



Ohio Legislative Service Commission

Bill Analysis

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Sub. S.B. 3*

131st General Assembly
(As Reported by S. Education)

Sens. Hite, Faber

BILL SUMMARY

- Limits the cumulative amount of time spent on the administration of state assessments to 2% of the school year beginning with the 2015-2016 school year.
- Limits the cumulative amount of time used for taking practice or diagnostic assessments used to prepare for state assessments to 1% of the school year beginning with the 2015-2016 school year.
- Exempts from the time limitation assessments administered to students with disabilities, diagnostic assessments for students who fail to attain a passing score on the third-grade reading guarantee, assessments used to identify gifted students, and for alternatives to certain end-of-course examinations.
- Eliminates the current requirement that school districts and schools administer diagnostic assessments to students in grades one through three in writing and mathematics, but retains diagnostic assessments for kindergarten students and reading assessments for students in grades one through three beginning with the 2015-2016 school year.
- Requires that school districts and schools administer the English language arts assessment to third graders at least once annually, instead of twice as under current law, beginning with the 2015-2016 school year.
- Modifies the alternative framework for teacher evaluations, beginning with the 2015-2016 school year, by increasing (to 50%) the teacher performance measure, decreasing (to 35%) the student academic growth measure, and permitting districts

* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

and schools to use a combination of specified components for the remainder of each evaluation.

- Prohibits student academic growth from accounting for more than 35% of each principal evaluation, beginning with the 2015-2016 school year, if the State Board of Education prescribes a state framework for principal evaluations.
- Requires the State Board, by July 1, 2015, to take the necessary steps to modify any framework it prescribes for the evaluation of principals in order to comply with the bill's provisions.
- Specifies that if the State Board prescribes an assessment for participants in the Ohio Teacher Residency Program, each district or school may (1) require the participant to pass that assessment, or (2) assess the participant using the participant's annual teacher evaluation.
- Exempts qualified school districts from several requirements of current law regarding teacher qualifications under the third-grade reading guarantee, teacher licensing, mentoring under the Ohio Teacher Residency Program, and class size restrictions.
- Qualifies a school district for the above exemptions if, on its most recent report card, the district received (1) at least 85% of the total possible points for the performance index score, (2) an "A" for performance indicators met, and (3) at least 93% and 95% for the four-year and five-year adjusted cohort graduation rate, respectively.
- Qualifies for an alternative resident educator license an individual who has not completed coursework in the subject area for which the individual is applying to teach.
- Requires the School Facilities Commission, by December 15, 2015, to develop and submit to the General Assembly a legislative proposal assisting school districts to receive funding under the Classroom Facilities Assistance Program.
- Increases the competitive bidding threshold for school building and repair contracts from \$25,000 to \$50,000.
- Removes a requirement that the State Board adopt a measure, to be reported separately from the district's or school's report card, for the amount of extracurricular services offered to students.



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CONTENT AND OPERATION

Assessments

Limits on duration of assessments

Beginning with the 2015-2016 school year, the bill requires school districts, community schools, STEM schools, and college preparatory board schools to limit the cumulative amount of time spent on the administration of state assessments to 2% of the school year. The state assessments included in this limit are the applicable achievement assessments administered to students in grades three through eight,¹ the end-of-course examinations required in high school under the College and Work Ready Assessment System,² and any assessment required by the district or school to be administered district-wide or school-wide to all students in a specified area or grade level.³ The bill also limits the cumulative amount of time used for taking practice or

¹ R.C. 3301.0710(A), not in the bill.

² R.C. 3301.0712(B)(2), not in the bill.

