



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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and other LSC staff

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(As Reported by H. Education and Career Readiness)

Sens. Huffman, Terhar, Jordan, Coley, Gardner, Wilson, Bacon, Balderson, Beagle, Burke, Dolan, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Williams, Yuko

BILL SUMMARY

Ohio Teacher Evaluation System

- 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.
- Makes several changes to the specifications for the revised framework, including eliminating the requirement that student academic growth count for half of an evaluation, prohibiting the use of student learning objectives, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans.
- Eliminates the alternative evaluation framework.
- Specifies that the revised framework does not take effect until the 2020-2021 school year and establishes a one-year pilot program for the 2019-2020 school year in order to guide implementation.

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

Educator licensure and employment

Educator license grade bands

- Requires the State Board, 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.

License to teach in Early College High Schools

- Requires the State Board to adopt rules for obtaining a nonrenewable four-year initial educator license for teaching grades seven through twelve at an Early College High School if specified conditions are met.
- Provides that a person teaching in an Early College High School for four years under the initial license may apply for a renewable five-year professional educator license in the same subject area if the person passes a prescribed professional knowledge assessment.

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

Retesting teachers – repealed

- Repeals a current law provision that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered.

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 community 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 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.

Excessively absent students

- Specifies that when determining whether 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.

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:
 - For the 2017-2018 school year, 25 students;
 - For the 2018-2019 school year, 20 students; and
 - Beginning with the 2019-2020 school year, 15 students.

Consolidated school mandate report

- Requires the Department of Education to establish, distribute, and monitor a consolidated school mandate report for school districts and schools.



- Requires each school district or school to complete and file the report annually by November 30 and provide a written explanation to its board of education if an item within the report was not completed.

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.

Academic distress commission report

- Requires the Superintendent of Public Instruction 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.

Joint Education Oversight Committee data requests

- Establishes specific procedures for the chairperson and vice-chairperson of the Joint Education Oversight Committee to request information from the Superintendent of Public Instruction.

Stark State College District

- Creates the Stark State College District by adding Summit County to the territory of the technical college district of Stark County, and specifies that this district is a replacement of the current technical college district of Stark County.
- Adds two members to the current board of trustees of the college district, so the board of the new college district consists of nine members.

Title

- Entitles the bill the "Ohio Public School Deregulation Act."

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CONTENT AND OPERATION

Ohio Teacher Evaluation System (OTES) – state framework

The bill revises the law regarding the Ohio Teacher Evaluation System (OTES). Specifically, it requires the State Board of Education to (1) revise the state framework based on the recommendations¹ of the Educator Standards Board, and (2) hold at least one public hearing on the revised frame work, at which the full text of the revised frame

¹ http://education.ohio.gov/getattachment/Topics/Teaching/Educator-Standards-Board/OTES-Recommendations-By-ESB_Jan2017_FINAL.pdf.aspx.



work must be made available. The State Board must adopt the "revised framework" by May 1, 2020, and each school district board of education by July 1, 2020, must update its teacher and administrator evaluation policies to conform to the revised framework. For the 2018-2019 and 2019-2020 school years, the bill states that evaluations must be conducted under the "current framework." The revised framework takes effect beginning with the 2020-2021 school year.² In the meantime, the bill establishes a one-year pilot program for the 2019-2020 school year in order to guide implementation of the revised framework (see "**One-year pilot program for updated state framework**" below).

As discussed in further detail below, the bill revises the framework specifications.

Student academic growth

The bill eliminates the requirement that 50% of an evaluation consist of student academic growth – whether that growth is measured by the value-added progress dimension or, for teachers for which the value-added progress dimension does not apply, the administration of assessments that measure mastery of course content.³ Instead, the bill requires the revised framework to include at least two measures of "high quality student data" to provide evidence of student learning attributable to the teacher being evaluated. The bill requires that one of those two measures must be the value-added progress dimension, when applicable to the grade level or subject area taught by a teacher.⁴

The bill also requires the Department to provide guidance to districts on how high quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework.⁵

While the bill eliminates the requirement that a school district administer assessments from a list developed by the State Board when evaluating teachers of certain grade levels and subjects for which value-added is not applicable, it maintains the requirement that the State Board develop that list.⁶ A school district may, in its

² Section 7.

³ R.C. 3319.111(B) and 3319.112(A)(1), (6), and (7).

⁴ R.C. 3319.112(A)(6).

⁵ R.C. 3319.112(D)(3).

