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Bill Analysis

Legislative Service Commission

H.B. 347*

127th General Assembly
(As Introduced)

BILL SUMMARY

- Prohibits the State Board of Education from requiring passage of the Praxis III classroom performance assessment as a condition for converting a provisional educator license to a professional educator license, and requires instead that a licensee receive a satisfactory performance rating through a teacher assessment system developed by the licensee's employing school district or school.
- Requires each school district, community school, STEM school, and chartered nonpublic school to develop and implement a teacher assessment system to rate the performance of beginning teachers and specifies a standard of assessment and other elements that must be used or included in each district's or school's assessment system.
- Requires each school district, community school, STEM school, and chartered nonpublic school to provide each beginning teacher an entry-year program similar to but longer than the minimum currently required by administrative rule.
- Extends the qualified immunity currently available to Praxis III assessors and trainers to the members of teacher assessment teams districts' and schools' teacher assessment system.
- Earmarks \$4.2 million in fiscal year 2009 for distribution to school districts and chartered nonpublic schools to support teacher assessments.

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

CONTENT AND OPERATION

Background on current requirements for new teachers

The first license that an Ohio teacher who has taken the traditional path of licensure (that is, graduation or certification from a teacher preparation program at a college or university) is a "provisional" educator license, which is valid for two years and is renewable. Prior to the expiration of that license, the teacher may convert it to a "professional" educator license, which generally is valid for five years between renewals and is the final step in licensure. To convert a provisional license to a professional license a teacher must do both of the following:

- (1) Successfully complete an entry-year program, which is a minimum one-year "formal structured program of support, including mentoring" by an experienced teacher, and
- (2) Receive a satisfactory rating on a performance assessment.¹

Each school district, community school, and chartered nonpublic school must provide each of its teachers eligible to convert the provisional license to a professional license with an entry-year program and must arrange for the teacher to take the performance assessment. These requirements are not prescribed in statute but, rather, are prescribed by rule of the State Board of Education as part of its duty to adopt standards and requirements for educator licenses.²

While it is not named in the State Board's rule, the performance assessment prescribed by the State Board is the "The Praxis III: Classroom Performance Assessment for Beginning Teachers" (Praxis III), which is a product of the Educational Testing Service. The assessment is conducted by an experienced teacher engaged and trained by the Department of Education and consists of direct observation of the teacher's classroom performance, review of planning documents, and "semi-structured interviews." The Praxis III is conducted between January and May. During the observation (which may not last more than 60 minutes), the assessor examines four "domains" as follows:

- (1) "Organizing content knowledge for student learning";
- (2) "Creating an environment for student learning";
- (3) "Teaching for student learning"; and

¹ Ohio Administrative Code (O.A.C.) 3301-24-04.

² The State Board's authority to adopt educator licensing rules is found at R.C. 3319.22.

(4) "Teacher professionalism."³

Under the State Board's rule, if an entry-year teacher does not receive a satisfactory rating on the Praxis III test, the teacher must repeat the entry-year mentorship program and may retake the Praxis III two more times. If an individual fails to pass the assessment after the third time, the individual may not be employed as a classroom teacher until the individual (a) completes additional college coursework, supervised field experiences, or other clinical experiences at a teacher preparation program and (b) is recommended by that program to receive another provisional educator license. At that time, the individual is again subject to the entry-year program and Praxis III requirements. A failing score may be appealed to the State Board.⁴

Replacement of Praxis III

(R.C. 3319.251)

The bill prohibits the State Board, on and after July 1, 2008, from requiring a licensee to pass the Praxis III in order to convert a provisional educator license to a professional educator license. Instead, beginning on that date, to convert a provisional license to a professional license, the bill requires a teacher to attain a satisfactory rating through the "teacher assessment system," developed by the teacher's district, community school, STEM school, or chartered nonpublic school, which is implemented in concert with a new two-year (instead of one-year) "entry-year program." Each district or school is required to report the teacher's rating to the State Board in the manner and by the deadlines prescribed by the State Board.

