



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Carol J. Napp,  
and other LSC staff

### **Am. Sub. S.B. 216** 132nd General Assembly (As Passed by the Senate)

**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 Department of Education to revise the state framework for teacher and administrator evaluations, based on the recommendations of the Educator Standards Board, and to submit a summary of its revisions to the State Board of Education for review.
- Requires the State Board to adopt the revised framework by May 1, 2019, and requires school districts to update their teacher evaluation policies by July 1, 2019.
- 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 2019-2020 school year and establishes a one-year pilot program for the 2018-2019 school year in order to guide implementation.

### **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.

- Specifies that intervention specialist licenses be prescribed for grades pre-kindergarten through five, four through nine, or seven through twelve, except those for intervention specialist mild-moderate or moderate-intensive licenses, which must be prescribed for grades kindergarten through twelve.

### **Teacher employment for an unlicensed subject area or grade level**

- Permits a school district superintendent to temporarily employ a licensed teacher to teach a subject area or grade level for which the person is not licensed under specified conditions.
- Provides for subsequent licensure of an unlicensed person employed under the bill if specified conditions are met.

### **Provisional license to teach in Early College High Schools**

- Requires the State Board to adopt rules for obtaining a nonrenewable four-year provisional 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 provisional license may apply for a five-year professional educator license in the same subject area.
- Requires the State Board to issue the professional educator license if the person passes a prescribed professional knowledge assessment.

### **Career-technical educator licenses**

- Replaces the current professional career-technical teacher license with a two-year initial and a five-year advanced career-technical workforce development educator license and prescribes the criteria for both new licenses.
- Requires the State Board of Education and the Chancellor of Higher Education to adopt rules establishing standards for obtaining an initial or advanced license.
- Specifies that educators under either of the new licenses are not required to have a bachelor's degree but must have a high school diploma.

### **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.
- 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 – repealed**

- Repeals the state law requirement that teachers of core subject areas are "highly qualified," as formerly prescribed by federal law.

### **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-, fourth-, and fifth-grade state achievement assessments in a paper format or a combination of online and paper formats.
- 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.

## **College Credit Plus (CCP)**

- Except for certain low-income students, requires the student and the student's secondary school to each pay for 50% of CCP of textbook costs.
- Specifies that home schooled students are responsible for the entire cost of CCP textbooks.
- 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

- Increases from ten to thirty the minimum number of students ("N-size") in a group for student performance data to be reported.

## 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.

## Title

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

---

## TABLE OF CONTENTS

Ohio Teacher Evaluation System (OTES) – state framework .....	6
Student academic growth .....	6
Additional features of the state framework .....	7
Alternative framework – repealed .....	8
Miscellaneous duties .....	8
Evaluation of "skilled" or "accomplished" teachers .....	9
Frequency of evaluations .....	9
Frequency of observations .....	9
One-year pilot program for updated state framework .....	10
Educator license grade bands .....	10
Intervention specialist licenses .....	11
Teacher employment for any subject area or grade level .....	12
Subsequent licensure .....	12
Provisional license to teach in an Early College High School .....	12
Career-technical workforce development educator licenses .....	13
Initial career-technical workforce development educator license .....	14
Educator preparation program .....	14
Validity and renewal .....	14
Five-year advanced license .....	15
Teacher residency program components .....	15
Nonteaching employee contracts .....	15
Educator licenses for substitute teaching .....	16
Professional development for certain gifted services providers .....	16
"Highly qualified teacher" requirement – repealed .....	17
Retesting teachers – repealed .....	18
State achievement assessments .....	18
Paper and online administration of certain state assessments .....	18
Analysis and assistance .....	18
Recommendations regarding the kindergarten readiness assessment .....	19
College Credit Plus .....	19



Textbooks .....	19
Study on results and cost-effectiveness .....	19
Background on CCP .....	20
Excessively absent students .....	20
Background on student attendance .....	20
Provision of gifted education services .....	21
Special education preschool staffing .....	21
Reading improvement plans.....	22
Reporting of student performance data on the state report card.....	22
Consolidated school mandate report.....	23