⁶ R.C. 3319.111(B) and 3319.112(B)(2).

discretion, use the data from the assessments on that list as "high-quality quality student data."⁷ However, the bill also requires the State Board to define "high-quality student data."⁸

Additional features of the state framework

The bill makes the following additional changes to the framework:

(1) Prohibits use of shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;⁹

(2) Prohibits use of student learning objectives;¹⁰ and

(3) Requires development of a professional growth plan or improvement plan for the teacher that is (a) based on the results of the evaluation and (b) aligned to any school district or building improvement plan required for the teacher's district or building under federal law.¹¹

Finally, the bill adds that "high quality student data" may be used as evidence in any component of the evaluation related to the following:

(1) Knowledge of the students to whom the teacher provides instruction;

(2) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;

(3) Assessment of student learning;

(4) The teacher's use of assessment data; and

(5) Professional responsibility and growth.¹²

Alternative framework – repealed

The bill repeals the alternative framework for the evaluation of teachers.

⁷ R.C. 3319.111(B) and 3319.112(B)(2).

⁸ R.C. 3319.112(A)(6).

⁹ R.C. 3319.112(A)(7).

¹⁰ R.C. 3319.112(A)(11).

¹¹ R.C. 3319.112(A)(8).

¹² R.C. 3319.112(A)(6)(a) to (e).

That framework requires the teacher performance measure to account for 50% of each evaluation, the student academic growth measure to account for 35% of each evaluation, and one or any combination of student surveys, teacher self-evaluations, peer review evaluations, and student portfolios account for the remaining 15%.¹³

Miscellaneous duties

The bill requires the Department of Education to provide guidance to districts on how student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components may be used as part of the evaluation process.¹⁴

In addition, the bill requires the State Board to consult with experts, teachers, principals, and stakeholders when revising the standards and criteria that distinguish between performance levels for teachers and principals for the purpose of assigning evaluation ratings. It also requires that the State Board consult with the Educator Standards Board when revising those same standards and criteria.¹⁵

The Educator Standards Board develops and recommends statewide standards for teachers, principals, superintendents, school counselors, treasurers, and business managers. It also develops and recommends standards for educator license renewal, professional development, and school leadership academies. It is comprised of teachers, administrators, school board representatives, higher education representatives, and parents appointed by the State Board, plus certain ex officio members.¹⁶

Evaluation of "skilled" or "accomplished" teachers

The bill specifies that professional growth plans or improvement plans must be a factor of the revised state framework. The bill also requires district boards to use their professional development standards for guiding professional growth plans and improvement plans resulting from teacher evaluations.¹⁷ Under the bill, the professional growth plan replaces the academic growth measure in determining how often a "skilled" or "accomplished" teacher must be evaluated. The bill also makes changes to how often an "accomplished" teacher must be observed.

¹³ Repealed R.C. 3319.114.

¹⁴ R.C. 3319.112(D)(4).

¹⁵ R.C. 3319.112(B)(1) and (C).

¹⁶ R.C. 3319.60, 3319.61, 3319.611, 3319.612, and 3319.63, none in the bill.

¹⁷ R.C. 3319.075.

Frequency of evaluations

Under current law teachers must be evaluated on an annual basis. However, a teacher that receives a rating of "skilled" or "accomplished" may be evaluated once every two or three years respectively, provided that the teacher's academic growth measure is "average" or higher. The bill replaces the academic growth measure condition with the following:

(1) An "accomplished" teacher may be evaluated once every three years if the teacher submits a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.¹⁸

(2) A "skilled" teacher may be evaluated once every two years if the teacher and the evaluator jointly develop a professional growth plan that focuses on specific areas identified in the observations and evaluation. Additionally, the evaluator must determine that the teacher is making progress on that plan.¹⁹

Frequency of observations

Continuing law requires that during any year a teacher is evaluated an evaluator must conduct at least two formal observations for at least 30 minutes each time.²⁰ The bill retains this requirement but eliminates an exception authorizing a district board to require only one formal observation of a teacher being evaluated if the teacher: (1) received an "accomplished" rating on the teacher's most recent evaluation and (2) completed an approved project demonstrating the teacher's continued growth and practice at the "accomplished" level.²¹ Accordingly, during any year that any teacher is being evaluated, regardless of rating, an evaluator must conduct two formal observations of that teacher.

During any year a teacher is not being evaluated due to the teacher's receipt of an "accomplished" or "skilled" rating, continuing law requires an evaluator to conduct at least one observation of, and hold at least one conference with, that teacher. The bill

¹⁸ R.C. 3319.111(C)(2)(a).

¹⁹ R.C. 3319.111(C)(2)(b).

²⁰ R.C. 3319.112(A)(3).

