*John Rau* *Legislative Service Commission*

# Sub. S.B. 2

125th General Assembly
(As Passed by the Senate)

**Sens. Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada, Carnes, Blessing, Armbruster, Miller, Roberts, Stivers, Zurz, Dann, Hagan, Brady**

## BILL SUMMARY

### GOVERNOR'S COMMISSION RECOMMENDATIONS

- Creates an Educator Standards Board to develop and submit to the State Board of Education recommendations for statewide educator standards and carry out other functions recommended by the Governor's Commission on Teaching Success.

- Directs the Department of Education to establish a state office within the Department to support the Educator Standards Board.

- Requires school districts to use professional development standards developed by the Educator Standards Board.

- Directs the State Board of Education and the Joint Council of the State Board of Education and the Ohio Board of Regents to create guidelines for the evaluation of principals and teachers.

- Eliminates the authority of the State Board of Education to issue temporary educator licenses for employment as a superintendent or in another administrative position.

- Requires the State Board of Education to create an alternative principal license and an alternative administrator license.

- Establishes a Credential Review Board, appointed by the State Board of Education, to perform duties with respect to assessing alternative pathway educators and out-of-state educators.

- Requires the Ohio School Facilities Commission, when reviewing design plans, to consider whether the plans reflect designs recommended by the Governor's Commission on Teaching Success.

- Obligates the Board of Regents to develop regional articulation agreements for teacher education programs among state institutions of higher education by December 31, 2004.

- Directs the Legislative Office of Education Oversight (LOEO) to study minimum teacher salaries in Ohio and selected other states and report findings by September 30, 2004.

- Requires the Department of Education to develop proposals for several pilot programs recommended by the Governor's Commission on Teaching Success.

- Charges the Department of Education with defining a "hard to staff" school within 90 days of the bill's effective date.

- Requires the Department of Education, when sufficient funding is available, to develop a pilot project in at least two school districts that contain "hard to staff" schools.

- Establishes a grant program for school districts that choose to implement specific changes within a school.

- Implements other recommendations of the Governor's Commission on Teaching Success.

**EDUCATOR LICENSING**

- Eliminates the authority of the State Board of Education to issue internship certificates.

- Restricts the required delayed effective date for any educator licensing rule adopted, amended, or rescinded by the State Board of Education only to cases where the proposed rule, amendment, or rescission will necessitate curriculum changes in college and university teacher preparation programs.

- Clarifies that an Alternative Educator License must be issued to a qualified applicant upon the request of specified school officials.

- Prescribes the timing of subject area testing for applicants for the Provisional Educator License who are employed as intervention specialists under the Alternative Educator License.

- Provides a qualified immunity for teacher performance assessors, trainers, and coordinators and for teacher performance assessment entities in civil actions concerning performance assessments of candidates for the Professional Educator License.

- Expands the rulemaking authority of the State Board of Education with respect to allowing schools to hire teachers considered to be rehabilitated from past offenses.

- Authorizes the State Board or the Superintendent of Public Instruction to issue subpoenas, take depositions, and compel production of evidence in pre-hearing investigations of educator license applicants or holders.

- Requires the State Board to adopt rules establishing standards and requirements for issuing permits to individuals who are not licensed educators but who wish to be employed by school districts to direct, supervise, or coach pupil-activity programs.

**OTHER EDUCATION LAW CHANGES**

- Clarifies the due dates and methodology of several studies conducted by LOEO.

- Repeals the requirement that LOEO issue an annual composite report on community schools.

- Repeals the requirement that the Ohio SchoolNet Commission maintain a clearinghouse of information for classroom teachers.

- Generally limits school districts to spending a combined total of *an amount equal to* 20% of their Title I funds to pay for transportation for students transferring under public school choice and for supplemental educational services.

- Requires school districts with a three-year average graduation rate of 75% or less (in addition to academic watch and academic emergency districts as under current law) to administer practice versions of the Ohio Graduation Tests (OGT) to ninth grade students.

- Clarifies other requirements related to the administration of practice versions of the OGT.

- Requires the eighth grade social studies achievement test to be phased in beginning in the 2006-2007 school year (one year earlier than under current law).

- Extends the deadline for the summer administration of the third grade reading achievement test.

- Extends the deadline for adoption of diagnostic assessments by the State Board of Education to July 1, 2008.

- Requires school districts to administer diagnostic assessments to intradistrict transfer students only if such students have not taken the assessments at another district school in the current school year.

- Makes technical corrections to the recently enacted law denying state financial aid to college students convicted of riot-related offenses.

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## CONTENT AND OPERATION

### ***Background***

Am. Sub. S.B. 1 of the 124th General Assembly directed the Governor to appoint individuals to a Governor's Commission on Teaching Success. The Governor charged the Commission with examining and making recommendations of how to improve teaching quality in Ohio and how to attract and retain high-quality educators so that students are successful in meeting Ohio's academic standards. In 2003, the Commission issued a report containing 15 recommendations of how to improve teacher quality in Ohio.[1] This bill implements many of the recommendations suggested by the Commission.

### ***Composition of the Educator Standards Board***

(R.C. 3319.60)

As recommended by the Commission, the bill establishes an Educator Standards Board. The State Board of Education is to appoint members to the standards board within 120 days of the bill's effective date from nominations submitted by stakeholder groups. Stakeholder groups must submit all nominations within 60 days after the bill's effective date. The standards board is comprised of the following 17 individuals:

(1) Seven classroom teachers employed in a public school district: two teachers in a secondary school, two teachers in a middle school, two teachers in an elementary school, and one teacher who serves on a local professional development committee. At least one of these seven teachers must be certified by the National Board for Professional Teaching Standards. The Ohio Education Association and the Ohio Federation of Teachers submit nominations for these members in a number that is proportionate to the number of teachers each organization represents.

[1] *The final report of the Governor's Commission on Teaching Success is available at: http://www.teaching-success.org/documents/AchievingMore.pdf.*

(2) One classroom teacher employed by a chartered, nonpublic school. Stakeholder groups selected by the State Board of Education submit nominations for this member.

(3) Four school administrators: a secondary school principal, a middle school principal, an elementary school principal, and a school district superintendent. Stakeholder groups selected by the State Board of Education submit nominations for these members.

(4) One person who is a member of a school district board of education. Stakeholder groups selected by the State Board of Education submit nominations for this member.

(5) Two persons who are employed by institutions of higher education that offer approved teacher preparation programs. The Ohio Board of Regents, in consultation with appropriate stakeholder groups, submits nominations for these members.

(6) The Superintendent of Public Instruction or the Superintendent's designee, as a nonvoting, ex officio member.

(7) The Chancellor of the Ohio Board of Regents or the Chancellor's designee, as a nonvoting, ex officio member.

The bill specifies that when appointing the members described in (1) to (5) above, the State Board must take into account the racial and ethnic make up of the state and the geographic diversity of school districts in the state, such as the differences among rural, urban, and suburban districts.

The initial terms of office are four years for eight members and two years for seven members. At the first meeting, members are to draw lots to determine who will serve four-year terms and who will serve two-year terms. All terms after the initial terms are four-year terms. Members are only eligible to serve two four-year terms. Members receive no compensation for their services other than actual and necessary expenses incurred in the discharge of official duties.

The bill exempts the Educator Standards Board from the Sunset Review Law. As a result, the Board would not face potential expiration after four years under the terms of that law.

***Educator Standards Board to develop educator standards***

(R.C. 3319.61)

The bill directs the Educator Standards Board to work with the Joint Council of the State Board of Education and the Ohio Board of Regents to develop statewide educator standards in three areas:

(1) Teacher and principal standards;

(2) Standards for the renewal of educator licenses; and

(3) Standards for educator professional development.