---

## 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 Department of Education to (1) revise the state framework based on the recommendations<sup>1</sup> of the Educator Standards Board, and (2) submit a summary of its revisions to the State Board of Education for review. The State Board must adopt the "revised framework" by May 1, 2019, and each school district board of education by July 1, 2019, must update its teacher and administrator evaluation policies to conform to the revised framework. For the 2017-2018 and 2018-2019 school years, the bill states that evaluations must be conducted under the "current framework." The revised framework takes effect beginning with the 2019-2020 school year.<sup>2</sup> In the meantime, the bill establishes a one-year pilot program for the 2018-2019 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.<sup>3</sup> 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

---

<sup>1</sup> [http://education.ohio.gov/getattachment/Topics/Teaching/Educator-Standards-Board/OTES-Recommendations-By-ESB\\_Jan2017\\_FINAL.pdf.aspx](http://education.ohio.gov/getattachment/Topics/Teaching/Educator-Standards-Board/OTES-Recommendations-By-ESB_Jan2017_FINAL.pdf.aspx).

<sup>2</sup> Section 8.

<sup>3</sup> R.C. 3319.111(B) and 3319.112(A)(1), (6), and (7).



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.<sup>4</sup>

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.<sup>5</sup>

While the bill eliminates the requirement that a school district administer assessments from a list developed by the Department when evaluating teachers of certain grade levels and subjects for which value-added is not applicable, it maintains the requirement that the Department develop that list.<sup>6</sup> A school district may, in its discretion, use the data from the assessments on that list as "high-quality quality student data."<sup>7</sup> However, the bill also requires the Department to define "high-quality student data."<sup>8</sup>

### **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;<sup>9</sup>

(2) Prohibits use of student learning objectives;<sup>10</sup> 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.<sup>11</sup>

---

<sup>4</sup> 3319.112(A)(6).

<sup>5</sup> R.C. 3319.112(D)(3).

<sup>6</sup> R.C. 3319.111(B) and 3319.112(B)(2).

<sup>7</sup> R.C. 3319.111(B) and 3319.112(B)(2).

<sup>8</sup> R.C. 3319.112(A)(6).

<sup>9</sup> R.C. 3319.112(A)(7).

<sup>10</sup> R.C. 3319.112(A)(11).

<sup>11</sup> R.C. 3319.112(A)(8).



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.<sup>12</sup>

### **Alternative framework – repealed**

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

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%.<sup>13</sup>

### **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.<sup>14</sup>

In addition, the bill requires the Department 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 Department consult with the Educator Standards Board when revising those same standards and criteria.<sup>15</sup>

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,

---

<sup>12</sup> R.C. 3319.112(A)(6)(a) to (e).

<sup>13</sup> Repealed R.C. 3319.114.

<sup>14</sup> R.C. 3319.112(D)(4).

<sup>15</sup> R.C. 3319.112(B)(1) and (C).





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.<sup>16</sup>

## **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.<sup>17</sup> 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.

### **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.<sup>18</sup>

(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.<sup>19</sup>

### **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.<sup>20</sup> The

---

<sup>16</sup> R.C. 3319.60, 3319.61, 3319.611, 3319.612, and 3319.63, none in the bill.

<sup>17</sup> R.C. 3319.075.

<sup>18</sup> R.C. 3319.111(C)(2)(a).

<sup>19</sup> R.C. 3319.111(C)(2)(b).

<sup>20</sup> R.C. 3319.112(A)(3).



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.<sup>21</sup> 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 specifies that the conference must include a discussion of the teacher's progress on the teacher's professional growth plan.<sup>22</sup>

### **One-year pilot program for updated state framework**

The bill requires the Department of Education to establish a pilot program for the 2018-2019 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 districts to participate as necessary to ensure a participant pool of adequate size and diversity.<sup>23</sup>

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 adjustments to the framework and to improve professional development. Finally, the Department must work with stakeholder groups in conducting the pilot program.<sup>24</sup>

### **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

---

<sup>21</sup> R.C. 3319.111(E)(2), removed by the bill.