²¹ R.C. 3319.111(E)(2), removed by the bill.

specifies that the conference must include a discussion of the teacher's progress on the teacher's professional growth plan.²²

One-year pilot program for updated state framework

The bill requires the Department of Education to establish a pilot program for the 2019-2020 school year in order to guide implementation of the revised state framework. The Department must issue a request for school districts to volunteer to participate in the pilot program, except that the bill authorizes the Department to designate a district to participate only with the approval and consent of the district's board of education. The Department must make a good faith effort to ensure a participant pool of adequate size and diversity.²³

The Department must provide professional development and technical assistance to teachers and evaluators in participating school districts prior to their use of the revised framework. It also must collect feedback from participating districts, teachers, and evaluators on the implementation of the framework and use that feedback to make recommendations on the framework and to improve professional development. Finally, the Department must work with stakeholder groups in conducting the pilot program.²⁴

Educator license grade bands

The bill requires the State Board, when issuing 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. The bill further specifies that its grade band provisions do not apply to persons: (1) licensed prior to the bill's effective date, (2) licensed to teach in subject areas prescribed in the bill, (3) licensed as an intervention specialist, including a gifted intervention specialist, or (4) with any other license that does not align to the grade band specifications. The prescribed subject areas to which the bill's grade bands do *not* apply are computer information science, bilingual education, dance, drama or theater, world language, health, library or media, music, physical education, teaching English to speakers of other languages, career-technical education, or visual arts.²⁵ Current statutory law does not require educator licenses to be issued for particular grade bands.

²² R.C. 3319.111(C)(3).

²³ Section 6(A).

²⁴ Section 6(B) and (C).

²⁵ R.C. 3319.22(A)(1).

However, the State Board's rules specify that licenses be issued for "Early Childhood" (grades pre-kindergarten through three), "Middle Childhood" (grades four through nine in named curriculum areas), and "Adolescence through Adult" (grades seven through twelve in named curriculum areas).²⁶

The bill does not apply to the issuance of any additional educator licenses that the State Board may choose to provide, which are generally for specialized student needs, subject areas, or support services.²⁷

Supplemental teaching license

The bill requires the State Board to establish rules for the issuance of supplemental teaching licenses, which permits teachers to temporarily provide instruction in subject areas for which they are not permanently licensed. These licenses must be issued at the request of the superintendent of a school district or educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school. To qualify for the supplemental license, an individual must meet the following criteria:

(1) Hold a current professional or permanent Ohio teaching certificate or a resident educator license, professional educator license, senior professional educator license, or lead professional educator license;

(2) Be of good moral character;

(3) Be employed in a supplemental licensure area, as defined by the State Board;

(4) Complete an examination prescribed by the State Board in the licensure area;

(5) Complete, while employed under a supplemental license and subsequent renewals, additional coursework, if applicable, and testing requirements for full licensure in the licensure area as a condition of holding and teaching under a supplemental teaching license.²⁸

²⁶ Ohio Administrative Code (O.A.C.) 3301-24-05(A)(1)-(4).

²⁷ R.C. 3319.22(A)(2).

²⁸ R.C. 3319.361(A).



The bill requires the employing district, service center, or school to assign a mentor to the licensee. The mentor must be an experienced teacher who currently holds a license in the same, or a related, content area as the supplemental license.²⁹

The bill permits an applicant to work in the supplemental licensure area for up to 60 school days while completing the applicable requirements. If they are not completed in this period, the application will be declined.³⁰

Also, a supplemental licensee may advance to a standard teaching license after verification of successful teaching in the licensure area for at least two years and completion of the criteria established by the State Board in the licensure area.³¹ The licensee must complete the supplemental licensure program, or its equivalent, and obtain a standard teaching license in the area of the supplemental license before the Department of Education will issue that individual another supplemental teaching license in another subject area.³²

The State Board currently issues supplemental licenses under an administrative rule that contains the same requirements prescribed by the bill.³³

License to teach in an Early College High School

The bill requires the State Board to adopt rules for obtaining a nonrenewable four-year initial educator license for teaching grades seven through twelve at an Early College High School. To qualify, an applicant must:

(1) Have a graduate or terminal degree from an accredited institution of higher education in a field related to the subject area to be taught;

(2) Have obtained a passing score on an exam in the subject area to be taught prescribed by the State Board;

(3) Have experience teaching students at any grade level, including postsecondary students; and

²⁹ R.C. 3319.361(B).

³⁰ R.C. 3319.361(E).

³¹ R.C. 3319.361(D).

³² R.C. 3319.361(C).

³³ O.A.C. 3301-24-14.



(4) Have proof that an Early College High School intends to employ the applicant pending a valid license under the bill.

After teaching at an Early College High School for four years under the provisional license, the person may apply for a renewable five-year professional educator license in the same subject area. The bill 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. The bill specifies that nothing in the provision may be construed to prohibit an individual from applying for a professional educator's license under existing law.³⁴

An Early College High School, under continuing law, is a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than 24 credits that are transferable to the participating institution of higher education. The program also must prioritize students who are underrepresented in regard to completing post-secondary education, economically disadvantaged, or whose parents did not earn a college degree.³⁵

Nonteaching employee contracts

The bill requires regular nonteaching school employees who 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).³⁶

Current law, maintained by the bill, requires these employees to have two limited contracts, one for a period of not more than one year and one for a period of two years. The bill requires these employees to have two additional limited contracts for a period of two years each before receiving a continuing contract.