***Standards for teachers and principals***

(R.C. 3319.61(A)(1))

Standards for teachers and principals must reflect what teachers and principals are expected to know and be able to do at all stages of their careers. To accomplish this requirement, the standards must be aligned with the student academic content standards, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on "evidence-based factors."[2]

***Standards for teachers***

(R.C. 3319.61(A)(1)(a))

In addition, the Educator Standards Board and the Joint Council must develop standards for teachers that are aligned with the Interstate New Teacher Assessment and Support Consortium Standards; differentiate among novice, experienced, and advanced teachers; rely on competencies that can be measured; rely on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development; and are aligned with a system of professional development and feedback that enables teachers to meet the teacher standards developed by the Educator Standards Board.[3]

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[2] *The State Board of Education adopts the statewide student academic content standards pursuant to R.C. 3301.079.*

[3] *The draft beginning teacher standards of the Interstate New Teacher Assessment and Support Consortium are published at http://www.ccsso.org/intascst.html. The Consortium has also developed discipline-specific standards that are published at http://www.ccsso.org/intaspub.html.*

***Standards for principals***

(R.C. 3319.61(A)(1)(b))

Standards for principals must be aligned with the Interstate School Leaders Licensing Consortium Standards.[4]

***Other components of the standards***

(R.C. 3319.61(B) to (D))

In developing standards in each area, the Educator Standards Board must incorporate indicators of "cultural competency." For this purpose, the Board must develop a definition of "cultural competency" based upon content and experiences that help educators understand and appreciate the students and communities they serve as well as skills for dealing with cultural diversity that ensure that the cultural needs of students are met.[5] The Educator Standards Board also must consider the impact of the standards on closing the achievement gap between students of different subgroups such as race and class. Finally, the standards developed by the Board must ensure that teachers and principals have sufficient knowledge to help identify gifted students and to provide appropriate instruction for them.

***Deadline***

(R.C. 3319.61(F))

By August 31, 2004, the Educator Standards Board must submit recommendations of these standards to the State Board of Education. The State Board must then review and adopt standards based on these recommendations. There is no explicit deadline for the State Board to do so. Presumably, the State Board would amend its educator licensing rules to incorporate any of the standards it accepted.

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[4] *The Interstate School Leaders Licensing Consortium Standards are published at http://www.ccsso.org/pdfs/isllcstd.pdf.*

[5] *The bill directs the Department of Education, where possible, to incorporate cultural competency into its professional development programs and to promote the development of cultural competency by educators (Section 13). Under the bill, districts that are required to develop a continuous improvement plan for either the district or a building within the district must include strategies for improving the cultural competency of educators in the plan (R.C. 3302.04(B)). The Department, in conducting site evaluations of school districts and buildings, must examine the adequacy of such improvement efforts (R.C. 3302.04(D)).*

***Other duties***

(R.C. 3319.61(E))

In addition to developing educator standards, the bill requires the Educator Standards Board to carry out several other functions. One of these responsibilities is to collaborate with colleges and universities that offer approved teacher preparation programs for the purpose of aligning teacher preparation programs with the educator standards developed by the Board and the statewide student academic content standards.

Second, the Educator Standards Board is responsible for monitoring compliance with the educator standards. If the standards are not met, the bill directs the Board to recommend appropriate corrective action to the State Board of Education.

Third, the bill directs the Educator Standards Board to research, develop, and recommend policies regarding the teaching and school administration professions.

Fourth, the Educator Standards Board must define a "master teacher" in a manner that can be used uniformly by all school districts. Once this definition is determined, school districts will be required to report the number of their master teachers, which will then appear on their state report cards. (See "***Reporting the number of master teachers in a school district***," below.)

Fifth, the Educator Standards Board must recommend policies to close the achievement gap between students of different subgroups.

***State office of educator standards***

(R.C. 3319.62)

To provide administrative assistance to the Educator Standards Board, the bill directs the Ohio Department of Education to establish a state office of educator standards. The bill specifies that the office is to be created within the Department's Center for the Teaching Profession. The Department is authorized to employ a director for the office and any other staff that may be necessary for the operation of the office. However, in staffing this office, the Department is to use current staff members "when appropriate."

***Transitioning the duties of the Ohio Teacher Education and Licensure Advisory Commission to the Educator Standards Board***

(Repealed R.C. 3319.28; Section 6)

Currently, an Ohio Teacher Education and Licensure Advisory Commission is housed within the Ohio Department of Education. The general purpose of the Commission is to provide advice and counsel to the State Board of Education on any matters relating to teacher education and licensing. The Commission is appointed by the State Board of Education.

The bill repeals the current law that authorizes the Commission and requires that the duties of the Commission be transitioned to the Educator Standards Board. It does not prescribe a timeline for doing so.

***Reporting the number of master teachers in a school district***

(R.C. 3301.0714(B)(2)(d) and 3302.03(C)(8))

Once the Educator Standards Board develops a definition of a "master teacher," the bill requires school districts to report to the Department of Education the number of master teachers employed by each district and each school building. This reporting is to be accomplished through the Education Management Information System (EMIS). (R.C. 3301.0714(B)(2)(d).)

After the number of master teachers for each school district and school building is available through EMIS, the bill directs the Department to include this information on the school district and school building report cards. (R.C. 3302.03(C)(8).)

***Use of the Educator Standards Board's professional development standards***

(R.C. 3302.04(B), 3319.075, and 3319.22(C)(1))

After the State Board of Education adopts professional development standards based on recommendations of the Educator Standards Board, the bill requires all school districts to use the standards for the following purposes:

(1) To guide the design of teacher education programs that serve both teacher candidates and experienced teachers;

(2) To guide school-based professional development that is aligned with student achievement;

(3) To determine what types of professional development the district and schools within the district should provide to teachers;

(4) To guide expenditures of state and federal funding for professional development;

(5) To develop criteria for decision making by local professional development committees;

(6) To ensure that third-party providers of instructional services use or meet the professional development standards; and

(7) To guide all licensed school personnel in developing their own plans for professional growth. (R.C. 3319.075.)

If a district or a building within the district has failed to make adequate yearly progress for two or more consecutive years, then the district must include an analysis of how the district is utilizing the professional development standards in its continuous improvement plan (R.C. 3302.04(B)).[6]

***Local professional development committees***

(R.C. 3319.22(C)(1))

Current law mandates that each school district and chartered nonpublic school establish local professional development committees. The statutory function of these committees is to review coursework completed by educators for the renewal of educator licenses and determine whether the coursework satisfies the criteria for license renewal. To assist the committees adjust their review of coursework so that the content of the professional development standards is incorporated, the bill requires the Department of Education to provide technical assistance to the committees.

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[6] *The measure of adequate yearly progress (AYP) is a combination of student performance on state assessments in reading and math and either the attendance rate or graduation rate, depending upon the grade levels served by the school. A district or building that fails to make AYP is generally one (1) that does not meet annual targets set by the State Board in these areas for both its total student population and certain subgroups or (2) that has less than a 95% participation rate in state assessments. (R.C. 3302.01(I), not in the bill.)*

*Continuing law requires each district, whenever the district or one of its buildings fails to make AYP for two or more consecutive years, to develop a three-year continuous improvement plan containing an analysis of the reasons for the district's or building's failure to meet expected performance levels. The plan must also describe the strategies and resources the district will use to correct the deficiencies.*

***Guidelines for the evaluation of teachers and principals***

(R.C. 3302.04(D) and 3319.112)

The bill requires the State Board of Education, in consultation with the Joint Council of the State Board of Education and the Ohio Board of Regents, to develop guidelines for the evaluation of teachers and principals. These guidelines must include the following seven principles:

(1) A school district should evaluate the performance of teachers on a regular basis.

(2) A school district should adopt an evaluation system that is fair, credible, and evidence-based. Additionally, the system should include multiple measures of a teacher's or principal's use of knowledge and skills and of students' academic progress.

(3) A school district's evaluation system should be aligned with the teacher and principal standards adopted by the State Board of Education based on recommendations of the Educator Standards Board.

(4) A school district's evaluation system should provide clear statements of expectations for professional performance.

(5) A teacher's or principal's evaluation should suggest professional development that would enhance future performance in areas that do not meet expected performance levels.

(6) A school district should regularly review and revise, as necessary, the criteria included in the district's evaluation system so that effectiveness is ensured.

(7) A school district's evaluation system should assess the extent to which a teacher or principal is culturally competent (see "***Other components of the standards***" above).

