



OEA Legislative Watch

June 18, 2012

Senate Bill 316 Heads to Governor Kasich's Desk

Earlier this week, the House Education Committee made changes to Senate Bill 316. These changes avoided the need for a conference committee between the two legislative chambers. After lengthy debate, the Ohio House passed Senate Bill 316 with a vote of 56-35 mostly on party lines. Later, the Ohio Senate concurred with the House changes with a vote of 23-8. OEA supported amendments were offered throughout the process with the majority of them being tabled.

Below is a summary of the major provisions included in the final version of Senate Bill 316:

Teacher Evaluation

- Extends the annual deadline for completing teacher evaluations from April 1 to May 1.
- Specifies that the statutory requirements regarding teacher evaluation in Ohio Revised Code Section 3319.111 prevail over conflicting provisions of 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.)*
- Specifies that a teacher be evaluated under the teacher evaluation framework, only if the teacher spends at least 50 percent of their time employed providing student instruction.
- 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 the Ohio Department of Education). Does not require individuals hired by third parties to conduct evaluations to possess a superintendent, assistant superintendent, principal, vocational director, administrative specialist or supervisor license.
- Restores current law allowing teacher evaluations to be conducted by persons designated in a peer review agreement entered into by an employer and its teachers.
- Allows a teacher who is rated "accomplished" to complete a project instead of the second observation of an evaluation.
- Requires only one annual evaluation instead of two for teachers on limited or extended contracts.

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- Requires at least three formal observations instead of two observations for teachers who are under consideration for nonrenewal.
- Excludes students who have 60 or more unexcused absences for the school year in the calculation of student academic growth data for an evaluation.
- Requires the State Board of Education to develop by June 30, 2013 a standards-based teacher evaluation framework for state agencies that employ teachers. Further, requires these state agencies to adopt the framework. (*Note: Teachers employed by County Boards of Developmental Disabilities will fall under the ODE teacher evaluation framework.*)
- Requires the district to annually report the number of teachers receiving each evaluation rating aggregated by the teacher preparation programs for which the teachers graduated and graduation year to ODE. Also requires ODE to establish guidelines for the report and explicitly prohibits using teachers' names or other personally identifiable information.
- Requires the State Board of Education to adopt a resolution when they update the teacher evaluation framework.

Teacher Re-testing

- Beginning in the 2015-2016 school year, requires teachers of core subject areas, who are rated ineffective two out of three years and who are employed by school districts or joint vocational school district, to take written content knowledge tests that are selected by the Ohio Department of Education. Additionally, the bill requires these teachers who pass the test to also complete professional development, at their own expense, targeted at the deficiencies identified in the teacher's evaluation. If after completion of professional development, a teacher receives a rating of ineffective on the next evaluation after completion of professional development or fails to complete the professional development, it is grounds for termination.
- Retains current law stating that termination and non-renewal decisions can't be made solely on the results of the teacher examination unless the teacher fails to get a passing score after three consecutive administrations of the examination.

Teacher Non-renewal

- Extends the teacher non-renewal deadline from March 31 to June 1.
- Extends from June 1 to June 15 the deadline for a teacher or administrator to notify a school district or Educational Service Center that the person is declining re-employment in cases where the person is automatically re-employed due to the district's or ESC's failure to comply with statutory non-renewal procedures.

Report Cards

- Contains no provisions regarding establishing new K-12 report cards. HB 555 will address revisions to the current academic rating system. Hearings will be held on this bill over the summer.

- Requires the State Board of Education, in consultation with the Ohio Board of Regents, Governor's Office of Workforce Development, Ohio Association of Career and Technical Education and the Ohio Association of Career-Technical Superintendents to develop a report card separate from those for local school districts. Requires the first report card to be issued for the 2012-2013 school year by September 1, 2013.
- Requires a school district, community school, STEM school, or boarding school during the admissions process to provide the parent of a student a copy of the school's most recent report card.

Third Grade Reading Guarantee

- Requires the State Board of Education to determine the "cut" score, progressively adjusting it upwards until the retention requirements apply to students who do not receive at least a "proficient" score. Requires this recommendation to be submitted to the Ohio General Assembly by December 31, 2013 to allow for implementation of the common core curriculum and assessments in the 2014-2015 school year.
- Beginning with students entering the third grade in the 2013-2014 school year, prohibits school districts and community schools from promoting to fourth grade a student who scores below the "cut" score on the third-grade reading achievement assessment as determined by the State Board of Education.
- Exempts limited English proficient students who have less than two years of English as a second language from being retained.
- Exempts special education students with IEPs from retention or special education students with IEPs or 504 Plans show they have received intensive remediation in reading during at least two school years.
- 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.
- Allows the promotion of students who receive intensive remediation in reading for two school years but still demonstrate a deficiency in reading, and who were previously retained in any of grades K-3, as long as the student continues to receive intensive remediation in fourth grade.
- Requires school districts to provide all retained third graders with instruction in a specific academic subject that is commensurate with students' achievement levels.