Educator licenses for substitute teaching

The bill requires the State Board to adopt rules establishing the standards and requirements for obtaining an educator license for substitute teaching. These rules generally must require an applicant to hold a postsecondary degree but not in any specified subject area. The duration for which the holder of a new substitute licensee

³⁴ R.C. 3319.262.

³⁵ R.C. 3313.6013, not in the bill.

³⁶ R.C. 3319.081.



may work in a school under that license is based on whether the post-secondary degree is related to the subject area taught. If the license holder's degree is either in education or in a subject area directly related to the subject of the class being taught, the holder may teach under that license for an unlimited number of school days. However, if the license holder's degree is not directly related to the subject of the class being taught, the holder may teach under that license only for one full semester at a time, subject to the approval of the employing school district board. A district superintendent may request an unlimited number of semester-long renewals of approval for that substitute from the district board.³⁷ The bill prohibits the State Board from requiring an individual who holds a career-technical workforce development license to hold a post-secondary degree if that applicant is applying for a license to work as a substitute teacher for career-technical education classes.³⁸

The State Board must begin issuing educator licenses for substitute teaching under these rules on July 1, 2019.³⁹

The bill's requirements replace a provision of current law (repealed by the bill) that requires the State Board to issue educator licenses for substitute teaching that are valid for one year, five years, and any other length of time up to five years as determined by the State Board.⁴⁰ The bill specifies that any license that is issued or renewed under this current provision and is still in force on the bill's effective date must remain in force for the remainder of the term for which it was issued or renewed. At the end of that term, the license holder is subject to the bill's requirements for licensure.⁴¹

Professional development for certain gifted services providers

The bill requires the State Board, by July 1, 2019, to revise its rules for professional development related to gifted education as follows:

(1) If a general education teacher is designated as the provider of gifted services but is not an Advanced Placement (AP) or International Baccalaureate (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.

³⁷ New R.C. 3319.226(B).

³⁸ R.C. 3319.229(F).

³⁹ New R.C. 3319.226(A).

⁴⁰ Repealed R.C. 3319.226.

⁴¹ New R.C. 3319.226(C).



(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 of the designation and 22.5 hours of ongoing professional development by the end of the fourth year.

(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.

Finally, 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).⁴²

Under the current rules of the State Board regarding the qualifications of gifted services personnel, a designated provider of gifted services with a license in general education must participate in 30 hours of professional development related to gifted education from an educator licensed or endorsed in gifted education during the first and second year, and must participate in additional hours each year thereafter, as determined by the district or school.⁴³

"Highly qualified teacher" requirement – replaced

The bill repeals the state law requirement that teachers of core subject areas are highly qualified.⁴⁴

State law provides that a teacher of a "core subject area" (English, math, science, foreign language, government, economics, fine arts, history, and geography) must be "highly qualified" in order to teach in a school funded with federal Title I funds (for disadvantaged students). This provision is based on the former No Child Left Behind Act of 2001, which has been replaced by the Every Student Succeeds Act of 2015. The replacement act no longer includes the highly qualified teacher requirement related to Title I funding.⁴⁵

⁴² Section 4.

⁴³ O.A.C. 3301-51-15(D)(8)(b).

⁴⁴ Repealed R.C. 3319.074.

⁴⁵ Every Student Succeeds Act is Public Law 114-95.



"Properly certified or licensed" teachers and paraprofessionals

Instead, the bill enacts a new requirement. Specifically, beginning July 1, 2019, the bill prohibits school districts, community schools, and STEM schools from employing teachers of a core subject area unless they are "properly certified or licensed teachers," and from hiring paraprofessionals to provide support in a core subject area unless they are "properly certified paraprofessionals."⁴⁶

The bill defines a "properly certified or licensed teacher" as a classroom teacher who has successfully completed all requirements for certification or licensure applicable to the subject areas and grade levels in which they provide instruction. It defines a "properly certified paraprofessional" as a paraprofessional who holds an educational aide permit and (1) has a designation of "ESEA qualified" on the permit, (2) has completed two years of coursework at an accredited higher education institution, (3) holds an associate degree or higher from an accredited higher education institution, or (4) meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the Department of Education. Further, it redefines "core subject area" to include only reading and English language arts, math, science, social studies, foreign language, and fine arts.⁴⁷

The current highly qualified teacher requirement does not apply to community schools.

Retesting teachers – repealed

The bill repeals a provision of law that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered, such as low teacher ratings or low school building academic performance rankings.⁴⁸

State achievement assessments

Paper administration of certain state assessments

Beginning with the 2019-2020 school year, a public school or chartered nonpublic school may administer state achievements assessments in English language arts or math, or both, in a paper format to students in the third grade if the board or governing

⁴⁶ New R.C. 3319.074(B).

⁴⁷ R.C. 3319.074(A); conforming changes in R.C. 3302.03(J), 3311.78(C), 3311.79(A), 3313.603(C), 3314.03(A)(11)(d), 3317.141(B), 3319.283(B), and 3326.13.