Once the guidelines are developed, the State Board must inform school districts of the guidelines so that the districts may use them to create or modify evaluation systems if they so choose. In addition, the bill requires the Department of Education to serve as a clearinghouse of promising evaluation procedures and models. School districts, then, may use this information to modify evaluation systems in a manner that reflects a standards-based method of evaluation. A district that modifies its evaluation system for this purpose may request technical assistance from the Department.

In conducting site evaluations of school districts and buildings in academic watch and academic emergency under the state's performance rating system, the

Department must examine whether the teacher and principal evaluation systems in place reflect the State Board's guidelines (R.C. 3302.04(D)).[7]

***Creation of an alternative principal license and alternative administrator license***

(R.C. 3319.225 and 3319.27)

The bill eliminates the authority of the State Board of Education to issue temporary educator licenses for employment in administrative positions once the State Board adopts rules for two new types of alternative licenses for administrators.

***Background***

As an alternative to traditional routes to licensure for administrative positions, current law authorizes the State Board to issue one-year temporary educator licenses for employment as a superintendent or in another administrative position. A temporary educator license can be issued to an individual only at the request of a school district board of education or the governing board of an educational service center (ESC). Before the State Board may issue the license, the requesting district or ESC must determine that the individual (1) is of good moral character and (2) either has a bachelor's degree from an accredited institution of higher education in a field related to finance or administration or has five years of recent work experience in education, management, or administration. A temporary educator license is valid for employment only in the requesting district or ESC and may be renewed annually at the employer's discretion.

***Alternative principal license***

(R.C. 3319.225(A) and 3319.27(A))

The bill directs the State Board of Education to adopt rules that establish an alternative principal license. The rules must include a requirement that an applicant for an alternative principal license must have obtained, at least, classroom teaching experience. When these rules become effective, the State Board must stop issuing temporary educator licenses for employment as a

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[7] *Under continuing law, the Department may initiate a site evaluation of an academic emergency school district or building within 120 days following the assignment of the rating. In addition, the Department must undertake a site evaluation of any academic watch or academic emergency district or building that does not show satisfactory improvement or fails to submit required information to the Department. All site evaluations must examine (1) if teachers are properly licensed for the subject areas they teach, (2) student-teacher ratios, (3) compliance with minimum requirements for instruction time, and (4) availability of resources necessary to implement the curriculum.*

principal. Any person employed as a principal under a temporary educator license on the effective date of the rules must be allowed to continue employment in that position until the license expires. However, employment as a principal after the temporary educator license expires is contingent upon the person qualifying for an alternative principal license under the new rules.

***Alternative administrator license***

(R.C. 3319.225(A) and 3319.27(B))

In addition to establishing an alternative principal license, the bill requires the State Board to adopt rules for an alternative administrator license valid for employment as a superintendent or in any other administrative position except principal. When such rules become effective, the State Board can no longer issue temporary educator licenses for any administrative positions covered by the new rules. A person who, on the effective date of the rules, is employed as a superintendent or in another administrative position besides principal under a temporary educator license must be allowed to continue employment in the same position until the expiration of the license. Once the temporary educator license has expired, the person must be issued an alternative administrator license by the State Board to be eligible for further employment as a superintendent or in another administrative position besides principal.

***Elimination of internship certificates***

(repealed R.C. 3319.28; conforming changes in R.C. 3307.01, 3313.28, 3319.09, 3319.11, 3319.111, 3319.29, 3319.36, 3319.39, and 3319.51)

The bill eliminates the authority of the State Board to issue internship certificates, as the State Board is no longer issuing them. Under continuing law, however, individuals can still pursue an alternative path to licensure by obtaining a one-year conditional teaching permit leading to an alternative educator license. A provisional educator license may be issued after two years of teaching under the alternative license.[8]

***Background***

Current law authorizes the State Board of Education to issue temporary internship certificates valid for teaching grades 7 through 12 in the subjects named in the certificate (R.C. 3319.28).[9] These certificates are an alternative route to full licensure for individuals who did not complete a traditional teacher preparation

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[8] *See R.C. 3319.26 and 3319.302 (not in the bill).*

[9] *See also O.A.C. 3301-21-10, 3301-21-11, 3301-23-30, and 3301-23-31.*

program while in college. Internship certificates are valid for one year and renewable for one additional year. Applicants for internship certificates must meet the following criteria:

(1) Possession of a bachelor's degree in the subject area for which certification is sought;

(2) At least three years of successful experience deemed essential for effective teaching, such as instructional experience or work with school-age youth;

(3) Passing scores on exams of knowledge of general education and knowledge of the subject area in which certification is sought;

(4) Satisfactory completion of at least six semester hours of coursework in a pre-service course of study designed to introduce students to the principles and practices of teaching.

Approval of an application for an internship certificate cannot be granted unless the applicant has been offered a teaching contract by the superintendent of a school district or educational service center (ESC) and the hiring district has established an internship supervision program approved by the State Board. If granted, the certificate is only valid for teaching in the district that has offered employment.

Renewal of an internship certificate is contingent upon successful completion of the first year under the internship certificate with satisfactory evaluations, completion of at least six additional semester hours of coursework in the principles and practices of teaching, and a continuing contract with the employing district. Teachers who renew their internship certificates must complete the prescribed course of study in teaching methodology with another six semester hours of coursework in their second year under the certificates. However, anyone who has taught for one year under an internship certificate may upgrade the certificate to a provisional educator license, rather than renew the certificate, if the following criteria are met:

(1) Successful completion of a maximum of 18 semester hours of coursework in the principles and practices of teaching, which includes both the pre-service coursework and the 12 additional hours required for completion of the prescribed curriculum;

(2) Satisfactory evaluations under an internship supervision program;

(3) A passing score on an exam that measures knowledge of professional education, such as student assessment and curriculum development.

***Delayed effective date for certain educator licensing rules***

(R.C. 3319.22(B)(1) and 3319.23)

Current law requires the State Board of Education to adopt, amend, or rescind any educator licensing rules in accordance with the state Administrative Procedure Act, codified in R.C. Chapter 119. (APA). That law provides for public notice of the proposed rulemaking action and at least one public hearing on the matter, filing with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC), and the Secretary of State, publication in the *Register of Ohio*, and an opportunity for the General Assembly to invalidate the action by adoption of a concurrent resolution. Currently under the APA, the earliest a proposed rulemaking action may be effective is the 76th day after the action is first filed with JCARR, LSC, and the Secretary of State. However, notwithstanding the APA provisions, the effective date of *all* educator licensing rulemaking actions must be delayed until at least one year after the first day of January that next succeeds the "publication" of the action.[10] Thus, for example, a licensing rule that is adopted in final form and "published" anytime from January through December of 2003 cannot be effective until January 1, 2005.

The bill restricts the specified delayed effective date to *only* those educator licensing rules that require specific changes in the curriculum of Board-approved teacher preparation programs. By implication, other educator licensing rules would take effect as provided in the APA.[11]

***Alternative Educator Licenses***

(R.C. 3319.26 and 3319.261)

***Background***

In 1996, the General Assembly authorized the State Board of Education to establish rules for the issuance of an "Alternative Educator License." It is a two-

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[10] *Although the statute does not specify what is meant by "publication" in regard to any change in educator licensing rules, it is likely that the term means the date that the rule is filed in "final form" with JCARR, LSC, and the Secretary of State in accordance with R.C. 119.04 (not in the bill). That date falls near the end of the rulemaking process. Under R.C. 119.04(A)(1), a rulemaking action ordinarily may not be effective until the tenth day after it is filed in final form.*

[11] *Although the APA does permit a temporary "emergency rule" to be filed under an accelerated timeframe, current law, not changed by the bill, does not permit the State Board to use such emergency procedures for adoption, amendment, or rescission of* <u>*any*</u> *educator licensing rules (R.C. 3319.22(B)(2)).*

year nonrenewable license intended to give certain qualified persons the opportunity to work toward obtaining a provisional educator license without completing a traditional teacher preparation program at a college or university while employed full-time as a teacher. This alternative license authorizes the holder to teach a designated subject area in grades 7 through 12 or in the area of "intervention specialist" in grades K through 12.[12] To be eligible for the license, an individual must hold at least a bachelor's degree, must have completed at least the equivalent of three semester hours of college coursework in each of the areas of "developmental characteristics of adolescent youths" and "teaching methods," and must have passed a specified subject area examination. This examination is currently the "Praxis II" *subject area* test.[13] While teaching under an alternative educator license, the holder must complete at least the equivalent of another 12 semester hours of college coursework in specified pedagogical topics. Upon completion of the required coursework, two years of successful teaching under the alternative educator license, and passing a specified assessment of "professional knowledge," the holder of the alternative educator license may be issued a provisional license.[14] The additional test required at the end of the two-year

