



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

John Rau, Holly Cantrell Gilman, and other LSC staff

### Sub. S.B. 216

132nd General Assembly  
(As Reported by S. Education)

This table summarizes the provisions of the bill as reported by the S. Education Committee and how that version differs from the preceding versions.

Topic	S.B. 216 As Introduced	Sub. S.B. 216 (L_132_1207-9)	Sub. S.B. 216 As Reported by S. Education
<b>State achievement assessments – analysis</b>	Requires the Department of Education to request the American Institutes for Research (AIR) to provide an analysis explaining how questions on each of the state achievement assessments are aligned to the statewide academic content standards (R.C. 3301.078(C)).	Expands the requirement to apply to each assessment vendor contracted by the Department (R.C. 3301.078(C)).	Same as -9 version but also specifically includes high school end-of-course examinations (R.C. 3301.078(C)).
<b>State achievement assessments – assistance</b>	Requires the Department to request AIR to provide information and materials for assistance with the state achievement assessments, including providing practice assessments, study guides, and other preparatory materials (R.C. 3301.078(D)).	Expands the requirement to apply to each assessment vendor contracted by the Department (R.C. 3301.078(D)).	Same as -9 version but excludes study guides (R.C. 3301.078(D)).

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<b>State achievement assessments – paper tests</b>	Permits public and chartered nonpublic schools to administer the third-, fourth-, and fifth-grade state achievement assessments in a paper format or a combination of online and paper formats <i>(R.C. 3301.0711(IG(4))).</i>	Same as Introduced.	Same as Introduced.
<b>Kindergarten readiness assessment</b>	Eliminates the kindergarten readiness diagnostic assessment and eliminates the inclusion of kindergarteners in identification and intervention for the Third-Grade Reading Guarantee <i>(R.C. 3301.079(D) and 3313.608(B); conforming changes in R.C. 3301.0714(B)(1)(n), 3301.0715, 3301.163, 3301.52, 3302.03(B)(1)(g) and (C)(1)(g), 3302.13, 3310.03, 3313.413, and 3314.35).</i>	Reinstates the kindergarten readiness assessment and the inclusion of kindergarteners in the Third-Grade Reading Guarantee, but requires the Department to approve a list of comparable assessments that may be used in lieu of the kindergarten readiness assessment. The Department must provide the kindergarten readiness assessment or any of the comparable assessments free of charge to any public school or chartered nonpublic school <i>(R.C. 3301.079(D)(4) and 3313.608(B); conforming changes in R.C. 3301.0715 and 3301.163).</i>	No provision. Reinstates current law regarding the implementation and administration of the kindergarten readiness assessment.
<b>Recommendations regarding the kindergarten readiness assessment</b>	No provision.	No provision.	Requires the Early Childhood Comprehensive Assessment Advisory Group, convened by the Department of Education, to make recommendations to the Superintendent of Public Instruction on the use and administration of the kindergarten readiness assessment and for the Superintendent to review those recommendations and report final recommendations to

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			the General Assembly by September 1, 2019 ( <i>Section 6</i> ).
<b>Reading improvement plans</b>	Requires a school district, community school, or STEM school in which less than 80% 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 ( <i>R.C. 3301.0715(G)</i> ). (A separate section of current law, not changed by the bill, already requires a school district or community school that fails to meet a specified level of achievement on reading-related measures, as reported on the past two consecutive state report cards, to submit a reading achievement improvement plan to the Department of Education ( <i>R.C. 3302.13, not in the bill</i> ).)	Same as Introduced.	Same as Introduced.
<b>Reporting of student performance data on state report cards</b>	Increases from "10" to "30" the minimum number of students ("N-size") in a group for student performance data to be reported ( <i>R.C. 3302.03(F)</i> ).	Same as Introduced.	Same as Introduced.
<b>Consolidated mandate report</b>	Requires the Department of Education to establish, distribute, and monitor a school mandate report for school districts. The bill also requires each school district or school to complete and file a school mandate report on an annual basis and provide a written explanation to its board of	Labels the report as a "consolidated school mandate report" and additionally requires:  (1) Each district to provide any additional information the Department may request regarding the items listed in the section;	Same as -9 except excludes school emergency management plans from the report and includes intra- and inter-district open enrollment compliance in the report ( <i>R.C. 3301.68</i> ).