<sup>22</sup> R.C. 3319.111(C)(3).

<sup>23</sup> Section 3(A).

<sup>24</sup> Section 3(B) and (C).



persons licensed prior to the bill's effective date.<sup>25</sup> Current statutory law does not require educator licenses to be issued for particular grade bands. 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).<sup>26</sup>

Except for certain intervention specialist licenses (described below), 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.<sup>27</sup>

### **Intervention specialist licenses**

The bill specifies that intervention specialist licenses be for grades pre-kindergarten through five, four through nine, or seven through twelve, except those for intervention specialist mild-moderate or moderate-intensive licenses, which must be prescribed for grades kindergarten through twelve.<sup>28</sup>

The table below shows the grades and ages for intervention specialist licenses currently prescribed by the State Board's administrative rules.<sup>29</sup>

<b>License</b>	<b>Grades</b>	<b>Ages</b>
Gifted	K-12	5-21 years old
Mild/moderate educational needs	K-12	5-21 years old
Moderate/intensive educational needs	K-12	5-21 years old
Visually impaired	PreK-12	3-21 years old
Hearing impaired	PreK-12	3-21 years old
Early childhood (with mild/moderate educational needs)	PreK-3	Not specified

<sup>25</sup> R.C. 3319.22(A)(1).

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

<sup>27</sup> R.C. 3319.22(A)(2).

<sup>28</sup> R.C. 3319.2210.

<sup>29</sup> O.A.C. 3301-24-05(A)(5) and (6).



## **Teacher employment for any subject area or grade level**

The bill 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 for up to three school years, under specified conditions. First, the person's license must be within two grade bands of the grade to be taught out of license. Second, the person must have three or more years teaching experience. Finally, the person must pass an examination prescribed by the State Board in the teaching area.<sup>30</sup>

### **Subsequent licensure**

The bill provides for the subsequent licensure of a person who has taught one year in a subject area or grade band for which that person is not licensed, if the person successfully completes the pedagogy and instruction in the teaching of reading required for that subject area or grade band. The pedagogy instruction may be provided by a traditional teacher preparation program approved by the Chancellor of Higher Education or by a school district through a program approved by the Department of Education.<sup>31</sup>

### **Provisional license to teach in an Early College High School**

The bill requires the State Board to adopt rules for obtaining a nonrenewable four-year provisional educator license for teaching grades seven through twelve at an Early College High School for certain applicants. 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 experience teaching students at any grade level, including postsecondary students; and

(3) 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 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.<sup>32</sup>

---

<sup>30</sup> R.C. 3319.361.

<sup>31</sup> R.C. 3319.361.

<sup>32</sup> R.C. 3319.262.



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.<sup>33</sup>

### **Career-technical workforce development educator licenses**

The bill 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.<sup>34</sup> Under the bill, both licenses are valid for teaching career-technical education or workforce development programs in grades 4 through 12. An applicant for either of the new licenses does not need a bachelor's degree but must have a high school diploma.<sup>35</sup>

The bill requires the State Board, in collaboration with the Chancellor of Higher Education, to adopt rules establishing standards for obtaining both types of licenses.<sup>36</sup>

Also, under the bill, a career-technical educator who, as of June 30, 2018, already holds a professional license or an alternative resident educator license may choose to (1) continue to renew that license for the remainder of the educator's career or (2) apply for one of the new licenses. Further, the State Board must accept new and renewal applications for professional career-technical teaching licenses through June 30, 2018, and issue them in accordance with the current licensure rules. However, beginning July 1, 2018, all new applicants who wish to teach career-technical education or workforce development must obtain one of the bill's new career-technical workforce development licenses.<sup>37</sup>

The provisions of the bill for the new licenses and grandfathering of the current licenses for current license holders are very similar to those enacted by H.B. 98 of the 132nd General Assembly. The only difference is that the H.B. 98 provisions are effective July 1, 2019, instead of July 1, 2018. The Governor signed H.B. 98 on March 30, 2018.

---

<sup>33</sup> R.C. 3313.6013, not in the bill.

<sup>34</sup> R.C. 3319.229 (repealed and reenacted).

