

June 29, 2018

General Assembly Approves HB 21 – Protects School Districts with Stronger Residency Verification for Charter Students

The Ohio Senate last month passed HB 21, sponsored by Rep. Steve Hambley (R-Brunswick, by a vote of 32-0). The measure, which is strongly supported by OEA, was approved last December by the Ohio House, 94-0. The governor is expected to sign the bill.

- Helps protect school districts from erroneous charter school deductions. Charter schools and the Ohio Department of Education (ODE) will take more responsibility for verifying the school district in which a charter student lives. School districts would continue to have the ability to review and challenge charter school student residency claims.
- Seeks to solve problems with the Education Management Information System (EMIS) by requiring ODE to establish an EMIS advisory council. The council shall make recommendations to the superintendent of public instruction to improve the operation of EMIS and shall provide a forum for communication and collaboration between ODE and parties affected by the collection, reporting, and use of the system's data. Members of the council shall include department staff and representatives of school districts and other entities that regularly interact with EMIS.

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General Assembly Approves HB 87 – Requires Fraudulent Charter School Funds to be Returned to School Districts

The Ohio Senate, on June 29th, approved HB 87, which is sponsored by Rep. Kristina Roegner (R-Hudson), by a vote of 30-2. The bill, which is strongly supported by OEA, passed the Ohio House 94-2 in March 2018. The governor is expected to sign the bill.

- Requires funds recovered from charter schools based on enrollment fraud to be returned to the school districts from which they were originally deducted. Current law is silent as to where the state should direct funds recovered from charter schools based on the state auditor issuing a 'finding for recovery' involving enrollment fraud.

Ohio House Approves OTES Reform Bill, HB 540 84-0; Same Reforms Passed in SB 216 to Become Law

HB 540 contains the same OTES reforms that are in SB 216, which is a much broader bill of education policies. OEA strongly supports HB 540, which is sponsored by Rep. Theresa Gavarone (R-Bowling Green) and Rep. Nathan Manning (R-North Ridgeville). SB 216 will be the vehicle for passing OTES reform into law because it has passed both the Senate and House. SB 216 is expected to be signed by the governor.

The OTES reforms in both HB 540 and SB 216 are based on the recommendations of the Ohio Educator Standards Board (ESB). The ESB's reform recommendations have been approved by the State Board of Education. These reforms would restructure teacher evaluations, so they are teacher-driven and student-focused. The bill eliminates the stand-alone 50% student growth measure evaluation factor.

OEA members Jeanne Cerniglia and Jonathan Juravich testified in support of OTES reforms before the Ohio House Education Committee on April 10, 2018. Jonathan is an art educator with Olentangy Local Schools at Liberty Tree Elementary and the 2018 Ohio Teacher of the Year. Jeanne is a middle school math teacher in Southeast Local Schools (Wayne County), as well as a member of the Educator Standards Board (ESB)

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that recommended the OTES reforms that appear in both HB 540 and SB 216.

General Assembly Approves SB 216, which includes OTES Reforms; the Repeal of Retesting of Teachers; Require that the State Superintendent Review Academic Distress Commissions

SB 216 has passed both the House and Senate. The governor is expected to sign the bill.

SB 216 is a wide-ranging bill with numerous policy proposals that impact educators and students. This mixed-bag of education provisions, most of which were sought by local superintendents, seeks to provide more “flexibility” to local school districts. A positive highlight is the inclusion of long-sought reforms to the Ohio Teacher Evaluation System (OTES). These reforms are supported by OEA.

The governor had threatened to veto SB 216 if it included an amendment providing a three-year moratorium on state takeovers of school districts put in “academic distress status.” Had it not been for the governor’s veto threat, there was bi-partisan support in the Ohio General Assembly to place a moratorium on state takeovers of school districts. Instead, the bill requires the state superintendent to review all policies and procedures regarding academic distress commissions and issue a report of its findings to the General Assembly by May 1, 2019. OEA will continue to seek a repeal of Ohio’s poorly conceived and counterproductive state takeover law.

SB 216 includes the following:

Ohio Teacher Evaluation System (OTES): Requires the State Board of Education to revise the state framework for teacher and administrator evaluations, based on the recommendations of the Educator Standards Board, and to hold at least one public hearing on the revised framework. Requires the State Board to adopt the revised framework by May 1, 2020, and requires school districts to update their teacher evaluation policies by July 1, 2020.

Retesting teachers – repealed: Repeals a current provision in the law that requires

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public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered.

Educator licensure and employment Educator license grade bands: Requires the State Board of Education, when issuing new resident, professional, senior professional, and lead professional educator licenses, to specify whether the educator is licensed to teach grades pre-kindergarten through five, four through nine, or seven through twelve, except in certain prescribed circumstances.

Supplemental teaching license: Requires the State Board to establish rules for issuing supplemental teaching licenses to temporarily allow a certified or licensed teacher to teach a subject area for which the person is not licensed under specified conditions. This provision is similar to existing requirements.

Nonteaching employee contracts: Requires regular nonteaching school employees that are newly hired by noncivil service school districts to be employed for between six and seven years, rather than between two and three years, prior to receiving a continuing contract (tenure).

Educator licenses for substitute teaching: Requires the State Board to establish new standards and requirements for obtaining an educator license for substitute teaching. · Bases the duration that a substitute may teach under the new license on whether the post-secondary degree is related to the subject area taught. · Prohibits the State Board from requiring an individual who holds a career-technical workforce development license to hold a post-secondary degree in order to be issued a license to work as a substitute teacher for career-technical education classes. · Provides that any license issued under current law that is still in force on the bill's effective date remains in force for the remainder of the term for which it was issued or renewed.

