

SB 319 – OEA Positions – Bill Analysis – As Introduced

June 4, 2020

Furloughing school employees (OEA position: Oppose)

- Authorizes district boards of education and educational service center boards to furlough any school employee beginning on the bill's effective date through June 30, 2021, if the employee is not needed during that period or for financial reasons.
- Prevents a furloughed employee from being paid during the furlough, but permits a board of education or governing board to allow an employee to (1) use available accrued but unused paid leave and (2) continue being eligible to receive insurance benefits or services during the furlough.
- Permits a board of education or governing board to request a furloughed employee to return from furlough at any time and provides that a returning employee resumes the employee's contract status that existed at the time the furlough was authorized.
- Prevents an employee returning from furlough from being guaranteed the same job assignment the employee held before the furlough except as provided in a collective bargaining agreement existing before the bill's effective date.
- A board's furloughing authority under the bill is in addition to its continuing law ability to suspend teacher contracts to make a reasonable reduction in the number of teachers employed, and to suspend administrative personnel contracts. See R.C. 3319.17, 3319.171, and 4117.10.

Teacher and principal evaluations (OEA position: Support)

- Permits a school district that did not participate in the teacher evaluation pilot program established for the 2019-2020 school year to continue evaluating teachers on two-year or three-year evaluation cycles even if the district completes an evaluation for them in the 2019-2020 school year without a student growth measure.
- Specifies a teacher who did not have a student growth measure as part of an evaluation for the 2019-2020 school year must remain at the same point in the teacher's evaluation cycle, and retain the same evaluation rating, for the 2020-2021 school year as the 2019-2020 school year.
- Authorizes a school district to choose to complete a principal's performance evaluation for the 2019-2020 school year without using a student growth measure as part of the evaluation.
- Prohibits a school district from using value-added progress dimension data, high-quality student data, or other student academic growth data to measure student learning attributable to a teacher or principal while conducting evaluations for the 2020-2021 school year.
- Note: HB 197 prohibited using value-added progress dimension data from the 2019-2020 school year to measure student learning attributable to a teacher in that teacher's evaluation.

- Note: HB 197 authorized a school district that had not conducted an evaluation of a district employee, including teachers, administrators, or the superintendent, prior to the Director of Health’s order “In re: Order the Closure of All K-12 Schools in the State of Ohio” issued on March 14, 2020, to elect not to conduct that evaluation if it was impossible or impracticable to do so.

District employee contract (OEA position: Oppose)

- If a district board of education elects not to complete an evaluation of an employee for the 2019-2020 school year in accordance with current law and that employee’s employment contract is set to expire in calendar year 2020, the employee must be offered a one-year limited contract (e.g. the employee may not be nonrenewed nor may the employee receive an automatic continuing contract).
- Under current law a teacher employed by a school district who is eligible for a continuing contract but does not have an evaluation completed in accordance with law is presumed to have accepted employment under a continuing contract unless the teacher declines to accept the contract in writing on or before June 15. The bill suspends this automatic continuing contract provision for incomplete evaluations from the 2019-2020 school year.

High School Graduation (OEA position: Support)

- Permits a student who was scheduled to take or re-take an end-of-course exam in the 2019-2020 school year to use the student’s final course grade to satisfy conditions for graduation.
- Specifies that a student who was scheduled to take an exam for the first time may use a final grade for a course completed in that year, while a student who was scheduled to re-take an exam may use a grade for course completed in that year or a prior year.

Third Grade Guarantee (OEA position: Interested Party)

- Prohibits the State Board of Education from increasing the promotion score for the third grade ELA test for the 2020-2021 school year and requires the use of the 2019-2020 promotion score.
- Exempts a teacher assigned to provide intense remediation reading assistance in the 2020-21 from having to meet criteria such as reading endorsement, master’s degree etc.
- Exempts schools from having to establish reading improvement plans for the 2020-2021 school year based on assessment results the prior year.

School Funding Adjustments (OEA position: Support)

- Requires the Department of Education to make a payment to each school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) subject to taxation between tax years 2017 and 2019 (for the FY 2020 payment) or tax years 2017 and 2020 (for the FY 2021 payment).

- Requires the Tax Commissioner to determine which districts are eligible for this payment no later than ten days after the bill's effective date (for the FY 2020 payment) or May 15, 2021 (for the FY 2021 payment).
- Requires the Department to make FY 2020 payments no later than 14 days after the bill's effective date and to make FY 2021 payments between June 1, 2021, and June 30, 2021.
- Specifies that, if a school district experienced an increase in the taxable value of all utility TPP subject to taxation by the district between tax years 2016 and 2017 and, as a result, had funds deducted from its state education aid, the Department must credit the deducted amount to the district no later than ten days after the bill's effective date.

Services to special needs students (OEA position: Support)

- Permits non-classroom personnel providing professional services to students with disabilities to provide services electronically or via telehealth communication for the balance of the 2019-2020 school year and the entirety of the 2020-2021 school year.

Online school bus driver training (OEA position: Interested Party)

- Requires the Department to develop an online 30-day training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification for the 2020-2021 school year.

Charter school sponsor ratings (OEA position: Interested Party)

- Prohibits ODE from issuing any charter school sponsor ratings for the 2019-2020 school year.
- Requires ODE to allow a sponsor to indicate that it could not comply with an applicable law or administrative rule or fully adhere to a quality practice due to the closure of schools.
- Establishes a safe harbor from penalties and sanctions for charter school sponsors based on the absence of charter school sponsor ratings for the 2019-2020 school year, in which only ratings from previous and subsequent years are considered.
- Allows a charter school sponsor to remain eligible in the 2020-2021 school year for any incentives that the sponsor was eligible for in the 2019-2020 school year.