<sup>35</sup> R.C. 3319.229 and 3319.36.

<sup>36</sup> R.C. 3319.229(A) and (B).

<sup>37</sup> R.C. 3319.229(A)(1).



## **Initial career-technical workforce development educator license**

Under the bill, the State Board must issue a two-year initial career-technical workforce development educator license to an applicant upon submission of a request by the superintendent of the school district intending to employ the applicant showing that the applicant has at least five years of work experience in the subject area to be taught. The request must also include documentation, in accordance with the procedures prescribed by the Department, that the applicant is enrolled in an educator preparation program that satisfies the criteria described below.

### **Educator preparation program**

A career-technical workforce development educator may continue to hold a two-year initial license only while participating in an educator preparation program that:

(1) Is offered by any institution of higher education (rather than solely a state university as under current law) that already has a teacher preparation program;

(2) Is approved by the Chancellor of Higher Education to provide instruction in teaching methods and principles;

(3) Provides classroom support to the license holder;

(4) Includes at least three semester hours of coursework in the teaching of reading in the subject area;

(5) Is aligned with career-technical education and workforce development competencies developed by the Department of Education;

(6) Uses a summative performance-based assessment aligned to those competencies; and

(7) Consists of not less than 24 semester hours of coursework, or the equivalent.<sup>38</sup>

### **Validity and renewal**

An initial license issued in accordance with the bill's provisions is valid for teaching only in the employing school district that requests licensure.<sup>39</sup> The State Board must renew an initial license if the supervisor of the educator preparation program in

---

<sup>38</sup> R.C. 3319.229(C)(1) and (2) and Section 5 of the bill.

<sup>39</sup> R.C. 3319.229(C)(1).



and the district superintendent indicate that the educator is making sufficient progress in both the program and the teaching position.<sup>40</sup>

### **Five-year advanced license**

The bill requires the State Board to issue an advanced career-technical workforce development educator license to an applicant who meets both of the following conditions:

(1) Successful completion of the educator preparation program ( as indicated by the program supervisor);

(2) Mastery of the career-technical education and workforce development competencies (as indicated by the superintendent of the employing district).<sup>41</sup>

An advanced license holder must work with a local professional development committee in meeting requirements for renewal of the license.<sup>42</sup>

### **Teacher residency program components**

Under current law, an individual who is teaching career-technical courses under an alternative resident educator license must participate in a teacher residency program that, among other things, includes four years of successful teaching experience under the license and successful completion of a career-technical workforce development program. The bill modifies these requirements to conform to the new licensure structure.<sup>43</sup>

### **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).<sup>44</sup> 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.

---

<sup>40</sup> R.C. 3319.229(C)(3).

<sup>41</sup> R.C. 3319.229(D).

<sup>42</sup> R.C. 3319.229(E).

<sup>43</sup> R.C. 3319.223.

<sup>44</sup> R.C. 3319.081.





## **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 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 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.<sup>45</sup>

The State Board must begin issuing educator licenses for substitute teaching under these rules on July 1, 2018.<sup>46</sup>

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.<sup>47</sup> 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.<sup>48</sup>

## **Professional development for certain gifted services providers**

The bill requires the State Board, by July 1, 2018, 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.

---

<sup>45</sup> New R.C. 3319.226(B).

<sup>46</sup> New R.C. 3319.226(A).

<sup>47</sup> Repealed R.C. 3319.226.

<sup>48</sup> 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).<sup>49</sup>

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.<sup>50</sup>

### **"Highly qualified teacher" requirement – repealed**

The bill repeals the state law requirement that teachers of core subject areas are highly qualified.<sup>51</sup>

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.<sup>52</sup>

---

<sup>49</sup> Section 5.

<sup>50</sup> O.A.C. 3301-51-15(D)(8)(b).

<sup>51</sup> 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).

<sup>52</sup> Every Student Succeeds Act is Public Law 114-95.



