



OEA Legislative Watch

December 14, 2012

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House Bill 555: "A-F" Letter Grading System for School Districts/Buildings

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Questions?

Contact your Government Relations 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

House Bill 555 (R-Stebelton), which sets the framework for a new letter-grade school accountability system in Ohio, was passed by the Ohio Senate Education Committee on December 11, 2012 and by the full Senate 27-6 on December 12, 2012. The Ohio House concurred with Senate changes to the bill 57-31 on December 13, 2012. The bill has been signed by the Governor and is effective March 22, 2013.

The General Assembly passed House Bill 555 as part of Ohio's application to the U.S. Department of Education for a waiver from various portions of the federal "No Child Left Behind" statute. As part of that process, the intent is also to transition schools to the higher performance and curriculum standards that will be associated with the full implementation of the Common Core Curriculum in 2014-15. House Education Committee Chairman Gerald Stebelton (R) has stated that the new accountability system could result in a drop of 35 percent or more in marks that schools and districts currently receive.

The following are the major provisions in House Bill 555:

Implementation of School District/Building Letter Grade Report Cards:

- **A-F Letter Grade System:** HB 555 replaces the current academic performance rating system for school districts, individual buildings of districts, community schools, STEM schools, and college-preparatory boarding schools with a "performance profile" system, under which districts and schools are assigned letter grades of "A," "B," "C," "D," or "F" for each of numerous performance measures (starting in 2012-13) for overall academic performance (starting in 2014-15).
- **Letter Grades for Performance Measures and Component Classifications:** The State Board of Education (SBE) must adopt the performance criteria for each letter grade and prescribe a method by which the Ohio Department of Education (ODE) will assign each letter grade. In prescribing that method, the bill creates six new "component" classifications in which each of the performance measures is categorized. Those components are: (1) gap closing, (2) achievement, (3) progress, (4) graduation, (5) kindergarten through third grade literacy, and (6) prepared for success.

- **Overall Letter Grade for School District or Building:** In addition to each performance measure being graded, the SBE must adopt criteria for each "component" letter grade, and only the "component" grades are used by the SBE in developing a calculation for the overall grade for a district or building.
- For a more detailed breakout of the new grading system, [click here](#).

Value-added: Last minute amendment changes “value-added” requirement for teacher evaluations; OEA amendment to lower overall student growth portion on new evaluations voted down

A last-minute amendment to House Bill 555 announced the day it was voted out of Senate Education Committee requires the student growth measure factor comprising 50% of the new teacher evaluations to be based on the “value-added” measure, in proportion to the part of a teacher’s courses/subjects where “value-added” is applicable (up to 100% of the 50% student growth measure after July 1, 2014). The “value-added” amendment was requested by House Republicans as part of negotiations with the Senate to secure House concurrence with all Senate changes to the bill. The Kasich Administration also supported the value-added amendment to the state framework for the evaluation of teachers, which Kasich created as part of his first budget bill (HB 153).

OEA strongly opposes the “value-added” evaluation amendment to House Bill 555 and will seek to repeal and replace it as soon as possible. An OEA requested amendment to lower the overall student growth factor on the new teacher evaluations from 50% to 25% was offered by Senate Democrats, but was rejected by the Republican dominated committee on the same day they accepted their amendment to expand the role of “value-added” in evaluations. The committee did not allow testimony on House Bill 555 or any amendment proposals the day of the committee vote.

New language regarding “value-added” as part of the student growth measure in the state framework for the evaluation of teachers:

- Current law requires “student growth” to account for 50% of the state framework for the evaluation of teachers, as adopted by the State Board of Education. The bill requires the state evaluation framework to do the following with regard to determining the “student growth” measure to be used (ORC 3319.112):
 - When applicable to the grade level or subject area taught by a teacher, the value-added progress dimension established under section 3302.021 of the Revised Code, or an alternative student academic progress measure if adopted by the State Board of Education, shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable.
 - If a teacher's schedule is comprised only of courses or subjects for which the value-added progress dimension is applicable, one of the following applies:
 - Beginning with the effective date of this amendment (3/22/2013) until June 30, 2014, the majority of the student academic growth factor of the

evaluation shall be based on the value-added progress dimension (i.e. a majority of the 50% of the student growth portion of the evaluation).

- On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension.