⁴⁸ Repealed R.C. 3319.58.



body passes a resolution to do so. The board or governing body must submit a copy of the resolution to the Department of Education not later than May 1 prior to the school year for which it will apply. If the board or governing body submits the resolution, it must administer the assessments in a paper format to all students in the third grade. The only exception is for students with disabilities whose individualized education programs or Section 504 plans specify that taking the assessment in an online format is an appropriate accommodation.⁴⁹

The bill also requires the Department to submit a report to the General Assembly that compares the results of state assessments administered online and in a paper format using data from the 2019-2020 and 2020-2021 school years. The report must be submitted "as soon after the end of the 2020-2021 school year as possible."⁵⁰

Analysis and assistance

The bill requires the Department of Education to request each state 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. The analysis must be provided to all school districts and schools for all grade levels for which assessments are prescribed. The analysis must be produced beginning with the 2019-2020 school year and for each school year thereafter.⁵¹

Additionally, the Department must request each vendor to provide information and materials to school districts and schools for assistance with the state achievement assessments, including practice assessments and other preparatory materials. The information and materials must be distributed to districts and schools beginning with the 2019-2020 school year and each school year thereafter.⁵²

Recommendations regarding the kindergarten readiness assessment

The bill 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

⁴⁹ R.C. 3301.0711(G)(4).

⁵⁰ Section 9.

⁵¹ R.C. 3301.078(C).

⁵² R.C. 3301.078(D).

readiness assessment. The Superintendent must review those recommendations and report final recommendations to the General Assembly by September 1, 2019.⁵³

Operation of community schools

The bill makes changes to the operation of both brick-and-mortar community schools and "Internet- or computer-based community schools" (referred to as "e-schools"). An e-school is a community (charter) school in which the students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided by way of (1) an Internet- or other computer-based instructional method that does not rely on regular classroom instruction or (2) "comprehensive instructional methods" that include Internet-based, other computer-based, and noncomputer-based learning opportunities, unless a student receives career-technical education.⁵⁴

Provisions applicable to all community schools

"Operator" or "management company"

Many community schools, both e-schools and brick-and-mortar schools, are run by for-profit or nonprofit entities that manage the school under a separate contract with the schools' governing authorities. Historically, the Revised Code has used the term "operator" to describe this entity; however the term "management company" is sometimes used in the Code and has become preferred by some stakeholders over the course of the last several years. The bill clarifies that the terms "operator" and "management company" are synonymous.⁵⁵

Automatic withdrawal of a community school student

Under current law, a community school is required to withdraw a student who fails to participate in 105 consecutive hours of learning opportunities. The bill reduces that number to 72 consecutive hours of learning opportunities.⁵⁶ Under continuing law, a full school year for any community school student must consist of at least 920 hours of learning opportunities.

⁵³ Section 5.

⁵⁴ R.C. 3314.02(A)(7), not in the bill.

⁵⁵ R.C. 3314.02(A)(8).

⁵⁶ R.C. 3314.03(A)(6)(b) and 3314.08



Indemnification for certain financial losses

If there is a relationship between the governing authority of a community school and the school's management company (operator), the bill requires the management company to agree to indemnify that school for financial losses to the school up to the amount of the moneys received by the management company. This requirement applies in the case of any business or familial relationship between a governing authority or any of its officers or employees and the management company contracted by the school, or any of the company's officers or employees, other than the operator agreement itself.⁵⁷

Provisions applicable to e-schools only

Nomenclature used when calculating full-time equivalency

The bill requires the Superintendent of Public Instruction, by November 30, 2018, to recommend to the Joint Education Oversight Committee definitions of the following terms that the Department uses in the Department's manual for determining full-time equivalency for e-school students: "documentation of online learning," "idle time," "educational," "noneducational," "participation," and "classroom."⁵⁸ The Superintendent's recommendations must include alternatives and options, and the advantages and disadvantages of each option.⁵⁹ In developing the recommendations, the Superintendent must do all of the following:

- (1) Review the methods and procedures used in other states;
- (2) Analyze the feasibility of each recommendation to be proposed;
- (3) Consider whether each recommendation is effective in assuring participation by e-school students;
- (4) Research the availability, effectiveness, and affordability of monitoring technology; and

⁵⁷ R.C. 3314.043.

⁵⁸ R.C. 3314.231(A).

⁵⁹ R.C. 3314.231(B).

(5) Consider any other matters that the State Superintendent determines necessary to provide a clear and accurate analysis of the effects of the proposed recommendations.⁶⁰

The bill requires the Committee to conduct at least one hearing on the recommendations submitted by the Superintendent. The Committee, by December 31, 2018, may make further recommendations.⁶¹

Study of e-school funding and operator accounting categories

The bill creates a legislative committee to study and report on specific recommendations regarding (1) a payment system for e-schools based on a student's competency of subject matter, in addition to, or instead of, full-time enrollment in coursework and log-on and log-off times, and (2) the categories of expenses for which a community school operator must provide a detailed accounting under continuing law. The committee must submit its recommendations to the General Assembly not later than November 15, 2018.

