



OEA Legislative Watch

May 26, 2012

Senate Bill 316 Debate Continues

On Thursday, May 24, 2012, the Ohio House Education Committee passed Senate Bill 316 with a vote of 15-8 on mostly party lines. Representative Patmon (D-Cleveland) joined the Republicans on the committee who voted for the bill. The bill did not receive a vote by the full House as anticipated. Instead, the bill was informally passed by the Ohio House in order to maintain the bill's place on the session calendar. It is likely that the Ohio Senate will not concur with the House changes, and the bill will get further consideration in June.

Prior to the House Education vote, an omnibus amendment was accepted that contained roughly forty changes to the bill. OEA has serious concerns with many of these changes. OEA's stand-alone amendments removing the more restrictive collective bargaining limitation for teacher evaluation, eliminating third-party evaluators, making changes to the retesting provision of teachers rated ineffective two out of three years, providing for additional flexibility under the teacher evaluation framework for teachers labeled "proficient," were tabled on party lines. Below is a summary of the major changes to Senate Bill 316 accepted in committee:

Teacher Evaluation and Re-testing

- Specifies that the statutory requirements regarding teacher evaluation in Ohio Revised Code Section 3319.111 prevail over collective bargaining agreements entered into on or after the bill's effective date rather than on or after September 29, 2011. *(OEA supports the date change that fixed the back dating issue but continues to oppose this language and its placement because it restricts educators' voices in teacher evaluation.)*
- Removes the professional development requirement if a teacher is rated ineffective two out of three years and replaces it with a requirement that these teachers take content knowledge tests that are selected by the Ohio Department of Education. *(OEA supports replacing the teacher re-testing provision with a requirement for targeted, job-embedded professional development that builds teacher capacity in all areas where it is needed. However, OEA had concerns with the professional development language that was removed because it required the teacher to pay the entire cost of the professional development, did not eliminate the re-testing provision, did not establish a reasonable cap for the amount of professional development, and made unreasonable changes to dismissal.)*

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Questions?

Contact your
Governmental
Services Team

Ron Rapp
Director
rappr@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

- Extends the annual deadline for completing teacher evaluations from April 1 to May 1.
- Requires the State Board of Education to adopt a resolution when they update the teacher evaluation framework.
- Removes students who are “habitual truants” from exclusion in the calculation of student academic growth on teacher evaluations.
- Requires only one annual evaluation instead of two for teachers on limited or extended limited contracts. Additionally, requires at least three formal observations of these teachers instead of two formal observations.

School Choice

- Requires the Ohio Department of Education to establish a start-up community school in each of the sixteen regions of the Educational Regional Service System to serve primarily identified gifted students. Allows an ESC, school district, community school, STEM school, higher education institution, or a consortium of such entities to establish and operate each of the new community schools.
- Restores current law making permanent the exemption for community schools that operate dropout recovery programs from the provisions of law requiring closure for low academic performance ratings.
- Makes permanent the exclusion from the ranking calculations of community schools that primarily serve students with disabilities or those community schools that operate dropout prevention and recovery programs.
- Qualifies a student for an EdChoice Voucher if the student will be enrolling in school in Ohio for the first time and the school district or district building the student would otherwise attend qualifies for scholarships.

Third Grade Reading Guarantee

- Requires the State Board of Education and the Early Childhood Advisory Council, instead of the Ohio Department of Education in conjunction with the Governor’s office, to make recommendations regarding reading readiness for children from birth through third grade.
- Requires the Department of Education, instead of the student’s principal, to determine whether a student demonstrates an acceptable level of performance on an alternative standardized reading assessment to qualify for exemption from retention.
- Requires school districts to provide retained third graders who have been identified as gifted in fields other than reading with instruction in those fields that is commensurate with the students’ achievement levels.
- Clarifies that performance data to determine a high-performing teacher to whom retained student must be assigned only be considered when available.
- Reinserts a requirement for 90 minutes of reading intervention for students performing below grade level, but with a change that the time doesn't have to be "uninterrupted" as the previously removed language indicated.

Digital and Blended Learning

- Replaces the existing definition of blended learning with “a formal education program in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path or pace, and in part at a supervised location away from home.”
- Revises language that requires the State Board of Education to formulate standards for the operation of blended learning programs that exempts blended learning classrooms from the student-to-teacher ratio, makes changes to licensing and staffing operating standards, and also requires other exemptions not limited to instructional materials and equipment, admission and promotion policies.

Other

- Repeals the requirement that the State Board of Education hold regular meetings every three months, and instead requires them to annually adopt a calendar by March 31.
- Allows a school district to admit to Kindergarten or first grade a child who is not yet the required age, if the child is recommended for early admission in accordance with the district’s or school’s acceleration policy.

Legislature Sends General MBR to the Governor

The House and Senate have approved a conference committee report on House Bill 487. The bill was initiated as part of Governor Kasich’s “Mid-Biennium Review” and makes a myriad of changes to the operations of state government. Some of the education-related changes in the bill include:

- Adds approximately \$6 million for the Cleveland Scholarship program (vouchers).
- Makes an appropriation of up to \$13 million to make competitive grants to support school districts and community schools to support intervention efforts that assist students in meeting the Third Grade Reading Guarantee.
- Authorizes the Department of Education, upon approval of the state’s application for a waiver from certain requirements of the federal No Child Left Behind Act, to implement changes in the application except for any changes related to school district and building report cards.

Additionally, the final bill did not include language that would have limited employee choice of supplemental tax-sheltered annuities (403 (b) plans). Such language was included in the bill as passed by the House but removed by the Senate.

The MBR process was a missed opportunity for the legislature to restore some of the \$2.9 billion in cuts to public education from Governor Kasich’s first budget. A \$13 million

appropriation will not be sufficient to meet the costs of the Third Grade Reading Guarantee. Without proper resources for schools, the provision, worthy as it is, will either require local taxpayers to pay for another unfunded mandate or will result in cuts to other programs vital to students. Further, the legislature is continuing the course of diverting money from public schools which serve 90% of Ohio's students in order to fund vouchers and for-profit charter schools.

The conference committee report was passed by the House (53-38) and Senate (24-8) on May 23, 2012 on mostly party-line votes.

**Mayor Jackson's Cleveland Plan: SB 335 (R-Lehner/D-Turner) and
HB 525 (R-Amstutz/D-Williams)**

OEA has advocated for the removal of the provision in SB 335/HB 525 that allows the Cleveland Municipal School District (CMSD) to place millage on local school levies that can be allocated to charter schools that have agreements with the district. The companion bills are based on negotiations between Mayor Jackson and the Cleveland Teachers Union (CTU) and have been receiving hearings in the House and Senate Education Committees. Based on the removal of the "fresh start" collective bargaining provision and other agreements between the Mayor and CTU, the Ohio Federation of Teachers (OFT) and CTU provided "proponent" testimony on the overall bill but expressed opposition to the provision allowing local levy funding to go to certain charter schools. At this time, SB 335/HB 525 remain in the Senate and House Education Committees while charter school advocates seek to negotiate reductions in the authority of the Cleveland Transformational Alliance (a new oversight body proposed in the legislation) to approve new start-up charter schools in CMSD.