³ R.C. 3301.0728(A)(1). Conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.



diagnostic assessments used to prepare for the state assessments described above to 1% of the school year.⁴

The time limitations prescribed by the bill do not apply to administration of assessments to students with disabilities, any related diagnostic assessment for students who fail to attain a passing score on the third-grade English language arts achievement assessment, or additional assessments administered to identify a student as gifted. Nor do the limitations apply to the administration of substitute examinations for end-of-course examinations in American history, American government, and science. These examinations include Advanced Placement examinations and International Baccalaureate examinations.⁵

The bill authorizes a school district or school to exceed its prescribed assessment time limitations through the adoption of a resolution. However, before doing so, the district board or school governing authority must conduct at least one public hearing on the proposed resolution.⁶

Background on state achievement assessments

State law, in part in compliance with the federal "No Child Left Behind Act," prescribes a series of elementary and secondary state achievement assessments to be aligned with the state academic content standards and model curricula. The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and schools. All public schools (school district-operated schools, community schools, STEM schools, and college preparatory boarding schools) must administer these assessments to their students. Chartered nonpublic schools must administer achievement assessments for grades three through eight to any student who receives a scholarship through one of the state scholarship programs. In addition, except for a school granted a waiver for meeting prescribed conditions, a chartered nonpublic school must administer the elementary-level assessments to all its students if at least 65% of its enrollment is made up of students who are participating in any of the state scholarship programs. This requirement is subject to a parental opt-out for nonscholarship students. The composition of elementary-level achievement assessments are shown in the table below:⁷

⁴ R.C. 3301.0728(A)(2).

⁵ See R.C. 3301.0712(B)(4), not in the bill.

⁶ R.C. 3301.0728(C).

⁷ R.C. 3301.0710(A)(1).



	English Language Arts	Mathematics	Science	Social Studies
Grade 3	X	X		
Grade 4	X	X		X
Grade 5	X	X	X	
Grade 6	X	X		X
Grade 7	X	X		
Grade 8	X	X	X	

Students enrolled in public high schools must take seven end-of-course examinations in the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.⁸ In addition, eleventh-grade students in public and chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness.⁹

Diagnostic assessments

Beginning with the 2015-2016 school year, the bill eliminates the requirement for public schools to administer the following diagnostic assessments:

- (1) To students in the first grade, writing and math;
- (2) To students in the second grade, writing and math;
- (3) To students in the third grade, writing.¹⁰

However, schools must continue to administer reading, writing, and math diagnostic assessments to kindergarten students, and reading assessments to students in grades one through three.¹¹

Background on diagnostic assessments

Under current law, public schools must administer diagnostic assessments in reading, writing, and math to students in kindergarten through second grade, and reading and writing to students in the third grade. The State Board must adopt the

⁸ R.C. 3301.0711(B)(11) and 3301.0712(B)(2), the latter not in the bill.

⁹ R.C. 3301.0712(B)(1), not in the bill.

¹⁰ R.C. 3301.079(D)(3)(a) and (b).

¹¹ R.C. 3301.079(D)(1).

assessments which schools, generally, must administer to all students. Each diagnostic assessment must be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level.¹²

Administration of the third-grade English language arts assessment

Beginning with the 2015-2016 school year, the bill eliminates the fall administration of the third-grade English language arts state achievement assessment, and instead requires only one administration of that assessment, which is in the spring.¹³ Accordingly, the bill also removes references to the fall administration of the assessment throughout the Revised Code after the 2014-2015 school year, including in provisions regarding performance indicator calculation,¹⁴ performance index and annual measurable objective calculation for the state report card,¹⁵ and in determining the factors that require a district or community school to develop a district-wide or community school-wide reading improvement plan.¹⁶

Background on the third-grade English language arts assessments

As discussed in "**Background on state achievement assessments**," above, state and federal law requires public schools to administer a series of assessments to students in grades three through eight, and in high school. Results of these assessments are a factor in a number of components of the state report card. Scores on the third-grade English language arts assessment are also used to determine retention of students reading below grade level under the third-grade reading guarantee.¹⁷

Alternative framework for teacher evaluations

Under current law, each district or school may choose to use the alternative framework for the evaluation of teachers in lieu of the prescribed state framework under the Ohio Teacher Evaluation System (OTES). Beginning with evaluations conducted for the 2015-2016 school year, the bill makes the following changes to the alternative framework:

¹² R.C. 3301.079(D).