Professional development for certain gifted services providers: Requires the State Board to revise its rules for professional development related to gifted education in accordance to prescribed hours of instruction based on whether a teacher is or is not an Advanced Placement or International Baccalaureate teacher.

"Highly qualified teacher" requirement – replaced: Repeals the state law requirement that teachers of core subject areas are "highly qualified," as formerly prescribed by federal law. · Replaces "highly qualified teacher" provision with "properly

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certified or licensed teacher" and "properly certified paraprofessional" requirements and applies the new provision to all public schools.

State achievement assessments: Permits public and chartered nonpublic schools to administer the third-grade state achievement assessments in English language arts or math, or both, in a paper format. · Requires the Department of Education to request each assessment vendor to provide an analysis explaining how questions on each of the state achievement assessments, including high school end-of-course exams, are aligned to the statewide academic content standards. · Requires the Department to request each assessment vendor provide information and materials for assistance with the state achievement assessments, including providing practice assessments and other preparatory materials.

Kindergarten readiness assessment: Requires the Early Childhood Comprehensive Assessment Advisory Group to make recommendations to the Superintendent of Public Instruction on the use and administration of the kindergarten readiness assessment. · Requires the state Superintendent to report final recommendations to the General Assembly by September 1, 2019.

Operation of charter schools: Clarifies that the terms "operator" and "management company" are synonymous. · Reduces from 105 to 72 the number of consecutive hours of learning opportunities a community school student must fail to participate in before being automatically withdrawn from the school. · Makes other changes to the operation of e-schools, including indemnification under certain circumstances and a review of terminology used in determining full-time equivalency by the State Superintendent of Public Instruction. · Creates a legislative committee to study and report recommendations on a competency-based payment structure for e-schools and the categories of expenses for which an operator must provide a detailed accounting under current law.

Safe harbor from certain provisions for enrolling displaced e-school students: For the 2017-2018 and 2018-2019 school years, requires the Department of Education to exclude from the academic performance component of a community school sponsor's evaluation students who, prior to enrolling in that community school, were enrolled in an e-school that had its operations suspended by its sponsor in the 2017-2018 school year (displaced enrollees). · Excludes a community school from closure for the 2017-2018 through 2019-2020 school years, if displaced enrollees increase the community school's

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enrollment by more than 10% unless it is low performing for three consecutive years. For the 2018-2019 and 2019-2020 school years, exempts a school district from being considered a new challenged school district, where new start-up community schools may be located, if enrollment of displaced enrollees increases the district's enrollment by more than 10% in the 2017-2018 school year.

College Credit Plus (CCP): Requires the Department of Education to conduct a study on the results and effectiveness of the CCP Program.

Gifted student service plans: Adds International Baccalaureate instruction as an option for a school district's gifted student service plan.

Special education preschool staffing: Requires that a minimum of ten hours of services per week be provided for each preschool special education student served by a center-based teacher unless otherwise specified in the child's individualized education program.

Reading improvement plans: Requires a school district, community school, or STEM school in which 80% or fewer of its students attain a passing score on the third-grade English language arts assessment to establish a reading improvement plan supported by reading specialists.

Reporting of student performance data on the state report card: Changes the minimum number of students ("N-size") in a group for calculation of the annual measurable objectives grade (AMO) on the state report card as follows: i) For the 2017-2018 school year, ii) 25 students; iii) For the 2018-2019 school year, 20 students; and iv) Beginning with the 2019-2020 school year, 15 students.

Five-year financial forecasts: Changes the latest date that school districts, community schools, and STEM schools may submit their annual five-year financial forecasts from October 31 (as under administrative rule) to November 30.

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House Unanimously Passes OPERS Service Credit Legislation

On Wednesday, June 28, the Ohio House voted 93-0 in favor of House Bill 572. OEA strongly supports HB 572 which addresses the issue of retirement service credit for non-teaching employees of County Boards of Developmental Disabilities who work on a school calendar rather than year-round. Recent OPERS action had reduced service credit for these employees and the bill would restore a full-year service credit. While in the House Aging and Long Term Care Committee, a substitute bill was adopted that applies the provisions of the bill dating back to January 1, 2017.

In order to be enacted into law, HB 572 will need to be passed by the Ohio Senate. You can urge you Senators to pass the bill by clicking [here](#).

House Bill 318: School Resource Officer Training, School Safety Grants, and Out-of School Suspension Changes Heads to Governor for Signature

House Bill 318 sponsored by Representatives LaTourette (R-Chesterland) and Patterson (D-Jefferson) establishes qualification and training guidelines for School Resource Officers (SROs) training, appropriates \$12 million for school safety grant training, and includes changes to out-of-school suspensions as introduced in Senate Bill 246.

The school safety grants can be used by public schools, including certain schools operated by county boards of developmental disabilities, and chartered nonpublic schools for school safety programs and training, including but not limited to, the following:

- school resource officer certification training;
- any type of active shooter and school safety training;
- all grade level type educational resources; and
- training to identify and assist students with mental health issues.

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The bill was amended in the Senate to include provisions from Senate Bill 246 that seek to limit out-of-school suspensions and expulsions for children in pre-kindergarten through the 3rd grade. Under the legislation, out-of-school suspensions and expulsions would continue to be permitted for violent behavior and to protect the health and safety of others. The bill would also still permit emergency removal of disruptive students when necessary.

Additionally, the bill requires school districts to encourage positive behavior and to support a framework that seeks to “improve the school climate for the purpose of improving academic and social outcomes and increasing the learning for all students.” The bill appropriates \$2 million for competitive grants to assist schools in the implementation and allows for a three-year phase-in of the bill’s requirements.

House Bill 318 is pending signature by the Governor.

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