In considering the matter regarding competency-based funding, the committee must examine funding models of other states.

The committee consists of:

(1) Two members of the House of Representatives, appointed by the Speaker of the House, one of whom the Speaker will designate as co-chair;

(2) One member of the House, appointed by the Minority Leader of the House;

(3) Two members of the Senate, appointed by the Senate President, one of whom the President will designate as co-chair; and

(4) One member of the Senate, appointed by the Minority Leader of the Senate.⁶²

Safe harbor from certain provisions for enrolling displaced e-school students

The bill creates exemptions from evaluations and designations related to community schools and school districts whose enrollments increase significantly with

⁶⁰ R.C. 3314.231(C).

⁶¹ R.C. 3314.231(E).

⁶² Section 10.

students who, prior to enrolling in that community school or district, were enrolled in an Internet- or computer-based community school ("e-school") that had its operations suspended by its sponsor in the 2017-2018 school year. The bill defines such students as "displaced enrollees." Displaced enrollees are students who were enrolled at any time in the 2017-2018 school year in an e-school that had its operations suspended by its sponsor prior to the end of that school year and who, prior to or after the suspension of e-school operations, enrolled in a different community school or school district-operated school.⁶³

First, the bill excludes the inclusion of displaced enrollees for purposes of community school sponsor evaluations. For community sponsor evaluations for the 2017-2018 and 2018-2019 school years, the bill directs the Department of Education to exclude displaced enrollees from the average daily membership of community schools in a sponsor's portfolio when calculating the academic performance component of a sponsor evaluation under current law.⁶⁴

Next, the bill exempts a community school from mandatory closure based on poor performance for two out of three years, as required under current law,⁶⁵ in the 2017-2018 through 2019-2020 school years, if the enrollment of that community school increased by more than 10% in the 2017-2018 school year due to displaced enrollees. However, if that school performs poorly for three consecutive years, that school is still subject to closure under the poor performance parameters in current law.⁶⁶

Finally, for the 2018-2019 and 2019-2020 school years, the bill exempts school districts who had more than a 10% increase in enrollment in the 2017-2018 school year from being considered a new challenged school district, where new start-up community schools may be located under current law.⁶⁷

College Credit Plus

Study on results and cost-effectiveness

The bill requires the Department of Education to conduct a study on the results and cost-effectiveness of the CCP Program and submit its findings not later than one

⁶³ Section 11(A)(3).

⁶⁴ Section 11(B)(1); see R.C. 3314.016, not in the bill.

⁶⁵ R.C. 3314.35, not in the bill.

⁶⁶ Section 11(B)(2).

⁶⁷ Section 11(C) and R.C. 3314.02, not in the bill.



year after the bill's effective date to the Governor, Chancellor of Higher Education, each member of the General Assembly, and the superintendent of each school district and educational service center. The study must include the cost-effectiveness for secondary schools and participants and whether participants in the Program save money on college tuition and reduce the amount of time to degree completion.⁶⁸

Background on CCP

The CCP Program allows high school students to enroll in nonsectarian college courses to receive high school and college credit. CCP courses may be taken at any state institution of higher education or participating private or out-of-state college or university. Each student may choose to participate under 'Option A' (the student is responsible for all costs related to participation) or 'Option B' (the state, through the Department of Education, pays the college on the student's behalf). If participating under 'Option B,' the amount of state payments depends upon several factors, including the type of high school and college in which the participant is enrolled, how the participant receives instruction, and whether the high school and college are operating under the default payment structure or an agreement specifying an alternative payment structure.⁶⁹

Excessively absent students

Under current law, when a student has either *excused* or *unexcused* absences for 38 or more hours in one school month or 65 or more hours in one school year, the student must be considered "excessively absent from school." This condition triggers a mandatory notification to the student's parent, guardian, or custodian and an intervention plan, as defined by the school district's or school's required policy on addressing and ameliorating student absences. However, the student's absences do not count toward truancy unless they are unexcused.

The bill changes the triggers for excessive absence so that only unexcused absences are considered. Thus, under the bill, 38 or more *unexcused* hours in one school month or 65 or more *unexcused* hours in one school year trigger the notice and intervention plan.⁷⁰

⁶⁸ Section 3.

⁶⁹ R.C. Chapter 3365.

⁷⁰ R.C. 3321.191.

