OEA Legislative Watch

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Mayor Jackson's "Cleveland Plan" Legislation Passed by Ohio General Assembly and Awaits Governor Kasich's Signature

Mayor Jackson's Cleveland Plan, House Bill 525 (R-Amstutz/D-Williams), was passed by the Ohio House on June 12, 2012 by a vote of 78-16. The Ohio Senate passed the bill on June 13, 2012 by a vote of 27-4. Amendments offered to remove the provision in the bill that would authorize the Cleveland Municipal School District (CMSD) to place millage on school levies for certain charter schools was tabled in both the House and Senate by generally party line votes, with Democrats voting not to table the amendment. The Senate amendment was offered on Senate Bill 335 (R-Lehner/D-Turner), a Cleveland Plan companion bill, which was symbolically passed by the Senate 27-4.

The Ohio Federation of Teachers (OFT) and the Cleveland Teachers Union (CTU), an affiliate of the OFT, supported passage of the Cleveland Plan legislation after negotiations between Mayor Jackson and CTU lead to a number of compromises. The Ohio Education Association (OEA) was a Neutral Interested Party on the Cleveland Plan legislation, reflecting the fact that OEA does not represent the teachers in CMSD and was not at the table for negotiations on the bill. OFT, CTU and the OEA all advocated for the removal of the charter levy language in the bill.

The following is a synopsis of major provisions in House Bill 525:

Only applies to a "municipal school district": Under continuing law, the Cleveland Municipal School District (CMSD) is the only "municipal school district" in Ohio.

Collective Bargaining

- Specifies that the bill's requirements regarding teacher employment in municipal school districts, including requirements related to (1) contracts, (2) building assignments, (3) evaluations, (4) salaries, (5) contract non-renewals, (6) terminations and disciplinary suspensions, and (7) layoffs, generally prevail over collective bargaining agreements entered into on or after the bill's effective date.

Teacher Contracts

- Lowers from five years to two years the maximum length of an initial limited contract for employment entered into between a municipal school district and a teacher on or after the bill's effective date.

Assigning Teachers to School Buildings

- Establishes procedures for assigning teachers to school buildings of a municipal school district, whereby the decisions of the district CEO or designee are guided by the recommendations of building-level interview teams that used prescribed credential factors.

Teacher Evaluations

- Requires a municipal school district to use evaluations in decisions about compensation and layoffs (in addition to promotion and retention decisions, as in current law).
- Specifies that teachers in a municipal school district may use the collective bargaining agreement's grievance procedure to challenge violations of the evaluation procedures, but limits the violations that may be corrected to those that cause "substantive harm" to the teacher.

Teacher Salaries

- Requires a municipal school district to adopt a performance-based salary schedule for teachers, in the same manner required by current law for school districts that receive federal Race to the Top funds.
- Requires a municipal school district to place newly hired teachers on the salary schedule based on years of experience, area of licensure, and other factors determined by the district.
- Requires a municipal school district to initially place veteran teachers on the salary schedule so that their salary is comparable to their pay under the previous salary schedule.

Nonrenewal of Teacher Contracts

- Exempts a municipal school district from most provisions requiring the automatic reemployment of a teacher when the district fails to comply with nonrenewal procedures.
- Specifies that the decision of a municipal school district to not renew a teacher's contract is not subject to appeal.

Teacher Terminations and Disciplinary Suspensions

- Permits a municipal school district to place a teacher on an unpaid disciplinary suspension for a definite period of time for "good and just cause."
- Specifies that "good and just cause" for a municipal school district to terminate a teacher's contract includes receiving an evaluation rating of "ineffective" for two consecutive years.
- Establishes new due process procedures, including a fact-finding hearing, for teacher terminations and disciplinary suspensions in municipal school districts.
- Prohibits an arbitrator from overturning the termination or disciplinary suspension of a teacher by a municipal school district for failure of the district to comply with the procedures of the bill or a collective bargaining agreement, unless the failure results in "substantive harm" to the teacher.