Assessment and Intervention

- Requires school districts to assess the reading skills of each student by administering the state-developed diagnostic assessment in English language arts or a comparable tool approved by the Ohio Department of Education to identify students reading below grade level.
- Requires school districts to notify the parent or guardian that the student has been identified as having a reading deficiency and to explain current services provided to the student and retention policies.

- Requires the school district to provide “intensive” reading instruction targeted at the student’s reading deficiencies to each student identified as reading below grade level.
- Requires the school district to develop a reading improvement and monitoring plan for students who are identified as reading below grade level.
- Requires that each student who has a reading improvement and monitoring plan, who enters third grade in the 2013-2014 school year or later, be assigned to a teacher who either has received a passing score on a rigorous test of principles and reading instruction or has a teacher’s license that includes a reading endorsement.
- Requires the school district to provide intensive remediation services administered by a high-performing teacher (student performance data and reviews) to a student until that student is able to read at grade level.
- Requires school districts to offer the option for students to receive services from other providers for remediation services. Requires the district or Ohio Department of Education to screen any other service provider.
- Includes summer reading camps as an option for services offered to retained third graders.
- Requires the Superintendent of Public Instruction to annually report to the Governor and General Assembly the number and percentage of students in grades K-4 reading below grade level, types of intervention service provided (aggregated, if possible, by district and school building).
- Requires the State Board of Education and the Early Childhood Advisory Council, in conjunction with the Governor’s office, to make recommendations regarding reading readiness for children from birth through third grade.

Digital and Blended Learning

- Defines “blended learning” as “the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.”
- Allows for school districts to operate all or part of a school using a blended learning model.
- Requires the State Board of Education to revise existing operating 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.
- 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.
- Permits a school already operating a blended learning program to notify the Ohio Department of Education within 90 days after the bill’s effective date and request classification as a blended learning school.

- Stipulates that an internet- or computer-based community school is not a blended learning school.

School Choice

- Removes provision creating regional gifted charter schools.
- Removes changes to community school sponsor rankings (will likely be addressed in HB 555).
- Specifies that unless the General Assembly enacts performance standards, a report card rating system, and closure criteria for community schools that operate dropout prevention and recovery programs by March 31, 2013, those schools are subject to permanent closure under the existing criteria that applies to other community schools. Stipulates that only the performance ratings issued to schools that operate dropout programs for the 2012-2013 school year and later count in determining if a school meets the closure criteria.
- Allows for single-gender community schools without a comparable school for the other gender.
- Requires ODE to post community school contracts on the Internet.
- Revises the definition of a community school sponsor to explicitly include the local school district boards, educational services centers that agree to the conversion of a school building, and “grandfathered” sponsors.
- Permits a person from serving on five instead of two governing authorities of start-up community schools at the same time.
- Allows a community school to operate in a residential care facility, as long as the school was operating in Ohio prior to May 1, 2005, regardless of whether the school was operating from or in the facility on that date.
- Retains current law on community school sponsorship and trigger for prohibiting an entity from sponsoring additional schools.
- Requires that each time a school district completes an evaluation of a child with a disability or reviews a child’s IEP that the district send by letter or electronic means a notice to the child’s parent about voucher programs.
- Requires the State Board of Education to adopt rules establishing procedures for awarding EdChoice vouchers to students already attending a nonpublic school when the school receives its charter.
- Requires ODE to disaggregate data by grade not age for students participating in the EdChoice Voucher or Cleveland Voucher programs.

Developmental Disabilities Issues

- Directs that individuals with developmental disabilities be placed in 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.

- Re-enacts the law, repealed by HB 487, which authorizes employees of County Boards of DD to be members of a governing board of a political subdivision or an agency that does not primarily provide services for developmentally disabled individuals. Further, the bill allows a County Board of DD to contract with a governing board even though its membership includes a DD board employee.

Other

- For the 2012-2013 school year, extends from 60 to 75 days after administration of the state achievement assessments the deadline to report individual scores to school districts. Retains the current deadline specifying that scores may not be reported later than June 15, 2013.
- 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.
- Permits a school district or community school 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. Requires a school district to evaluate a child for early admission upon referral by an educator in the districts, a preschool educator who knows the child or a pediatrician or psychologist who knows the child.
- 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 the school 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.
- Requires the use of unique student identifiers and data collection for pre-school programs.
- Makes the implementation of the body mass index (BMI) screenings optional and eliminates the need for a school district to obtain a waiver.
- Corrects language in law that ensures compliance with federal law on the sale or marketing of fluid milk.

Ohio Legislature Passes Mayor Jackson's Cleveland Plan

On Tuesday, June 12, the Ohio House voted out House Bill 525 with a vote of 77-16. The Ohio Senate floor voted 27-4 on the measure the following day. OEA advocated for the removal of the provision in House Bill 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. Amendments regarding this issue were tabled on mostly party lines. OEA Governmental Services is in the process of compiling a summary of the bill.