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	<p>education if an item within the report was not completed. The items included in the report are:</p> <p>(1) Staff training on the use of physical restraint or seclusion on students;</p> <p>(2) Staff training on harassment, intimidation, or bullying;</p> <p>(3) Staff training on the use of CPR and AEDs;</p> <p>(4) The establishment of a wellness committee;</p> <p>(5) The establishment and review of school emergency management plans; and</p> <p>(6) The reporting of compliance with nutritional standards (<i>R.C. 3301.68</i>).</p>	<p>(2) That the report be submitted by each November 30;</p> <p>(3) Adds screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders; and</p> <p>(4) That the Department will not require a separate report for any of the items listed in the section, except for the public presentation on nutrition standards required by continuing law (<i>R.C. 3301.68; conforming change in R.C. 3313.814</i>).</p>	
<b>Gifted indicator on state report cards</b>	No provision.	Eliminates the state report card indicator for a district's or school's gifted student performance for the value-added progression dimension score ( <i>R.C. 3302.03(C)(1)(f) and 3302.03(F)(12)</i> ).	No provision.
<b>Educator license grade bands – standard licenses</b>	Requires the State Board of Education, when issuing resident, professional, senior professional, and lead professional educator licenses, to specify whether the educator is licensed to teach grades kindergarten	Changes the grade bands to grades pre-kindergarten through six and grades five through twelve ( <i>R.C. 3319.22(A)(1)(d)</i> ).	Changes the grade bands to pre-kindergarten through five, four through nine, and seven through twelve ( <i>R.C. 3319.22(A)(1)</i> ).

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	through eight or grades six through twelve (R.C. 3319.22(A)(1)). No provision.	No provision.	Specifies that the bill's grade band provisions do not apply to persons licensed prior to the bill's effective date (R.C. 3319.22(A)(1)).
<b>Educator license grade bands – intervention specialist licenses</b>	No provision.	No provision.	Requires that intervention specialist licenses be for grades pre-kindergarten through five, four through nine, or seven through twelve (except as described below) (R.C. 3319.2210(A)).  Requires that intervention specialist mild-moderate or moderate-intensive licenses be prescribed for grades kindergarten through twelve (R.C. 3319.2210(B)).
<b>Highly qualified teachers</b>	No provision.	Eliminates from the requirement that a teacher of a "core subject area" be "highly qualified" (Repealed R.C. 3319.074; conforming changes in R.C. 3302.03(J), 3311.78(D), 3311.79(A), 3317.141(A), 3319.283(B), 3319.58(A), 3323.11, and 3326.13(A)). (Federal law, on which the state law was based, no longer includes the highly qualified teacher requirement for Title I funding.)	Same as -9.

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<p><b>Ohio teacher evaluation system</b></p>	<p>Requires the Department of Education to revise the state framework for teacher evaluations, based on the recommendations of the Educator Standards Board, and submit a summary of its revisions to the State Board of Education for review. The bill further requires several changes to the specifications for the state framework, including eliminating student academic growth as a factor of an evaluation, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans. Under the bill, the State Board must adopt the revised framework by May 1, 2018, and requires school districts to update its teacher evaluation policies by July 1, 2018 <i>(R.C. 3319.112; conforming changes in R.C. 3313.608(H) and 3319.111; Repealed R.C. 3319.114).</i></p> <p>Specifies that a municipal school district (Cleveland) must conform to the current teacher evaluation framework <i>(R.C. 3311.80)</i>.</p>	<p>Same as Introduced.</p> <p>Adds a provision requiring the board of education of a municipal school district (Cleveland) and the teacher's labor organization, by July 1, 2018, to jointly decide whether to update the district's standards-based teacher evaluation procedures to match the framework adopted under the bill. If they decide not to do so, the district will be subject to separate current law regarding municipal school district evaluations as enacted in H.B. 525 of the 129th</p>	<p>Requires the State Board to adopt the revised framework by May 1, 2019, and for school districts to update their evaluation plans by July 1, 2019 <i>(R.C. 3319.112).</i></p> <p>No provision. (Since current law refers to evaluations for a municipal school district (Cleveland) must be under R.C. 3319.112, without indicating which version of the section applies it might be construed to mean the district must conform to the bill's new framework but it may not be clear.)</p>



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	<p>No provision.</p> <p>Requires the framework to provide for use of "student assessment instruments approved by the district board of education" and specifies that when a district uses measures of student performance as evidence in an evaluation, those measures must be "high-quality student data" (R.C. 3319.111(B) and 3319.112(A)(6)).</p> <p>Appears to permit each district board to define "high-quality student data" through approval of the student assessment instruments (R.C.3319.112(A)(6)). Eliminates current law providing for the development by the Department of a list of assessments district and school can use.</p> <p>No provision.</p>	<p>General Assembly (2012) (R.C. 3311.80 and 3311.84).</p> <p>No provision.</p> <p>Same as Introduced.</p> <p>Same as Introduced.</p> <p>No provision.</p>	<p>Provides that the revised framework takes effect beginning with the 2019-2020 school year and specifies that until then, evaluations be conducted under the current framework (Section 8).</p> <p>Requires the framework to use at least two measures of "high-quality student data" to provide evidence of student learning attributable to the teacher being evaluated (R.C. 3319.112(A)(6)).</p> <p>Specifically permits districts to use data from assessments on a list developed by the Department under continuing law as high-quality student data (R.C. 3319.111(B)). The bill reinstates the requirement for that list.</p> <p>Requires that one of the two measures be the value-added progress dimension, when applicable to the grade level or</p>