¹³ R.C. 3301.0711(B).

¹⁴ R.C. 3302.02.

¹⁵ R.C. 3302.03(K)(2)(b).

¹⁶ R.C. 3302.13(A)(2).

¹⁷ See R.C. 3313.608, not in the bill.

(1) Requires the teacher performance measure to account for 50% of each evaluation (current law requires 42.5% to 50%);

(2) Decreases the student academic growth measure to account for 35% (current law requires 42.5% to 50%);

(3) Removes the requirement that the teacher performance measure and the student academic growth measure be an equal percentage of each evaluation;

(4) Specifies that the remainder of each evaluation must be one (as under current law) or any combination (as added by the bill) of the following: (a) student surveys, (b) teacher self-evaluations, (c) peer review evaluations, and (d) student portfolios. The bill also adds to the list of permissible components "any other component determined appropriate" by the district board or school governing authority.¹⁸

Additionally, the bill modifies a provision requiring each district or school to use one of the instruments approved by the Department of Education when evaluating the component chosen for the remainder of each evaluation. Instead, the bill permits, but does not require, districts and schools to use the approved instruments when evaluating the component or components chosen.

The bill does not modify the prescribed state framework under OTES, as described below.

Background on teacher evaluations

Under current law, all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds, must conduct annual teacher evaluations under the OTES developed by the State Board of Education.¹⁹ OTES provides for multiple evaluation factors, including student academic growth, formal teacher observations, and classroom walkthroughs.²⁰ The alternative framework also provides for multiple factors, including student academic growth and the teacher performance measure, both defined by the Department of Education, as well as student surveys, teacher self-evaluations, peer review evaluations, and student portfolios and classroom walkthroughs.²¹

¹⁸ R.C. 3319.114(C).

¹⁹ R.C. 3319.111, 3314.03(A)(11)(i), and 3326.111, first section not in the bill.

²⁰ R.C. 3319.112, not in the bill.

²¹ R.C. 3319.114.

For more information about the current law on the teacher evaluation frameworks, as recently amended by H.B. 362 of the 130th General Assembly, effective September 11, 2014, see pp. 8-12 of the LSC Final Analysis for that act, at www.lsc.ohio.gov/analyses130/14-hb362-130.pdf.

Evaluation of principals and assistant principals

Beginning with evaluations conducted for the 2015-2016 school year, the bill specifies that, if the State Board of Education prescribes a framework for the evaluation of principals and assistant principals, student academic growth must not account for more than 35% of each evaluation.²² The bill does not define "student academic growth" for purposes of this provision, but for the purpose of teacher evaluations, student academic growth includes the value-added progress dimension (whenever such data is available) or an alternative student academic progress measure.²³

The bill also requires the State Board, by July 1, 2015, to take the necessary steps to modify any framework it prescribes for the evaluation of principals in order to comply with this limitation on student academic growth.²⁴

Under current law, principals and assistant principals must be evaluated each year "based on principles comparable" to OTES. There are no specified components or percentages in current law. However, according to the Department of Education's website, each evaluation under the Ohio Principal Evaluation System (OPES) must consist of 50% "student growth measures" and 50% "principal performance on standards."²⁵

Ohio Teacher Residency Program

Under current law, most newly licensed educators are issued either a resident educator license or an alternative resident educator license under which they also must complete a four-year teacher residency program – the Ohio Teacher Residency Program. One of the required components of the program is "measures of appropriate progression through the program," but current law does not prescribe any specific measures.

²² R.C. 3319.02(D)(1).

²³ R.C. 3319.112, not in the bill.

²⁴ Section 4.

²⁵ "Principal Evaluations," Ohio Department of Education. For access, go to <http://education.ohio.gov/Teachers> and click on "Ohio's Principal Evaluation System (OPES)."