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[12] *An "intervention specialist" works with disabled, gifted, and other students that have individualized instructional needs that require utilization of particularized teaching practices or methods.*

[13] *The licensing tests prescribed by the State Board of Education are the ones included in "The Praxis Series: Professional Assessments for Beginning Teachers." These tests are developed and marketed by the Educational Testing Service (ETS). According to the ETS web site, Praxis II consists of both "subject assessments," to measure licensing candidates' knowledge of the subjects they will teach, and "professional knowledge" assessments to measure their mastery of general and subject-specific teaching skills and practices. (See ETS web site at www.ets.org/praxis.)*

[14] *The State Board of Education has also specified by rule that the holder of an alternative educator license must complete a mentorship program sponsored by the school where the holder is employed (O.A.C. 3301-24-10(B)).*

*Current law specifies that the test at the end of the two-year alternative educator license include both "subject area" and "professional knowledge" assessments, but, in fact, except as provided for "intervention specialist" licensees under the bill (see "**Timing of subject area testing for intervention specialists under Alternative Educator Licenses**" below), all holders of the alternative educator license should have passed the subject area assessment prior to receiving that license. The bill makes technical corrections to R.C. 3319.26 to clarify that (except for those intervention specialist licensees) the subject area assessment is required prior to issuance of the alternative educator license and the professional knowledge assessment is required at the end of the duration of that license, prior to issuance of a provisional license.*

duration of the alternative educator license is the "Praxis II" *professional knowledge* test.

In 2001, the General Assembly also created a "one-year conditional teaching permit." The State Board is required to issue this new permit (without adopting rules) to qualified applicants for teaching in grades 7 through 12. In addition, from November 20, 2001, to November 20, 2004, the Board is required to issue such a one-year permit for employment as an "intervention specialist" in grades K through 12. To be eligible, an applicant must hold a bachelor's degree, successfully complete a basic skills test prescribed by the State Board, complete either as part of the applicant's degree program or outside of it certain specified coursework, and agree in writing to participate in a school-sponsored mentorship program aligned with State Board performance expectations. The required basic skills test is the "Praxis I" test.[15] In addition, the applicant must complete additional specified coursework while employed under the permit and agree to seek an alternative educator license at the end of the one-year duration of the permit.[16] The new one-year permit is an optional precursor to the alternative educator license for individuals who have met certain qualifications.

***Issuance of an Alternative Educator License upon request of specified school officials***

(R.C. 3319.26)

The bill specifies that an Alternative Educator License must be issued to a qualified applicant upon the request of the superintendent of the school district or educational service center or of the chief administrator of the chartered nonpublic school where that applicant will be employed under the license.

***Timing of subject area testing for intervention specialists under Alternative Educator Licenses***

(R.C. 3319.26 and 3319.261)

The bill provides that an individual who otherwise qualifies for an Alternative Educator License for employment as an "intervention specialist" need not complete the subject-area examination (usually required prior to issuance of the license) until after completing the additional coursework required during the

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[15] *Praxis I is an "academic skills" assessment designed to be taken early in the college career of a teacher-preparation student to measure reading, writing, and mathematics skills. (See ETS web site at www.ets.org/praxis).*

[16] *R.C. 3319.302 (not in the bill) and Section 7 of Sub. H.B. 196 of the 124th General Assembly.*

two-year duration of the license. Thus, these individuals would likely complete both the subject-area and professional knowledge portions of the Praxis II test at roughly the same time, near the end of the two-year duration of the Alternative Educator License. This change pertains to both an individual who applies for the Alternative Educator License as part of an obligation under the one-year conditional teaching permit and an individual who applies directly for the alternative license. It does not pertain to any applicant for an Alternative Educator License in an area or subject other than the "intervention specialist" area.

***Qualified immunity for teacher performance assessors***

(R.C. 3319.25)

An individual may be issued a Provisional Educator License either upon completing an approved teacher preparation program or completing the additional educational, mentorship, and testing requirements of the Alternative Educator License. This provisional license is the traditional entry-year teaching license and is valid for two years, during which time the holder of the license must participate in an approved mentorship program and meet other requirements. Near the end of the two-year duration of the license, the holder also must receive a satisfactory rating on a performance assessment in order to qualify for a five-year Professional Educator License.[17] The assessment prescribed by the State Board is the "Praxis III" test, which consists of direct observation and evaluation of the beginning teacher's actual classroom performance.[18] To perform the observations and evaluations, the Department of Education contracts with regional centers that in turn contract with individuals to be assessors and trainers of assessors. These individuals are generally veteran teachers, administrators, and teacher-preparation instructors.

The bill grants a qualified immunity from liability in a civil action for damages regarding the conduct of a Praxis III assessment to any entity or individual that contracts to perform assessments or to train or coordinate assessors. Immunity does not apply to actions conducted with malicious purpose, in bad faith, or in a wanton or reckless manner.

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[17] *The "Professional Educator License" is the final step in licensure issued to those who have met specified continuing education requirements and are generally considered to be fully competent teachers in the subject areas or grade levels prescribed on their licenses.*

[18] *Praxis III is a "classroom performance assessment" in which trained local assessors (not employed by ETS) using nationally validated criteria directly observe and evaluate a beginning teacher's actual classroom performance. (See ETS web site at www.ets.org/praxis.)*

***State Board of Education rules on rehabilitation of offenders***

(R.C. 3319.39(E))

Under current law, individuals applying for employment with a school district, educational service center, or a chartered nonpublic school in any position that is responsible for the care, custody, or control of a child must submit to a criminal records check. If that check reveals a conviction of certain crimes, the individual may not be hired in a position that is responsible for the care, custody, or control of a child. However, the law permits the State Board of Education to adopt rules specifying circumstances under which a school may hire an otherwise disqualified person who meets "standards in regard to rehabilitation." The State Board's rule to this effect is codified in O.A.C. 3301-20-01.

There are two lists of disqualifying offenses: one for all school employees and another list for teachers that names additional offenses (such as conviction of *any* felony, not merely certain named felonies, such as offenses of violence, drug offenses, or sex offenses). The State Board's current rulemaking authority to allow for school employment of rehabilitated offenders extends only to the first list that applies to all employees. Therefore, under current law, a teacher convicted of an offense on the additional list, which applies only to teachers, is ineligible to be considered as rehabilitated and eligible for hiring.

The bill extends the State Board's rulemaking authority so that teachers convicted of an offense on the broader, teachers-only list of offenses could qualify for consideration as rehabilitated.

***Authorization for the Superintendent of Public Instruction and State Board of Education to issue subpoenas, take depositions, and compel the production of evidence in the investigation of an educator license holder or applicant***

(R.C. 3319.311)

***Background***

In exercising its power to license educators, the State Board of Education is authorized (but apparently not required) to refuse to issue a license to an applicant, limit a license it issues to an applicant, or suspend, revoke, or limit a license that has been issued to any person for any of several broad statutorily specified reasons.[19] The State Board, or the Superintendent of Public Instruction on behalf of the Board, may investigate any information that reasonably appears to be a

[19] *R.C. 3319.31.*

basis for denying, revoking, or limiting a license.[20] The Superintendent must review the results of each investigation to determine whether the results warrant initiating an action against the applicant or licensee. If the Superintendent recommends action, the State Board must provide the applicant or licensee with written notice of the charges and an opportunity for a hearing in accordance with the Administrative Procedure Act, codified in R.C. Chapter 119.[21]

***The bill***

For purposes of this administrative hearing, continuing law authorizes the State Board, or the Superintendent on behalf of the Board, to administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. However, there does not appear to be any current authorization to issue subpoenas, take depositions, and compel the production of evidence during the pre-hearing investigation. The bill permits the State Board or the Superintendent to do so during the investigation phase in the same manner as they may for or during the administrative hearing.