Background on implementation process/timeline for House Bill 555 teacher evaluation “value-added” language above:

Please note that there are a number of steps required by existing law that technically must occur before implementation of the House Bill 555 evaluation requirements at the local level:

- First, House Bill 555 does not become effective until March 22, 2013
- Second, the State Board of Education must incorporate the House Bill 555 “value-added” changes into the state framework for the evaluation of teachers
- Third, the local board of education, in consultation with teachers employed by the board, must adopt an evaluation policy that “conforms” with the state framework no later than July 1, 2013
- Finally, the local evaluation policy becomes “operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on September 29, 2011, and shall be included in any renewal or extension of such an agreement.” ORC 3319.111(A)

OEA Amendment Removes Collective Bargaining Restriction Applying to Entire Statute Governing Continuing Contract Status/Tenure and Limited Contracts (ORC 3319.11); Now Only Applies to Deadlines for Notice of Intent to Non-Renew and Notice of Intent Not to Accept Re-employment

An amendment to House Bill 555 in House Education Committee added language to the end of ORC 3319.11 (Continuing service status - limited contract - notice of intent not to re-employ) that would have provided that the entire section prevails over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of the bill.

A subsequent amendment secured by the OEA in Senate Education Committee removed the restrictive bargaining language passed by the House, replacing it with vastly narrower language. This language provides that the dates set forth in ORC 3319.11 as “on or before the first day of June” or “on or before the fifteenth day of June” prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of the bill. These dates refer to the deadline for providing a teacher notice of intent not to re-employ and for a teacher to provide notice of intent not to accept re-employment, respectively. The amended language secured by the OEA protects a vast array of bargaining rights surrounding continuing contracts/tenure and limited contracts.

Model Evaluations for Teachers Employed by State Agencies:

- Current law requires the State Board of Education to develop a standards-based framework for the evaluation of teachers employed by state agencies by June 30, 2013.

The bill provides that the evaluation framework does not apply to substitute teachers or an instructor of adult education.

Third Grade Reading Guarantee and Teacher Qualifications:

- Under the bill, once a student is identified as needing intervention services, the district must immediately provide those services pending the completion of the student's improvement and monitoring plan, at which time the services will be provided pursuant to that plan.
- Prior to July 1, 2014, each student who is identified as needing reading intervention services and who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has been actively engaged in the reading instruction of students for the previous three years and who satisfies one or more of the following criteria:
 - The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement.
 - The teacher has completed a master's degree program with a major in reading.
 - The teacher has demonstrated evidence of a credential earned from a list of scientifically research-based reading instruction programs approved by the department.
 - The teacher was rated "above value-added," which means most effective in reading, as determined by the department, for the last two school years.
 - Effective July 1, 2014, an additional qualifying criteria will be whether the teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction, as approved by the SBE.

School Sanction Triggers and “Safe Harbor”:

- In order to avoid schools being artificially plunged into sanctions, the State Board of Education has until March 31, 2013 to create "a one-year safe harbor for districts and schools for the first year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) are administered as achievement assessments (2014-15).

Charter School Sponsors – Authority to Open New Schools:

- The Ohio Department of Education (ODE) shall annually rank all entities that sponsor charter schools as either “exemplary,” “effective,” or “ineffective.” Criteria to be determined by the SBE.
- Prohibits an entity from sponsoring additional charter schools if it is rated “ineffective” under the new sponsor rating system.
- ODE/SBE shall develop and implement an evaluation system that rates each sponsoring entity based on 1) academic performance, 2) adherence by a sponsor to quality practices, 3) compliance by sponsor with applicable laws and administrative rules.
- ODE/SBE shall prescribe quality practices for charter school sponsors not later than March 31, 2013.

Dropout Prevention Charter School Ratings and Closure:

- The SBE shall prescribe by rule (not later than March 31, 2013) an academic performance rating and report card system for charter schools that primarily serve students enrolled in dropout prevention and recovery programs, beginning with the 2012-13 school year.
- The report card shall be based on performance measures outlined in the bill.
- ODE shall rate each school either: 1) exceeds standards, 2) meets standards, or 3) does not meet standards.
- Any drop-out prevention charter school that has received a report card designation of “does not meet standards” for at least two of the three most recent school years shall be subject to closure. Beginning July 1, 2014, all drop-out prevention charter schools are subject to closure triggers, regardless of whether a waiver has been granted previously. Thereafter, no waivers shall be granted.