Teacher Layoffs

- Modifies the reasons for which a municipal school district may lay off teachers by (1) omitting suspension of schools as a reason and (2) allowing layoffs for academic reasons resulting in the consolidation of teaching positions, duties, or functions or in changes in educational programs.
- Requires a municipal school district to lay off teachers in order of their evaluation ratings, starting with teachers with the lowest rating, and to lay off nontenured teachers before tenured teachers within each group of teachers with the same rating.
- Requires a municipal school district to make decisions regarding the recall of laid-off teachers in the reverse order of the tenure status and composite evaluation rating categories used in the layoff decisions.
- Specifies that the municipal district board and the teachers' union "shall negotiate" how specialized training and experience will be factored into layoff and recall decisions.
- Specifies that laid-off tenured and nontenured teachers of a municipal school district have the right of restoration only to positions for which they qualify within three years after the date their contracts were suspended.
- Requires a municipal school district to give teachers preference in contract renewals, layoffs, or rehiring based on seniority or tenure, only when deciding between teachers with the same evaluation rating and tenure status.

Employment of Principals

- Requires a municipal school district to pay principals based on performance, generally in the same manner required by the bill for the district's teachers.

Academic Performance Plan

- Requires that the district CEO's academic performance plan include provisions requiring parents or guardians of students in the district's schools to attend, prior to December 15 each year, at least one parent-teacher conference or similar event.
- Adds adjustment of the length of the school year or school day to the items that may be included in the corrective actions specified in the plan.
- Prescribes procedures for development of the CEO's "corrective plan" for a particular school, whereby the CEO and labor union presiding officer must appoint corrective action teams to make recommendations regarding implementation of the plan.
- Specifies that the content and implementation of a corrective plan and any actions taken to implement the plan prevail over collective bargaining agreements entered into on or after the bill's effective date.

Additional Accountability Measures

- Requires the board of education of an existing municipal school district to develop, subject to approval by the Superintendent of Public Instruction, an array of measures to evaluate the academic performance of the district, and to use those measures to report annually to the General Assembly, Governor, and state Superintendent.

School Calendars

- Declares that the board of a municipal school district "has final authority" to establish a school calendar for the district's school buildings that provides for additional student days or hours beyond the state minimum.
- Specifies that the school calendar adopted by the board prevails over collective bargaining agreements entered into on or after the bill's effective date, but requires the board and the teachers' union to negotiate regarding any additional compensation for working an extended school day or school year.

Charter School Tax Levy

- Authorizes the school board of a municipal school district to propose a levy for current operating expenses, a portion of which would be allocated to "partnering" community schools and distributed among those schools on a per-pupil basis.

Municipal School District Transformation Alliance

- Allows the mayor of the city containing the greatest portion of a municipal school district to initiate the establishment of and appoint the board of directors of a Municipal School District Transformation Alliance as a nonprofit corporation under R.C. Chapter 1702.

- Requires the Alliance, if created, to (1) confirm and monitor a "transformation alliance education plan" prepared by the mayor, (2) suggest national education models for and provide input in the development of new district schools and partnering community schools, (3) report annually on the performance of all municipal school district schools and all community schools located in the district, and (4) make recommendations to the Department on the approval of sponsors of new community schools located in the district.

Framework to Assess District and Community Schools

- Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by April 30, 2013, jointly to establish a framework to assess the efficacy of district schools and community schools located in the municipal school district.

Criteria for Community School Sponsorship in a Municipal School District

- Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by December 31, 2012, jointly to establish criteria for both (1) sponsors to use to determine if they will sponsor new community schools in the municipal school district, and (2) the Department and the Alliance to use in assessing the ability of a sponsor to successfully sponsor schools in the district.

Combining Community School and District Report Card Data

- Authorizes a municipal school district, with the approval of the community school governing authority, to elect to have the student performance data of a community school located in the district combined with the district's data on the district's annual state report card, if the district either sponsors the community school or has entered into an agreement with the school to endorse each other's programs.

Other

- Specifically authorizes the board of education of a municipal school district to request exemptions from education-related statutes and administrative rules through an existing law that permits any district to request such exemptions for an innovative education pilot program.