## **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.<sup>53</sup>

## **State achievement assessments**

### **Paper and online administration of certain state assessments**

The bill authorizes public and chartered nonpublic schools to administer in a paper format any state achievement assessment that is administered in the third, fourth, or fifth grade. Those assessments are the third-, fourth-, and fifth-grade English language arts and math assessments, fourth-grade social studies assessment, and fifth-grade science assessment.

The bill also permits a district or school to administer any of those assessments in any combination of online and paper formats and to administer them in a particular format on a student-by-student basis. Finally, it expressly states that a district or school may not be required to administer any of those assessments in an online format.<sup>54</sup>

### **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 2018-2019 school year and for each school year thereafter.<sup>55</sup>

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 2018-2019 school year and each school year thereafter.<sup>56</sup>

---

<sup>53</sup> Repealed R.C. 3319.58.

<sup>54</sup> R.C. 3301.0711(I)(4).

<sup>55</sup> R.C. 3301.078(C).

<sup>56</sup> R.C. 3301.078(D).



## 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 readiness assessment. The Superintendent must review those recommendations and report final recommendations to the General Assembly by September 1, 2019.<sup>57</sup>

## College Credit Plus

### Textbooks

Beginning with the 2018-2019 school year, the bill changes the way textbooks are paid for each student who participates under 'Option B' of CCP. (Under Option B, the state makes a payment to the college on behalf of the student.) For participants enrolled in a public, nonpublic, or chartered nonpublic school, the participant must pay for 50% of the costs of all required textbooks, and the secondary school must pay for the other 50%. However, if a participant's family income is at or below 200% of the federal poverty guidelines, the participant's secondary school must pay 100% of the required textbook costs.<sup>58</sup>

The bill requires home-instructed participants enrolled in the CCP Program to be responsible for the cost of required textbooks.<sup>59</sup>

Under current law, the provision of, and payment for, textbooks is governed by the main funding statute for the CCP Program. Therefore, like the structure for CCP payments by the Department, the entity responsible for textbook payments and whether participants may be charged for textbooks varies depending upon the type of high school and college and whether the high school and college are operating under the default payment structure or an agreement specifying an alternative payment structure. Generally, participants are not charged any amount for textbooks unless the secondary school and the college have entered into an alternative payment structure.<sup>60</sup>

### 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

---

<sup>57</sup> Section 6.

<sup>58</sup> R.C. 3365.07 and 3365.072(A) and (B).

<sup>59</sup> R.C. 3365.072(C).

<sup>60</sup> R.C. 3365.07.



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.<sup>61</sup>

### **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.

### **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.<sup>62</sup>

### **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

---

<sup>61</sup> Section 3.

<sup>62</sup> R.C. 3321.191.



must attend school unless formally withdrawn.<sup>63</sup> 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.<sup>64</sup> The child's parent may face civil or criminal sanctions for failure to send the child to school.<sup>65</sup> 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.<sup>66</sup>

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 list 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.<sup>67</sup>

### **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

---

<sup>63</sup> R.C. 3321.01, 3321.04, and 3321.07, none in the bill.

<sup>64</sup> R.C. 2151.23 and 2151.27, neither in the bill.

<sup>65</sup> See R.C. 2919.24 and 3321.38(D), neither in the bill.

<sup>66</sup> R.C. 2151.011(A)(18), not in the bill.

<sup>67</sup> R.C. 3324.07.



provided for each child served by a center-based teacher unless otherwise specified in the child's individualized education program.<sup>68</sup>

## **Reading improvement plans**

Beginning with the 2017-2018 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.<sup>69</sup>

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.<sup>70</sup>

## **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 to 30 students. The result is that no performance data for a specific student group will be reported if fewer than 30 students are in that group for a school or school district.<sup>71</sup>

---

<sup>68</sup> R.C. 3323.022(C).

<sup>69</sup> R.C. 3301.0715(F). 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, neither of which are in the bill.

<sup>70</sup> R.C. 3302.13, not in the bill.

<sup>71</sup> R.C. 3302.03(F).



## 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 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.<sup>72</sup>

---

## HISTORY

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

S0216-PS-132.docx/ec/ts

---

<sup>72</sup> R.C. 3301.68; conforming change in R.C. 3313.814.