***Permits to supervise or coach pupil activities***

(R.C. 3313.53, 3319.29, 3319.291, 3319.303, 3319.31, and 3319.51; Section 10)

Current law, not changed by the bill, permits a school district board of education to establish and maintain "pupil-activity programs," which are school-sponsored noncredit activities in music, language, arts, speech, government, athletics, and other areas directly related to the school's curriculum but beyond the scope of the of the school's prescribed courses of study.[22] Current law also permits districts to hire individuals to teach, supervise, direct, or coach those programs who do not hold an educator's license or teacher's certificate issued by the State Board of Education under certain conditions. A district board may offer such a

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[20] *Continuing law also provides that all information obtained during an investigation is confidential and is not a public record. In addition, if an investigation is conducted and no action is taken against the person who is the subject of the investigation within two years of the completion of the investigation, all records of the investigation must be expunged.*

[21] *The Board "automatically" may suspend any license without a prior hearing if the license holder is convicted of or pleads guilty to aggravated murder; murder; aggravated arson; aggravated robbery; aggravated burglary; voluntary manslaughter; felonious assault; kidnapping; rape; sexual battery; gross sexual imposition; or unlawful sexual conduct with a minor.*

[22] *R.C. 3313.53(B).*

position to a nonlicensed individual only if the board (1) first has offered the position to those employees of the district who are licensed or certificated educators and no employee qualified to fill the position has accepted it, and (2) has then advertised the position as available to any other licensed individual who is qualified to fill it and no such person has applied for and accepted the position. Nonlicensed individuals must, however, meet standards set by the State Board of Education regarding an individual's "good moral character and competence to direct, supervise, or coach the pupil-activity program."[23]

The bill replaces the current authorization for the employment of nonlicensed individuals in accordance with State Board standards with authorization to employ nonlicensed individuals only if they have been granted a "pupil-activity program permit" issued by the State Board.[24] It does not affect the requirement that the school district board first offer the position to licensed educators.

Under the bill, the State Board must adopt rules establishing standards and requirements for obtaining a "pupil-activity program permit" for any individual who does not hold a valid educator license, certificate, or permit issued by the State Board. This new pupil-activity program permit is valid for three years and is renewable.[25] The bill also provides that the State Board or the Superintendent of Public Instruction on behalf of the Board may investigate the background of any applicant for the pupil-activity program permit, in the same manner as continuing law provides for investigation of applicants for educator licenses and permits. Accordingly, the Board may refuse to issue a permit to an applicant, may limit a permit it issues to an applicant, or may suspend, revoke, or limit a permit it has issued to any person, if the Board determines that the applicant has done any of the following:

(1) Engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position; or

(2) Pled guilty to, has been found guilty by a jury or court of, or been convicted of any of the following:

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[23] *R.C. 3313.53(C) and (D).*

[24] *R.C. 3313.53(C).*

[25] *R.C. 3319.303 and Section 10. In addition, the bill requires the State Board to adopt rules applicable to licensed or certificated educators setting forth standards to assure an individual's competence to direct, supervise, or coach a pupil-activity program. As under current law, the rules applying to licensed or certificated educators are not to be more stringent than the rules applicable to nonlicensed individuals.*

(a) A felony;

(b) Unlawful sexual conduct with a minor, sexual imposition, or sexual importuning;

(c) An offense of violence;

(d) Any of several prescribed theft offenses;

(e) A drug abuse offense that is not a minor misdemeanor; or

(f) A violation of a municipal ordinance that is substantively comparable to an offense listed in (a) through (e) above.[26]

To facilitate such an investigation, an applicant must submit to the State Board two sets of fingerprints and written permission that authorizes the Superintendent of Public Instruction to forward the fingerprints to the state Bureau of Criminal Identification and Investigation (BCII) and that authorizes the Bureau to forward the fingerprints to the FBI for purposes of conducting a criminal records check on the applicant. The State Board and the Superintendent of Public Instruction are authorized under the bill to request a criminal records check from BCII.[27] The State Board is further authorized to charge a fee to pay the cost of investigating an applicant's background and processing the permit application, again in the same manner as continuing law provides for investigation of applicants for educator licenses and permits.[28]

The bill further provides that if the State Board suspends, revokes, or limits the pupil-activity program permit of a nonlicensed individual, the school district board may terminate or suspend the employment contract of that individual. Otherwise, the individual's contract may be terminated or suspended only in accordance with the statutory procedures prescribed for nonteaching employees in non-Civil Service school districts, as under current law.[29]

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[26] *R.C. 3319.31 and 3319.311.*

[27] *R.C. 3319.291.*

[28] *R.C. 3319.29 and 3319.51.*

[29] *R.C. 3313.53(D), third paragraph. Continuing law provides that nonteaching employees in exempted village and local school districts (non-Civil Service districts) may be "terminated only for violation of [the district board's] written rules and regulations . . . or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance" (R.C. 3319.081(C)). That statute*

***Establishment of a Credential Review Board***

(R.C. 3319.65)

The bill directs the State Board of Education to establish a Credential Review Board, which must carry out any duties the State Board assigns with respect to assessing individuals pursuing alternative entries into the teaching profession and out-of-state teachers who wish to teach in Ohio. The Review Board is also authorized to conduct other functions, as the State Board considers appropriate. The bill exempts the Credential Review Board from the Sunset Review Law. As a result, the Board would not face potential expiration after four years under the terms of that law.

***Engaging National Board certified teachers***

(R.C. 3319.56)

The bill requires the Department of Education to identify, and post on the Department's web site, promising practices in Ohio and other states for engaging teachers certified by the National Board for Professional Teaching Standards and teachers who qualify as master teachers, as that term is defined by the Educator Standards Board, in ways that add value beyond their own classrooms.[30] Examples of promising practices may include placing such teachers in key roles in peer review programs, having them mentor other teachers, or having them develop curricula or instructional integration strategies.

***The Ohio School Facilities Commission's review of design plans***

(R.C. 3318.031)

When a school district is eligible to participate in one of the facilities assistance programs administered by the Ohio School Facilities Commission (such as the Classroom Facilities Assistance Program or the Expedited Local Partnership Program), the Commission is responsible for reviewing the district's design plans. Current law authorizes the Commission to require changes in a design plan if the Commission believes such changes would advance or improve student or staff safety. Examples of such changes may include location and number of exits, standards for lead safety, and location of restrooms.

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*also specifically provides that sexual battery against a student at the school (R.C. 2907.03(A)(7)) is grounds for termination. (Neither of these sections are in the bill.)*

[30] *In order for a teacher to be certified by the National Board for Professional Teaching Standards, the teacher must pass an exam of teaching skills and submit a portfolio of his or her teaching practices and student work. National certification is valid for ten years.*

The bill directs the Commission to also consider whether design plans support smaller classes and smaller schools, provide sufficient space for training new teachers or collaboration among teaching personnel, provide adequate space for teacher planning, provide adequate space for parent involvement activities, and provide sufficient space for innovative partnerships between schools and health and social service agencies. However, the bill does not require the Commission to require changes in design plans that fail to reflect any or all of these attributes.

***Articulation agreements for teacher education programs***

(R.C. 3333.161)

Currently, Ohio has an Articulation and Transfer Policy, developed by the Ohio Board of Regents, that is intended to ensure that credits will transfer between state institutions of higher education.[31] Under the policy, the transfer of credits and the application of those credits to the transferring student's program of study is dependent on whether the transferring student has completed an associate degree, the student's grade point average, and what courses the student has completed.

In addition, the Policy requires state institutions to develop a "transfer module," which is a set of general education curriculum courses that represent a common body of knowledge required at all state institutions (e.g., English composition, mathematics, social and behavioral sciences, arts and humanities, and natural and physical sciences). A student who completes the transfer module courses at one institution can transfer those courses to another state institution and have those courses fulfill the corresponding general education courses at the receiving institution.