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			subject when certain circumstances are triggered, such as low teacher ratings or low school building academic performance rankings ( <i>Repealed R.C. 3319.58</i> ).
<b>Educator licenses for substitute teaching</b>	Requires the State Board to establish new standards and requirements for obtaining an educator license for substitute teaching. The bill prohibits the new standards from (1) requiring an applicant to hold a post-secondary degree in any specified subject area and (2) restricting the number of school days that the holder of the license may work. 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 ( <i>New R.C. 3319.226</i> ).	Requires the State Board to establish new standards and requirements for obtaining an educator license for substitute teaching. Requires the applicant for a license to have a post-secondary degree, but not in any specified subject area. Bases the duration that a substitute may teach under the license on whether the post-secondary degree is related to the subject area taught. ( <i>New R.C. 3319.226</i> ).	Same as -9.
<b>Career-technical workforce development educator license</b>	No provision.	Replaces the current professional career-technical teaching license with two new career-technical workforce development educator licenses, a Two-Year Initial license and a Five-Year Advanced license, for individuals teaching in career-technical and workforce development subject areas in any of grades 4-12. Beginning July 1, 2018, new applicants for a career-technical educator license must obtain one of the new licenses, rather than the current license. Current licensees	Same as -9.

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		<p>may continue to renew their licenses for the remainder of their teaching careers, but they may apply for one of the bill's new licenses if they so choose. (R.C. 3319.229; <i>Conforming change in R.C. 3319.223</i>). (<b>"New license requirements summarized in separate table below."</b>)</p>	
<p><b>Teacher employment for any subject area or grade level</b></p>	<p>Permits a school district superintendent to employ a licensed teacher to teach a subject area or grade level for which the person is not licensed (R.C. 3319.361).</p>	<p>Same as Introduced, but requires the district superintendent to submit a written request to the board of education of the employing district. The board's initial approval allows the licensed teacher to work in that position for up to one school year. The superintendent may then submit another written request to the board to renew the person's employment for an additional school year. The total term of the person's employment in that position may not, however, last longer than four consecutive years (R.C. 3319.361).</p>	<p>Modifies the -9, by (1) removing the provision for approval by the district board, (2) specifying that the person's license must be within two grade bands of the grade to be taught out of license, (3) specifying that the person must have three or more years teaching experience, and (4) requiring the person to pass an examination prescribed by the State Board (R.C. 3319.361).</p>
<p><b>Subsequent licensure of teacher employed out of licensure area or grade level</b></p>	<p>No provision.</p>	<p>No provision.</p>	<p>Provides that after a person has taught in a subject area or grade band for which that person is not licensed for one year (as permitted by the bill and described above), that person may be licensed in the area or grade band for which they were teaching under the bill, if the person successfully completes the pedagogy and instruction in the teaching of reading required</p>



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			and requires the State Board to issue that license if the applicant attains a passing score on an assessment of professional knowledge prescribed by the State Board ( <i>R.C. 3319.262(A)</i> ).
<b>Educational aide permits and educational paraprofessional licenses</b>	<p>Revises the specifications for licenses and permits for educational assistants and requires them only for nonteaching employees working in federally funded programs.</p> <p>Provides that nonteaching employees whose services are needed to substitute for educational aides or paraprofessionals are not required to hold an educational aide permit or educational paraprofessional license.</p> <p>Specifies that the State Board must automatically issue an educational aide permit or an educational paraprofessional license to an applicant upon successful completion of the criminal records checks required for that permit or license.</p> <p>Repeals a provision of current law that requires the State Board to prescribe minimum education, health, and character qualifications for educational aide permits and educational paraprofessional licenses. (<i>R.C. 3319.088.</i>)</p>	<p>Same as Introduced.</p> <p>Same as Introduced.</p> <p>Same as Introduced.</p> <p>Same as Introduced.</p>	<p>Same as Introduced.</p> <p>Same as Introduced.</p> <p>Same as Introduced.</p> <p>Same as Introduced.</p>

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<b>Nonteaching employee contracts</b>	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) (R.C. 3319.081).	Same as Introduced.	Same as Introduced.
<b>Special education preschool staffing</b>	Requires a ratio of one full-time staff member for every 12 half-day preschool children eligible for special education enrolled in a center-based preschool special education program, rather than 16 half-day children as under current law (R.C. 3323.022(A)).  Requires that a minimum of ten hours of services be provided to each child by a center-based teacher unless otherwise specified in the child's individualized education program (R.C. 3323.022(C)).	No provision.  Same as Introduced.	No provision.  Same as Introduced.
<b>Provision of gifted education services</b>	No provision.	Includes International Baccalaureate (IB) as an option for the type of programs may be included in a service plan for gifted students (R.C. 3324.07).	Same as -9.
<b>Professional development for gifted education teachers</b>	Prohibits the State Board from adopting an administrative rule that requires a licensed educator who is a designated provider of gifted services, but does not hold a license or endorsement specifically in gifted education, to complete professional	No provision.	No provision.