Background on student attendance

Ohio law requires all children between the ages of 6 and 18 years old to attend a public or private school that meets the minimum education standards prescribed by the State Board. In addition, any child under six years old who has enrolled in kindergarten must attend school unless formally withdrawn.⁷¹ Except in cases where a child has been properly excused from attendance, including excused for homeschooling, the child's parent, guardian, or custodian must see that the child attends school. School districts, community schools, and STEM schools must maintain attendance records and take actions to enforce the compulsory attendance laws. If intervention strategies taken by the school district or school do not remedy a child's truancy, the child may be adjudicated an unruly or delinquent child by a juvenile court for "habitual" truancy.⁷² The child's parent may face civil or criminal sanctions for failure to send the child to school.⁷³ A child is an "habitual truant" when absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.⁷⁴

H.B. 410 of the 131st General Assembly, effective April 6, 2017, revised the law regarding procedures districts and schools must take to address absences and truancy. For a complete description of the provisions of H.B. 410 see the LSC Final Analysis at <https://www.legislature.ohio.gov/download?key=6350&format=pdf>.

Provision of gifted education services

Continuing law requires each school district to have in place a plan for the service of identified gifted students. The law also permits but specifically does not require a district to implement its plan. The law lists services that may be included in a district's plan, such as differentiated instruction, mentorships, accelerated coursework, Advanced Placement courses, and independent study.

The bill adds International Baccalaureate instruction as an option for a district's gifted student service plan.⁷⁵

⁷¹ R.C. 3321.01, 3321.04, and 3321.07, none in the bill.

⁷² R.C. 2151.23 and 2151.27, neither in the bill.

⁷³ See R.C. 2919.24 and 3321.38(D), neither in the bill.

⁷⁴ R.C. 2151.011(A)(18), not in the bill.

⁷⁵ R.C. 3324.07.



Special education preschool staffing

The bill specifies that the State Board's rules regarding staffing for preschool children with disabilities to require a minimum of ten hours of services per week be provided for each child served by a center-based teacher unless otherwise specified in the child's individualized education program.⁷⁶

Reading improvement plans

Beginning with the 2019-2020 school year, the bill requires a school district, community school, or STEM school in which less than 80% of its students attain proficient scores on the third-grade English language arts assessment to establish a reading improvement plan supported by reading specialists. Prior to implementation, a reading improvement plan must be approved by the district's board of education or school's governing authority or body.⁷⁷

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. Specifically, that requirement applies if, for those report cards, both (1) the district or school received a grade of "D" or "F" on the literacy progress measure, and (2) less than 60% of its students who took the third-grade English language arts assessment attained at least a proficient score.⁷⁸

Reporting of student performance data on the state report card

For purposes of the state report cards for school districts and schools, in order to avoid statistically unreliable data and to avoid the identification of individual students, current law prohibits the Department of Education from reporting student performance data for any group that has less than ten students. This minimum number is often called the "N-size." The bill changes that minimum number for the calculation of the annual measurable objectives (AMO) measure of the report card as follows:

- (1) For the 2017-2018 school year, 25 students;

⁷⁶ R.C. 3323.022(C).

⁷⁷ R.C. 3301.0715(G). This provision applies to community schools and STEM schools through reference to it in separate sections of continuing law. Those sections are R.C. 3314.03(A)(11)(d) and 3326.11, latter section not in the bill.

⁷⁸ R.C. 3302.13, not in the bill.



(2) For the 2018-2019 school year, 20 students; and

(3) For the 2019-2020 school year and each subsequent school year, 15 students.

The result is that no performance data for a specific student group will be reported for AMO if fewer than the indicated number of students for the school year are in that group for a school or school district.

The "N-size" for all other report card measures remains at ten students.⁷⁹

Consolidated school mandate report

The bill requires the Department of Education to establish a consolidated school mandate report for school districts, which shall be distributed and monitored by the Department. The report must contain the following items:

- (1) Staff training on the use of physical restraint or seclusion on students;
- (2) Staff training on harassment, intimidation, or bullying;
- (3) Staff training on the use of cardiopulmonary resuscitation and automated external defibrillators;
- (4) The establishment of a wellness committee;
- (5) The reporting of compliance with nutritional standards;
- (6) Screening of students for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders; and
- (7) Compliance with intra-district and inter-district open enrollment provisions.

By November 30 of each school year, each district or school must complete and file the report and specify whether the district or school has or has not complied with the requirements contained within each item. A district or school that specifies it has not complied with the requirements of an item must submit to the school district board, within 30 days, a written explanation and a written plan of action for accurately and efficiently addressing the problem. Under the bill, the Department may request additional information regarding any item in the report. However, the Department may

⁷⁹ R.C. 3302.03(C)(1).