The bill explicitly requires the Board of Regents, by December 31, 2004, to adopt rules for the development of regional articulation agreements between Ohio's two-year state colleges (community colleges, state community colleges, university branches, and technical colleges) and state universities for transfer students pursuing teacher education programs. By only requiring the development of regional articulation agreements, the bill contemplates the ability of a student taking courses intended to lead to a teaching degree at a two-year college to transfer the credits to a state university within the same geographic region, but not necessarily to a state university in a different region of the state. For example, a regional articulation agreement may address the ability of a student attending Columbus State Community College to transfer teacher education preparatory

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[31] *The Policy is available through the Ohio Board of Regents' web site: http://www.regents.state.oh.us. The General Assembly required the development of the Policy in Am. Sub. S.B. 268 and Am. Sub. H.B. 111 of the 118th General Assembly.*

courses to The Ohio State University but likely would not include Kent State University as a party to the agreement.

The rules adopted by the Board of Regents must require parties to a regional articulation agreement to develop a transfer module for teacher education that includes appropriate introductory level courses. The appropriateness of such courses is to be determined by faculty members of parties to the agreement. Second, a regional articulation agreement must identify, as part of the transfer module for teacher education, appropriate foundation general studies courses that are consistent with the student academic content standards adopted by the State Board of Education. Third, a regional articulation agreement must clearly identify university faculty who are partnered with faculty at two-year colleges. Finally, a regional articulation agreement must be published so that it is available to students, faculty, and staff members.

In addition to requiring the Board of Regents to adopt rules defining regional articulation agreements, the bill requires the Board, by December 31, 2004, to submit formal recommendations to the General Assembly for how to implement a *statewide* articulation agreement system for teacher education programs.

***Study of minimum teacher starting salaries by the Legislative Office of Education Oversight***

(Section 3)

The bill directs the Legislative Office of Education Oversight (LOEO) to study minimum starting salaries for teachers with bachelor degrees. The LOEO, in consultation with stakeholders, must select several states that are demographically and economically similar to Ohio or compete with Ohio for new teachers because of geographic proximity. Then, LOEO must determine the minimum compensation levels for beginning teachers in these states, calculate the average compensation for beginning teachers in these states, and project the average compensation for beginning teachers in these states in the 2007-2008 academic year. The LOEO must perform the same calculations for Ohio, as well.

The LOEO must submit results of the study to the Governor and the General Assembly by September 30, 2004.

***Proposals for pilot programs***

The bill requires the Department of Education to develop proposals for several pilot programs.

***Career ladder programs***

(Section 4)

A career ladder program, as defined by the bill, is a performance-based multilevel system of teaching positions or compensation levels within a school district or school building. The Department is directed to develop a *proposal* for a career ladder program comprised of three components, on a pilot basis.

One of the components of this pilot career ladder program must be "knowledge and skills based." A teacher participating in this component would progress through tiers as the teacher demonstrates increased levels of knowledge and skills. Such tiers could be designated as novice teacher, accomplished teacher, advanced teacher, and master teacher. As a teacher advances through the tiers, the teacher's compensation would increase.

The second component of the career ladder program must be "responsibility-based." A teacher participating in this program would be able to fulfill additional responsibilities such as mentoring other teachers, serving as a teacher leader or an adjunct faculty member at a college or university, or developing curriculum. In exchange for extended job responsibilities, a teacher would receive additional compensation.

The third career ladder component must be based on student progress. A teacher participating in this component of the program would receive supplemental compensation based on measures of student progress.

***Pilot program for increased clinical experiences for educators of teachers***

(Section 5)

The bill directs the Department of Education to develop, in collaboration with the Ohio Board of Regents, a pilot program *proposal* that would pair a school district with a college or university that offers an approved teacher preparation program. Under the pilot program, faculty members of the college or university should engage in additional clinical experiences such as spending more time in the school district's buildings and classrooms. Also, the bill specifies that participation in the program requires a college or university to provide incentives to faculty members to share with their colleagues what they have learned through participation in the program. Such sharing of knowledge could be through publications or other appropriate learning experiences.

***Definition of a "hard to staff" school***

(Section 7)

Within 90 days of the bill's effective date, the Department of Education is required to develop a definition of a "hard to staff" school. The bill specifies that in defining the term, the Department must examine whether a school:

(1) Has difficulty recruiting and retaining high quality school personnel;

(2) Has a high number of teachers who are teaching out-of-field;

(3) Has high student poverty;

(4) Has a high number of students who do not attain at least a proficient score on any of the state proficiency and achievement tests; or

(5) Has a significant achievement gap among various groups of students.

The Department is also required to examine definitions and models of hard to staff schools used by other states.[32]

The Department must identify schools that meet the definition it develops and publish a list of those schools on the Department's web site.

***Pilot project for school districts with "hard to staff" schools***

(Section 8)

The bill requires the Department of Education, when sufficient funding is available, to develop a pilot project in at least two school districts that contain "hard to staff" schools. One of these districts must be an urban district and one must be a rural district. The selected districts may use any funds allotted under the pilot project for one or more of the following purposes:

(1) The use of instructional specialists to mentor and support classroom teachers;

(2) The use of building managers to supervise the administrative functions of school operation so that principals can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;

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[32] *Many of the recommendations of the Governor's Commission are intended to target "hard to staff" schools and thus a definition is considered necessary to identify these schools.*

(3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;

(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;

(5) The creation of smaller schools or smaller units within larger schools;

(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show commitment in becoming licensed teachers, to assist experienced teachers in obtaining licensure in subject areas for which there is need, and to assist teachers in becoming principals;

(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;

(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; or

(11) The implementation of a program to increase the subject matter competency of veteran teachers.

***Innovative grant program***

(R.C. 3319.57)

The bill establishes a grant program, administered by the Department of Education, for school districts that wish to implement one of the following innovations:

(1) Using instructional specialists to mentor and support classroom teachers;

(2) Using building managers for the administrative functions of schools so that principals can focus on supporting the teaching staff;

(3) Reconfiguring the structure of school leadership to incorporate teachers in leadership and decision-making positions;

(4) Restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;

(5) Creating smaller schools or smaller units within larger schools so that teachers can more easily work together;

(6) Designing "grow your own" recruitment strategies to help dedicated individuals become licensed teachers, help experienced teachers become licensed in needed subject areas, and help teachers become principals;

(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;

(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; or

(11) The implementation of a program to increase the subject matter competency of veteran teachers.

A school district that implements one of these innovations may receive a grant only if it provides local funds in an amount that is equivalent to the grant award multiplied by the school district's local share percentage of foundation funding.[33] In addition, the school must be "hard to staff" as defined by the Department.

The State Board of Education is given rulemaking authority to implement this grant program. The Department of Education is to determine the number and amount of the grants based on appropriations by the General Assembly. The bill does not include an appropriation.

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[33] *The foundation state share percentage is calculated for a city, local, or exempted village school district under R.C. 3317.022, and for a joint vocational school district under R.C. 3317.16 (neither section in the bill). A district's local share percentage is equal to one minus the district's state share percentage.*

***Provision of non-instructional services to students***

(Section 9)

The bill states that it is the intent of the General Assembly that school districts and state health and social service agencies collaborate to provide special physical, mental and emotional services to students, as appropriate. Teachers, then, would be able to concentrate on providing instructional services to students.

***Clarifications to studies conducted by LOEO***

(Sections 11 and 12)

Am. Sub. H.B. 3 of the 125th General Assembly directed the Legislative Office of Education Oversight (LOEO) to conduct a study of each of the following: (1) the academic achievement gap, (2) the provision of intervention services by school districts, (3) performance on the Ohio Graduation Tests by the Class of 2007, and (4) progress toward meeting the requirement of having "highly qualified teachers" in core subject areas by the end of the 2005-2006 school year as mandated by the No Child Left Behind Act.