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	<p>development related to gifted education (<i>R.C. 3324.12</i>).</p> <p>No provision.</p>	<p>Requires the State Board to consider professional development hours for Advanced Placement (AP) and International Baccalaureate (IB) to count as hours as gifted education professional development. Prohibits the State Board from requiring AP or IB teachers to complete gifted education professional development unless they will be teaching gifted students. (<i>R.C. 3324.12</i>).</p>	<p>Removes the codified provision of the -9 version and, instead, in an uncodified provision, requires the State Board by July 1, 2018, to revise any rule it has adopted regarding operating standards for identifying and serving gifted students to specify all of the following:</p> <p>(1) If a general education teacher is designated as the provider of gifted services but is not an AP or IB teacher, that teacher must participate in at least 15 hours of ongoing gifted professional development during the first year of that designation and 45 hours of ongoing professional development by the end of the fourth year of that designation.</p> <p>(2) If a general education teacher is designated as the provider of gifted services and is an AP or IB teacher who has earned at least 24 hours of certified AP or IB development within the five years prior to receiving that designation, that teacher must participate in at least 7.5 hours of ongoing professional development during the first year</p>

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			<p>of the designation and 22.5 hours of ongoing professional development by the end of the fourth year.</p> <p>(3) If a teacher satisfies the hour requirement under (1) or (2) above, the teacher may be reported as providing services to gifted students in the teacher's classroom for that year.</p> <p>The bill also specifies that hours of professional development earned in the 24 months prior to the rule revision count toward satisfying the requirements of (1) or (2).</p> <p><i>(Section 5.)</i></p>
<b>Excessively absent students</b>	Specifies that when determining if a student is "excessively absent," a school district or school must consider only that student's unexcused absences, rather than both excused and unexcused absences as under current law ( <i>R.C. 3321.191</i> ).	Same as Introduced.	Same as Introduced.
<b>College Credit Plus courses</b>	Prohibits a student from enrolling in a course at a college campus or online if a comparable course is offered on the campus of the student's secondary school unless the course at the secondary school is full ( <i>R.C. 3365.03(D)</i> ).	No provision.	No provision.

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<b>College Credit Plus textbook costs</b>	<p>Requires that each participant in College Credit Plus pay 50% of the cost for textbooks required by the program, with the remaining 50% being paid by the participant's secondary school (<i>R.C. 3365.072</i>).</p> <p>Requires the secondary school to pay 100% of the cost of a student's textbooks, if the student is identified as economically disadvantaged under rules of the Department of Education (<i>R.C. 3365.072(B)</i>).</p>	<p>Same, but adds language that excepts the bill's textbook cost sharing provisions from the current law requirement to provide high school textbooks (<i>R.C. 3365.072(A)</i>; see <i>R.C. 3329.06, not in the bill</i>).</p> <p>Same as Introduced.</p>	<p>Same as -9</p> <p>Same as Introduced but specifies that the 100% textbook payment by the secondary school applies to any student whose family income is at or below 200% of the federal poverty guidelines (<i>R.C. 3365.072(B)</i>).</p>





## NEW CAREER-TECHNICAL LICENSES

The table below summarizes the requirements for the bill's new career-technical licenses.

License type	Requirements to obtain license	Requirements to maintain license	Duration and renewability
<b>Two-Year Initial</b>	<p>(1) High school diploma; and</p> <p>(2) Five years of work experience in the subject area.</p>	<p>Enroll in a program offered by an institution of higher education that is approved by the Chancellor that meets the following criteria: (1) provides classroom support to the license holder, (2) includes at least three semester hours of coursework in the teaching of reading in the subject area, (3) is aligned with career-technical education and workforce development competencies developed by the Department, (4) uses a summative performance-based assessment to evaluate the license holder's knowledge and skills, and (5) consists of no less than 24 semester hours of coursework, or the equivalent.</p>	<p>Two years; renewable if the program supervisor and superintendent of the employing school district indicate that educator is making sufficient progress in both the program and teaching position.</p>
<b>Five-Year Advanced</b>	<p>(1) Demonstrates mastery of the career-technical education and workforce development competencies of the teaching profession, as indicated by the superintendent of the employing district; and</p> <p>(2) Successful completion of the program the individual enrolled in as a condition to maintaining a Two-Year Initial license, as indicated by the supervisor of the program.</p>	<p>No provision regarding maintaining the license.</p>	<p>Five years; renewable in consultation with a local professional development committee.</p>