The bill specifies that if the State Board prescribes an assessment for participants to take in the third or fourth year of the program, a district or school may either:

(1) Require each participant to pass the assessment to successfully complete the program; or

(2) Assess each participant's progress during the third and fourth years of the program by using the participant's annual teacher evaluation. Evaluations must be conducted by one or more persons approved to evaluate teachers under OTES.²⁶

Currently, districts and schools must conduct an annual evaluation under OTES for each teacher participating in the Ohio Teacher Residency Program.²⁷

Exemptions for qualified school districts

The bill exempts certain school districts from several requirements of current law, including provisions related to teacher qualifications under the third-grade reading guarantee, teacher licensing, mentoring under the Ohio Teacher Residency Program, and class size restrictions (see below for a more detailed explanation of each).²⁸ The bill also specifies that noncompliance with any of the exempted requirements does not disqualify such school districts from receiving state operating funds.²⁹

For purposes of qualifying for these exemptions, a school district must have received all of the following on the district's most recent state report card:

(1) At least 85% of the total possible points for the performance index score.

(2) A grade of an "A" for performance indicators met.

(3) A four-year adjusted cohort graduation rate of at least 93%.

(4) A five -year adjusted cohort graduation rate of at least 95%.³⁰

²⁶ R.C. 3319.223(A)(3).

²⁷ R.C. 3319.111, not in the bill.

²⁸ R.C. 3302.16(A).

²⁹ R.C. 3302.16(C).

³⁰ R.C. 3302.16(D)(1)(a) through (c). See also R.C. 3302.03(C)(1).

Teacher qualifications under the third-grade reading guarantee

The bill exempts a qualified school district from the requirement to provide an experienced teacher with specific qualifications to each student who is retained under the third-grade reading guarantee. However, the bill specifies that the teacher still must hold a valid educator license issued by the State Board of Education.³¹

Under current law, districts must provide, to each student retained under the guarantee, a teacher who has one or more years of teaching experience and who also meets one of the following qualifications:

(1) Holds a reading endorsement and passed the corresponding reading endorsement assessment.

(2) Completed a master's degree program with a major in reading.

(3) Was rated "most effective" for reading instruction consecutively for the two most recent years, based on vendor assessments that measure student growth and are approved by the State Board.

(4) Was rated "above expected value added," in reading instruction, as determined by the Department of Education, consecutively for the two most recent years.

(5) Earned a passing score on a rigorous test of principles of scientifically research-based reading instruction, as approved by the State Board.

(6) Holds an educator license, issued on or after July 1, 2017, for teaching grades pre-K through three, or four through nine.³²

Teacher licensing requirements

The bill exempts a qualified school district, unless otherwise required by federal law, from any provision in statutory law, or in the State Board's rules or standards, that requires teachers to be licensed in the grade levels in which they are teaching. However, under this exemption, the bill specifies that the teacher still must hold a valid educator license in a grade level that is determined appropriate by the district board. The bill

³¹ R.C. 3302.16(A)(1).

³² R.C. 3313.608(B)(3)(c) and (H), not in the bill.



maintains the requirement that teachers be licensed in the subject area in which they are teaching.³³

The bill also permits the superintendent of a qualified school district to employ an individual who does not hold an educator license issued by the State Board to teach classes in the district, so long as the individual is otherwise qualified based on experience.³⁴ As a condition of employment, the individual is subject to a criminal records check³⁵ and the State Teachers Retirement System.³⁶ Additionally, the district board must approve the individual's employment and provide mentoring and professional development opportunities to the individual, as determined necessary by the district board.

Under current law, an individual must hold a valid educator license issued by the State Board in order to be compensated for teaching in a public school, unless that individual holds a limited permit issued by the State Board for nonlicensed teaching.³⁷ Moreover, a provision of the Administrative Code requires each teacher to hold the "appropriate credentials for (the teacher's) assigned position."³⁸

Mentoring under the Ohio Teacher Residency Program

The bill exempts a qualified school district from the mentoring component of the Ohio Teacher Residency Program, so long as the district utilizes a local approach to train and support new teachers.³⁹ Under current law, one of the required components of the program is mentoring by teachers who hold a lead professional educator license issued by the State Board.⁴⁰

Minimum and maximum class size

The bill exempts a qualified school district from any provision in statutory law, or in the State Board's rules or standards, that prescribes a minimum or maximum class

³³ R.C. 3302.16(A)(4).