This bill specifies that in studying the achievement gap, LOEO must use existing data on school district wealth to the extent possible in making its comparisons between students of different subgroups. The bill also makes clarifications to the due dates of the other three studies as indicated in the table below.

| Study | Due dates in current law | Due dates in bill |
|---|---|---|
| Intervention services | December 31, 2004 | March 31, 2005 |
| Class of 2007 performance on the Ohio Graduation Tests | Reports due annually with final report due December 31, 2007 | Reports due in June 2006 and June 2007, with final report due June 30, 2008 |
| Highly qualified teachers | Four reports with unspecified due dates: (1) one covering the 2002-2003 and 2003-2004 school years, (2) one covering the 2004-2005 school year, (3) one covering the 2005-2006 school year, and (4) a final report covering the 2006-2007 school year and the prior four school years | Establishes the following due dates for each report: (1) September 30, 2005, (2) September 30, 2006, (3) September 30, 2007, and (4) September 30, 2008 |

***Repeal of LOEO annual composite report on community schools***

(Repealed R.C. 3314.12)

The bill repeals the requirement that LOEO issue an "annual composite informational report" on Ohio's community schools (often called "charter schools"). Under current law being repealed, this report must include the number of schools in operation, the size and characteristics of their enrollments, their academic performance, their financial status, and any other "pertinent information."

***Repeal of SchoolNet clearinghouse for classroom teachers***

(Repealed R.C. 3301.801)

The bill repeals the statute requiring (1) that the Ohio SchoolNet Commission maintain a clearinghouse for teachers to obtain lesson plans and classroom teaching materials and (2) that the Department of Education regularly identify, and submit to the Commission's clearinghouse, research-based practices identified with scheduling and allotting instructional time.

***School district spending for transportation and supplemental educational services***

(R.C. 3302.04(E))

In compliance with the No Child Left Behind Act of 2001, continuing Ohio law requires school districts to offer public school choice to all students enrolled in schools that receive federal Title I funds and fail to make adequate yearly progress (AYP) for two or more consecutive school years.[34] Under this provision, students must be offered the opportunity to transfer to another school in the district or to a community school. Students who choose to transfer generally must be transported to their new schools by the district. If a school that receives Title I funds fails to make AYP for three or more consecutive school years, the district must also pay for supplemental educational services, such as tutoring, for economically disadvantaged students who attend the school and request the services.

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[34] *Title I is the central program of the federal Elementary and Secondary Education Act of 1965 and provides funds for the educational needs of low-income and other at-risk students. Generally, Title I funds are allocated to states and passed on to school districts by the state department of education. Districts then distribute the funds to individual schools based upon the number of at-risk students enrolled in those schools.*

Current law sets a limit on each district's obligation to pay for transportation under public school choice and for the provision of supplemental educational services. Specifically, districts are not required to spend more than a combined total of 20% of their Title I funds to provide transportation and supplemental services in any year in which they are obligated to offer both. They must spend at least 5% of such funds on each requirement, though, unless all demand for transportation or for supplemental services can be met with a smaller amount. Districts with buildings that do not make AYP for two consecutive years, and therefore must only offer public school choice, must spend the maximum 20% of Title I funds on transportation alone, unless it can satisfy all demand with fewer funds.

The bill clarifies that a school district must spend *an amount equal to* 20% of the Title I funds it receives in paying for transportation and supplemental services for eligible students. This change grants flexibility to districts by permitting the use of state or local funds, as well as federal Title I funds, to cover the costs of the transportation and supplemental services.

***Administration of practice versions of the OGT to ninth graders***

(R.C. 3301.0711; Sections 13, 14, and 15)

***Background on OGT***

Under continuing law, the Class of 2007 is the first class of students required to pass the Ohio Graduation Tests (OGT) to be eligible for a high school diploma. The OGT are achievement tests given in the subject areas of reading, writing, math, science, and social studies. Students will take the five OGT for the first time in the spring of 2005 when they are in the tenth grade. They generally must attain at least the score designated by the State Board of Education on each test to qualify for a diploma.[35] Students who do not achieve the required scores on one or more tests in the tenth grade have multiple opportunities to retake those tests in the eleventh and twelfth grades.

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[35] *To receive a diploma from a public school (including a community school) or chartered nonpublic school, a student must (1) successfully complete the curriculum required by the student's high school or the individualized education program (IEP) developed for the student and (2) pass all five OGT (R.C. 3313.61, 3313.611, 3313.612, 3314.03(A)(11)(f), and 3325.08 (none in the bill); see also R.C. 3313.614, not in the bill).*

*Alternative graduation testing requirements exist for students who must take the OGT to graduate from high school, but who fail one of the tests by ten points or less. (R.C. 3313.615, not in the bill.)*

***Current law***

Under current law, in the 2003-2004 school year, when the Class of 2007 is in the ninth grade, each "academic watch" and "academic emergency" school district must give a half-length practice version of each OGT to all ninth grade students in the district.[36] Beginning in the 2004-2005 school year, *full-length* practice tests must be given annually to ninth grade students in those districts. Although all practice tests must be given in September, districts may choose the specific days, times, and method of administration. Each district must also score the practice tests.

"Academic emergency" districts must require their high schools to provide intervention services to students who perform poorly on the practice tests to the extent that the districts receive state funding appropriated for the services. If an academic emergency district does not receive sufficient state funds to provide intervention services in all of its high schools, it must determine which high schools will receive all or part of the available funds and, consequently, must offer intervention services. Priority in allocating the state funds must be based on each school's graduation rate and scores on the practice tests. Districts must also consider the scores attained by ninth graders on reading and math achievement tests taken in the eighth grade when deciding how to distribute money for intervention services.

High schools selected to provide intervention services must offer them to each student whose practice test results indicate that the student is making unsatisfactory progress toward being able to pass the OGT. The intervention services must be provided in each skill in which the student scored poorly and must be commensurate with the student's test performance. Schools can offer the intervention services at any one, or a combination, of the following times: (1) during the ninth grade year, (2) in the summer after ninth grade, or (3) during the tenth grade year.

***The bill***

The bill makes several changes to the requirements regarding the administration of practice versions of the OGT. First, it specifies that the administration of half-length practice versions of the reading and math OGT to

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[36] *An "academic watch" school district is one that does not make adequate yearly progress (AYP) and either meets 31%-49% of the performance indicators adopted by the State Board or attains a performance index score established by the Department of Education. An "academic emergency" school district does not make AYP, meets less than 31% of the performance indicators, and attains a performance index score set by the Department. (R.C. 3302.03.)*

ninth grade students must occur within 30 days after the bill is signed by the Governor. At the same time, districts must assess all ninth graders in writing, science, and social studies to determine their preparedness for the OGT in those subject areas. The district, school, or individual teachers may determine how to conduct the latter assessments. Districts must use local assessments for writing, science, and social studies because, according to the Department of Education, practice versions of the OGT are not yet completed for those subject areas.

Second, the bill delays the requirement to administer *full-length* practice versions of the OGT by one year. Thus, under the bill, full-length practice tests in all five subject areas will be administered beginning in the 2005-2006 school year. In the 2004-2005 school year, half-length practice tests in all five subject areas must be given to ninth graders. However, if the Department has made a full-length version of any test available to districts, then the districts must give that version instead of the shorter one.

Finally, the bill makes changes to the criteria for determining which districts must give the practice tests and provide intervention services for struggling students. School districts that were in academic watch or academic emergency at any time in 2003 or that have a three-year average graduation rate of 75% or less are required to participate in the administration of the reading and math tests and other subject area assessments within 30 days after the bill is signed by the Governor. Of those districts, only the ones that were in academic emergency at any time in 2003 must offer intervention services to students who are unlikely to pass the OGT.[37] Beginning in the 2004-2005 school year, all districts that are in academic watch or academic emergency based on their performance in the previous school year or that have a three-year average graduation rate of 75% or less must administer the OGT practice tests to ninth graders. Only those districts with a three-year average graduation rate of 75% or less must provide intervention services. The processes for determining which high schools must provide intervention services based upon available funding and for conducting the intervention services remain the same as in current law.[38]

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[37] *In accordance with state law and the No Child Left Behind Act of 2001, the Department issued two sets of performance ratings for school districts in 2003. The first set of ratings, issued in January, were based on the 2001-2002 school year. Ratings for the 2002-2003 school year were issued in August. Future ratings will be issued once a year in the summer and will be based on data from the prior school year.*

[38] *The bill makes changes in related earmarks established by Am. Sub. H.B. 95 of the 125th General Assembly (the operating budget for the 2003-2005 biennium). The changes to the earmarks reflect the bill's criteria for determining which districts must give the practice tests and provide intervention services so that state funding is directed to the appropriate districts. Affected earmarks are for intervention services for students*

***Changes to administration of achievement tests***

***Phase-in of eighth grade social studies test***

(R.C. 3301.0712)

Under continuing law, achievement tests are being phased in to replace the former proficiency tests. The five subject areas covered by the achievement tests are reading, writing, math, science, and social studies. Under current law, the eighth grade achievement test in social studies is the last test to be phased into the new assessment system. It is scheduled to be administered for the first time in the 2007-2008 school year. Thus, under current law, all achievement tests will be completely phased in beginning in that school year.