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.⁸⁰

Five-year financial forecasts

Continuing law requires each school district, community school, and STEM school annually to prepare and submit to the Department of Education a five-year projection of its operating revenue and expenditures. The forecast must be prepared in accordance with joint rules of the Department and the Auditor of State. Under the current administrative rule, each district and school must submit its annual projection by October 31. The bill specifies that the Department and the Auditor of State, in their joint rules, may not require districts or schools to submit their projections prior to November 30 of any fiscal year.⁸¹

Academic distress commission report

The bill requires the Superintendent of Public Instruction to review all policies and procedures regarding academic distress commissions and issue a report of its findings by May 1, 2019. The report must include recommendations to improve the following aspects for each academic distress commission:

(1) The appointment of members to the commission;

(2) The duties and powers of the commission's chief executive officer, their district performance improvement plan, and any innovative education programs they establish;

(3) The efficiency of any high-quality teacher accelerator created by the commission; and

(4) The results of the most recent report card issued for the district for which the commission was established.⁸²

Joint Education Oversight Committee requests

Under continuing law, the chairperson of the Joint Education Oversight Committee (JEOC) may, to the extent permitted by federal student privacy laws,

⁸⁰ R.C. 3301.68; conforming change in R.C. 3313.814.

⁸¹ R.C. 5705.391, applicable to community schools and STEM schools through references in R.C. 3314.03 and 3326.11, the latter not in the bill. The administrative rule on five-year forecasts is O.A.C. 3301-92-04.

⁸² R.C. 3302.101.

request any state agency or political subdivision to provide data, statistics, and other information that is useful to the work and purpose of the Committee.⁸³ The bill establishes specific procedures for data requests to the Superintendent of Public Instruction. Under the bill, the Superintendent must provide any information or data jointly requested in writing by the chairperson and vice-chairperson of JEOC within a reasonable time period when that information or data is in the Superintendent's possession or readily accessible to the Superintendent. The Superintendent may request clarification from the committee regarding the request to facilitate a timely response. The committee must cooperate with the Superintendent to determine the scope of the data and information requested. In cooperating with the Superintendent, the committee must take into account:

- (1) The committee's need and urgency for the information;
- (2) The Superintendent's ease or difficulty of accessing the data and information;
- (3) The quantity of the information requested; and
- (4) Any other practical considerations that apply.⁸⁴

If the Superintendent and the chairperson and vice-chairperson have unresolvable differences regarding a written request within thirty days of the Superintendent's receipt of the request, the chairperson and vice-chairperson may jointly insist in writing on receiving the data and information. The Superintendent must promptly make that information and data available, unless the Superintendent determines the written request is for large data set. In the case of such a determination, the Superintendent may inform the chairperson and vice-chairperson of the determination and request more time to resolve their differences beyond the initial thirty days. However, the extended time period must not be longer than ninety days after the Superintendent's receipt of the initial written request.⁸⁵

Background

The JEOC, created in 2015 by H.B. 64 of the 131st General Assembly, is statutorily required to research, review, study, and analyze: (1) current or emerging education policy issues that are important to the state, (2) the available policy options to address those issues, and (3) the available data and research to support the analysis and options.

⁸³ R.C. 103.49(A).

⁸⁴ R.C. 103.49(B)(1) and (2).

⁸⁵ R.C. 103.49(B)(3) and (4).



In its discretion, the Committee may review and evaluate education programs at public schools and state institutions of higher education. The Committee may prepare a report of the results of each review and evaluation, make recommendations to the General Assembly, and transmit that information to the General Assembly and the standing committees on education.⁸⁶

Stark State College District

The bill creates the Stark State College District by adding Summit County to the territory of the technical college district of Stark County. This district replaces the current technical college district of Stark County.⁸⁷

The bill specifies that the board of trustees of the new district consists of nine trustees serving three-year terms: three members appointed by the Governor with the advice and consent of the Senate, and six members appointed by a caucus of presidents of school district and educational service center (ESC) boards whose territories are included in the district.⁸⁸ This board is larger than the board of trustees of the current technical college of Stark County (which is seven members),⁸⁹ with one more member being appointed by the Governor with the advice and consent of the Senate and one more member being appointed by a caucus of presidents of school districts and ESC governing boards.⁹⁰ The manner of these appointments, however, is the same as current law. The bill provides for these two additional members of the new board of trustees to be appointed to the board not later than 30 days after the bill's effective date.⁹¹ Additionally, it specifies that the seven members of the board of trustees of the current technical college district of Stark County are members of the board of trustees of the new district until their terms expire.⁹²

⁸⁶ R.C. 103.45, not in the bill.

⁸⁷ R.C. 3357.022(B).

⁸⁸ R.C. 3357.022(C).

⁸⁹ R.C. 3357.05(A), not in the bill.

⁹⁰ R.C. 3357.022(C)(1) and (2).

⁹¹ Section 8.

⁹² R.C. 3357.022(C)(1) and (2).



The bill also specifies that the existing requirements for resident tuition that apply to the current technical college district of Stark County also apply to the Stark State College District created under the bill's provisions.⁹³

HISTORY

ACTION	DATE
Introduced	10-10-17
Reported, S. Education	03-07-18
Passed Senate (33-0)	03-21-18
Reported, H. Education and Career Readiness	---

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⁹³ R.C. 3357.022(D).

