading below grade level by the end of the second grade.
- Requires the school district to provide intensive summer remediation services to students who enter the third grade after July 1, 2012, who does not attain by the end of the third grade a score of at least proficient on the English language arts achievement assessment.
- Requires school districts to offer one or more providers other than the district to provide the remediation services and eliminates the current requirement that summer remediation services be provided in a school or a community center and not on an at-home basis.
- Exempts limited English proficient students who have less than two years of English as a second language from being retained.
- Provides no additional funding for summer intervention.

OEA Position: Reading is the foundation of learning, and proper interventions based on a diagnostic assessment of student abilities is the right approach. However, interventions such as summer instruction do not come without cost. Unfortunately, the FY 2012-2013 budget drastically cut education funding. This has already resulted in eliminated programs, layoffs and lost opportunities for students. There is no additional funding in this bill. Without proper resources for our schools, this requirement, worthy as it is, will either require local taxpayers to pick up the bill for another unfunded mandate or will have a cascading effect in the school district resulting in cuts to other programs vital to student learning and future success.

Developmental Disabilities Issues

- Directs that individuals with developmental disabilities be directed to community employment with individuals who are not disabled whenever possible.
- Requires an IEP for a child 14 years and older to include appropriate measurable post-secondary goals based on age-appropriate transition assessments related to employment in a competitive environment regardless of disability.

OEA Position: Individuals with developmental disabilities receive valuable services from OEA members who work in sheltered workshops. One-size employment does not fit all. OEA supports an array of options including community employment and sheltered workshop settings with proper oversight to ensure that the individual's needs are being met.

Charter Schools and Vouchers

- Requires ODE to disaggregate student performance data for EdChoice voucher and Cleveland Scholarship (voucher) students by grade level not age.
- Eliminates the current exemption for charter schools with approved dropout and recovery programs from permanent closure for failing to meet academic performance criteria.
- Specifies that the prohibition on sponsoring additional charter schools when a sponsor is ranked in the lowest 20% applies only to sponsoring additional schools of the type (conversion or start-up) covered by the ranking on which the sponsor is ranked so low.
- Requires the Department of Education to create separate rankings, one for sponsors of conversion charter school and one for sponsors of start-up charter schools, for the purpose of the annual ranking of charter schools sponsors by performance index scores.
- Makes permanent the exclusion from the calculation of sponsor rankings all charter schools that are exempt from closure for poor academic performance because a majority of the students are disabled students receiving special education.

OEA Position: OEA supports disaggregation of student performance data for voucher students by grade level instead of age, which provides better data for comparison with traditional and charter school student performance. OEA also supports the elimination of the current exemption from school closure criteria for dropout prevention/recovery charter schools, which are not currently held accountable for academic performance.

OEA is currently reviewing the proposal to create separate charter school sponsor rankings for start-up and conversion charter schools.

OEA opposes permanently excluding from sponsor rankings charter schools with a majority of disabled students receiving special education. OEA recommends the development of appropriate performance standards for these schools and accountability measures for sponsors before permanently exempting them from rankings.

Other

- Requires the State Board to adopt model curricula for grades K-12 that embed career connection learning strategies into regular classroom instruction.
- Requires all school districts to accept Kindergarten students for enrollment who meet the Kindergarten deadline set in another district for chartered nonpublic schools if the student was officially enrolled in that district or school.
- Updates the definition of excused calamity day to include “law enforcement emergencies.”
- Makes changes to the parent trigger pilot project in Columbus City School District to include a deadline of December 31 of any school year to submit at least 50 percent of parent or guardian signatures to restructure program.
- Specifies that the parent trigger restructuring petition prevails over the general restructuring provisions for low-performing schools, unless the parent petition is rejected for certain reasons.

- The bill adds language stating that if the parent trigger restructuring conflicts with requirements of federal law, federal law shall prevail. Further, it stipulates that if a school is restructured under section 3302.042 or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of the prior restructuring.
- Allows the duties of the school business manager to be assigned to one or more employees or officers of the board including the treasurer.
- Requires the Ohio Board of Regents by December 31, 2012 and annually thereafter, to report for each approved teacher preparation program the number and percentage of all graduates of the program who were rated at each performance level in the previous school year.
- Requires the use of unique student identifiers and data collection for pre-school programs.
- Corrects language in law that ensures compliance with federal law on the sale or marketing of fluid milk.

Introduction of Bill Based on Mayor Jackson's Cleveland Plan Delayed

The introduction of a bill based on Mayor Jackson's Cleveland Plan was expected to be introduced last week, but has been delayed at least until this week to allow more time for the Cleveland Teacher's Union (CTU) to negotiate with the mayor over provisions in the bill. The OEA will continue to strongly support CTU and the Ohio Federation of Teachers in addressing proposals in the plan that are focused on taking away the voice of teachers and that would undermine Cleveland's traditional public schools. As always, OEA stands ready to discuss student-centered efforts to improve all Ohio schools and to hold all of us accountable – students, parents, teachers and elected officials – for helping to create the conditions for student success. As the legislative process unfolds, OEA will remain engaged, especially since Governor Kasich has mentioned the Cleveland Plan as a possible model for other Ohio school districts.