According to the Department of Education, the company with which it has contracted for the development of the eighth grade social studies achievement test can finish the test earlier than expected. Therefore, the bill requires the test to be integrated into the new system one year earlier than currently mandated. This change has the effect of completing the phase-in of achievement tests in the 2006-2007 school year. The following table shows the timeline for phasing in the achievement tests under the bill.

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*who score below expected levels on the practice tests, professional development for ninth and tenth grade teachers of core subject areas, and training of school district personnel to score the practice tests. No changes are made by the bill to the amount of the earmarks.*

| Proficiency Test | Last administration in school year beginning July 1 of | Achievement Test | First administration in school year beginning July 1 of |
|---|---|---|---|
| | | 3rd grade reading test | 2003 |
| | | 3rd grade math test | 2004 |
| 4th grade reading test | 2003 | 4th grade reading test | 2004 |
| 4th grade math test | 2004 | 4th grade math test | 2005 |
| 4th grade writing test | 2003 | 4th grade writing test | 2004 |
| 4th grade science test | 2004 | 5th grade science test | 2006 |
| 4th grade citizenship test | 2004 | 5th grade social studies test | 2006 |
| | | 5th grade reading test | 2004 |
| | | 5th grade math test | 2005 |
| 6th grade reading test | 2004 | 6th grade reading test | 2005 |
| 6th grade math test | 2004 | 6th grade math test | 2005 |
| 6th grade writing test | 2004 | 7th grade writing test | 2006 |
| | | 7th grade reading test | 2005 |
| | | 7th grade math test | 2004 |
| 6th grade science test | 2004 | 8th grade science test | 2006 |
| 6th grade citizenship test | 2004 | 8th grade social studies test | 2006 |
| | | 8th grade reading test | 2004 |
| | | 8th grade math test | 2004 |
| 9th grade reading test | 2002[a] | OGT in reading | 2002 |
| 9th grade math test | 2002[a] | OGT in math | 2002 |
| 9th grade writing test | 2002[a] | OGT in writing | 2004 |
| 9th grade science test | 2002[a] | OGT in science | 2004 |
| 9th grade citizenship test | 2002[a] | OGT in social studies | 2004 |

[a] The ninth grade proficiency tests were administered to all ninth graders for the last time in March 2003. For students who do not pass one or more of the tests in the ninth grade, they have multiple opportunities to retake the tests throughout high school. If a student has not passed a ninth grade proficiency test by the end of his or her senior year in high school, the student has until September 15, 2008, to pass that test in order to be eligible for a high school diploma based upon passage of the ninth grade proficiency tests. After that date, the student would need to pass the OGT in the failed subject area to receive a diploma.

***Summer administration of third grade reading test***

(R.C. 3301.0710(C)(1) and 3301.0711(N))

A provision in continuing law commonly known as the "third grade reading guarantee" aims to ensure that students are reading at grade level by the end of third grade. In the third grade, students are given multiple opportunities to pass the third grade reading achievement test. The test is administered three times a year according to the following schedule: (1) once before December 31, (2) once in mid-March, and (3) once during the summer before fourth grade. Third graders who do not attain at least a *proficient* score on the fall or spring administration of the test must be offered intense remediation over the summer before taking the test for the third time.

Currently, the State Board of Education must set the date for the summer administration of the third grade reading achievement test prior to July 1 because all achievement tests become public records on that date. The bill extends the deadline for giving the summer test by specifying that the test date cannot be later than Friday of the week containing July 10. Presumably, this extension would allow school districts more time to provide summer remediation to students who have not passed the test. To accommodate the possibility of later testing dates, the bill also specifies that the third grade reading achievement test does not become a public record until July 15 of each year. All other achievement tests must be made public on July 1 as under current law.

***Adoption and administration of diagnostic assessments***

***Background***

Diagnostic assessments are tools designed to provide feedback on a student's academic strengths and weaknesses. As opposed to tests used to indicate how much knowledge a student has relative to how much knowledge he or she *should* have at a certain point (like the achievement tests), diagnostic assessments are used to alter instruction to focus on elements of study that a student has not yet mastered. For instance, a diagnostic assessment in math may indicate that a student performs well with decimals but struggles with fractions. This type of information enables a teacher to concentrate on those areas where a student needs longer or more intense instruction.

***Deadline for adoption by State Board***

(R.C. 3301.079(D))

Continuing law requires the State Board of Education to adopt a diagnostic assessment for each of grades K through 2 in reading, writing, and math, and

grades 3 through 8 for those subjects as well as science and social studies.[39] The diagnostic assessments are to be used to measure student comprehension and mastery of the content of the statewide academic standards and to identify students who are not performing at grade level and need intervention services. When any diagnostic assessment has been developed, the Department of Education must make it available to school districts and community schools, which must begin giving the diagnostic assessment the following school year.[40] Under current law, the deadline for adoption of all diagnostic assessments by the State Board is July 1, 2007. The bill extends this deadline by one year to July 1, 2008.

***Administration of diagnostic assessments to intradistrict transfer students***

(R.C. 3301.0715)

Current law requires school districts and community schools to administer all applicable diagnostic assessments to transfer students within 30 days after entering a new school.[41] The bill maintains this requirement for all interdistrict transfer students. However, for students who transfer to a new school *within the same district*, the district is only required to give the appropriate diagnostic assessments to the students once during the school year. In other words, if a student takes all applicable diagnostic assessments in September and then transfers to a different school in the district in November, the receiving school would not be required to administer those diagnostic assessments to the student a second time. School districts must administer the diagnostic assessments to intradistrict transfer students who have not taken them previously within 30 days after the transfer as under current law. A district may administer the diagnostic assessments to an intradistrict transfer student if the district cannot determine whether the student has already taken them.

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[39] *The State Board, however, is prohibited from adopting a diagnostic assessment for any subject area and grade level in which an achievement test is developed (R.C. 3301.079(D)(3)).*

[40] *Districts and community schools that made adequate yearly progress in the previous school year may assess student progress in grades 1 through 8 using a locally selected diagnostic assessment rather than the state-developed one (R.C. 3301.0715(E)).*

[41] *Under continuing law, districts and community schools also must administer diagnostic assessments to all students in kindergarten, first, or second grade and to all students enrolled in a school that has not made adequate yearly progress for two or more consecutive school years.*

***Denial of student financial assistance to students involved in certain riot-related offenses: technical changes***

(R.C. 3333.38)

Am. Sub. H.B. 95 of the 125th General Assembly enacted a provision that denies student financial assistance supported by state funds to a student enrolled in an Ohio institution of higher education who is convicted of, pleads guilty to, or is adjudicated a delinquent child for any of several riot-related criminal offenses. Currently, R.C. 3333.38 contains several technical errors that the bill corrects.

The current version of the section has incorrect cross-references to aggravated riot in violation of R.C. 2917.02 and riot in violation of R.C. 2917.03. The bill corrects these cross-references.

Additionally, the current version of R.C. 3333.38 prohibits the receipt of student financial aid for two calendar years if a student is convicted of, pleads guilty to, or is adjudicated a delinquent child for failure to disperse when such offense is a misdemeanor of the fourth degree "and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code." Under continuing law, failure to disperse occurs when *five or more* persons are participating in a course of disorderly conduct. (R.C. 2917.04, *not in the bill*.) The bill eliminates the reference to "four or more others" to maintain clarity in the offense of failure to disperse.

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## HISTORY

| ACTION | DATE | JOURNAL ENTRY | |
|---|---|---|---|
| Introduced | 01-23-03 | p. | 64 |
| Reported, S. Education | 10-15-03 | p. | 1096 |
| Passed Senate (33-0) | 10-15-03 | pp. | 1125-1126 |

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