³⁴ R.C. 3302.16(B)(1).

³⁵ R.C. 3302.16(B)(2). See also R.C. 3319.391, not in the bill.

³⁶ R.C. 3302.16(B)(3). See also Chapter 3307., not in the bill.

³⁷ R.C. 3319.30, 3319.301, and 3319.36, none in the bill.

³⁸ Ohio Administrative Code (O.A.C.) 3301-35-05(A)(1).

³⁹ R.C. 3302.16(A)(2).

⁴⁰ R.C. 3319.223(A)(1), not in the bill.

size.⁴¹ Currently, no such requirement exists in the Revised Code. However, a provision in the Administrative Code specifies a maximum district-wide ratio of 25 students to one teacher. Additionally, the provision specifies a maximum district-wide ratio of 25 students in grades kindergarten through fourth grade to one teacher.⁴²

Alternative resident educator license

The bill qualifies for an alternative resident educator license an individual who has not completed coursework in the subject area for which the individual is applying to teach. This is in addition to current law specifying that participants must not be required to have completed a *major* in such a subject area in order to qualify for such a license.⁴³

Background

An alternative resident educator license is granted to the holder of a bachelor's degree who has not completed a traditional teacher preparation program but who has completed certain pedagogical training and passed a test prescribed by the State Board. Then, while teaching under that license the individual must complete further coursework and pass further written tests and observational evaluations.⁴⁴ Holders of the alternative license also must complete the Ohio Teacher Residency Program.

State facility funding for school districts

The bill requires the School Facilities Commission (SFC), by December 15, 2015, to develop and submit to the General Assembly a proposal with regard to funding under the Classroom Facilities Assistance Program (CFAP). Specifically, the proposal must contain legislative provisions under which school districts that have not received assistance under CFAP may, upon becoming eligible for assistance under the program, apply for and receive a portion of the state funds for which they are eligible, to be used for technology, building expansion, and physical alterations to improve school safety or security.⁴⁵

⁴¹ R.C. 3302.16(A)(3).

⁴² O.A.C. 3301-35-05(A)(3).

⁴³ R.C. 3319.26(C).

⁴⁴ R.C. 3319.26 and O.A.C. 3301-24-19.

⁴⁵ Section 3.

Background

The School Facilities Commission administers several programs that provide state assistance to school districts and community schools in constructing classroom facilities. The main program, the Classroom Facilities Assistance Program, is designed to provide each city, exempted village, and local school district with partial funding to address all of the district's classroom facilities needs. It is a graduated, cost-sharing program where a district's portion of the total cost of the project and priority for funding are based on the district's relative wealth. Districts are ranked by wealth into percentiles. The poorest districts are served first and receive a greater amount of state assistance than wealthier districts will receive when it is their turn to be served based on their respective wealth percentile. Other smaller programs address the particular needs of certain types of districts and schools but most assistance continues to be based on relative wealth.⁴⁶

Competitive bidding threshold for school building contracts

Current law specifies that school district boards of education must fulfill various competitive bidding requirements when contracting for public improvement projects valued over \$25,000, except in cases of urgent necessity or security. The bill increases the competitive bidding threshold from \$25,000 to \$50,000 for such public improvement contracts, including contracts to build, repair, enlarge, improve, or demolish any school building.⁴⁷

Report on extracurricular activities

Currently, the State Board of Education is required to adopt several measures to be reported for each district and each building in a district, as well as each community school, STEM school, and college-preparatory boarding school. These measures are reported separately from those included on the district's or school's report card, and the Department of Education must make the measures available on its website.

The bill removes one of these required measures, which specifies the amount of extracurricular services offered to students at the district or school.⁴⁸

⁴⁶ R.C. Chapter 3318., not in the bill.

⁴⁷ R.C. 3313.46.

⁴⁸ R.C. 3302.034(A)(8).



HISTORY

ACTION

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02-02-15

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