Maintenance of exception for certain STEM school teachers

Current law requires the State Board to issue a two-year provisional educator license for teaching science, technology, engineering, or math in grades 6 to 12 in a STEM school to applicants who (1) have a bachelor's degree in a field related to the teaching area and (2) have passed a written content assessment in the teaching area. It also requires the State Board, upon expiration of the STEM provisional license, to issue a five-year professional educator license in the same teaching area, if the applicant successfully completes an apprenticeship program (presumably similar to an entry-year program) and is recommended by the chief administrative officer of the STEM school and the administrator of the

³ See Ohio Department of Education web site at <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1263&ContentID=4187&Content=27683>.

⁴ O.A.C. 3301-24-04(D).

apprenticeship program.⁵ These teachers will not need to pass the Praxis III in order to convert their provisional licenses to professional educator licenses.

The bill maintains this exemption for teachers licensed in this manner to teach STEM subjects in a STEM school from its provisions for entry-year programs and performance assessments. However, other new teachers at STEM schools and their employers must comply with the bill's provisions.

Background on STEM schools. Up to five STEM schools, serving any of grades 6 through 12, selected by a subcommittee of the Partnership for Continued Learning through competitive proposals may begin operations in the 2008-2009 school year. Each STEM school will be a public school operated through a collaborative effort of a school district and other public and private entities. STEM schools must provide an integrated, project-based curriculum emphasizing science, technology, engineering, and math but also including arts and humanities.⁶

Entry-year programs

(R.C. 3319.252)

Beginning with the 2008-2009 school year, the bill requires by statute that each new teacher complete a structured entry-year program, similar to the one currently specified by administrative rule. Unlike the program currently required, however, an entry-year program under the bill for most teachers must be at least two school years in duration, instead of one year. If a teacher was already in an entry-year program under the administrative rule in the 2007-2008 school year and did not pass the Praxis III, the teacher's entry-year program under the bill must be one school year in duration. Just as under the administrative rule, if a teacher is hired after the beginning of the instructional year, the teacher's entry-year program for that year must be at least 120 days in duration.⁷

⁵ R.C. 3319.28, not in the bill.

⁶ R.C. Chapter 3326., not in the bill.

⁷ If a new teacher is employed by more than one district or school during the first two years of licensure, each employer must provide the teacher with an entry-year program for the balance of that two-year period in which it employs the teacher.

Teacher assessment systems

(R.C. 3319.253 to 3319.258)

In place of the Praxis III, the bill requires each new teacher to be assessed under a "teacher assessment system" that is developed and implemented by the teacher's employing school district, community school, STEM school, or chartered nonpublic school. Each assessment system must be implemented in concert with the district's or school's entry-year program. The assessment systems must be developed in compliance with the bill's specifications but may vary from district-to-district and from school-to-school. Under these specifications, a team of three individuals must assess and rate each new teacher's performance through at least three direct classroom observations (and several shorter-length observations) in *each* of the two school years of the teacher's entry-year program.⁸

A teacher must attain a satisfactory rating under the employing district's or school's teacher assessment system to qualify for a professional educator license. If a teacher does not attain a satisfactory rating by the end of the entry-year program, the State Board may issue a one-year, nonrenewable interim license. During that year, the teacher must complete another year of the entry-year program and must be assessed under the district's or school's teacher assessment system. If the individual does not complete the additional year of the entry-year program or does not receive a satisfactory rating through the teacher assessment system, the individual may not receive a provisional or professional educator license until the individual completes additional coursework, field experiences, or clinical experiences through a teacher preparation program approved by the State Board.

Assessment standard

(R.C. 3319.253(B))

To be rated satisfactory, the assessment team must determine that the new teacher is "proficient" in *each* of the seven standards included in the Ohio Standards for the Teaching Profession.

These standards were developed by the Educator Standards Board and adopted by the State Board of Education to indicate what teachers are expected to

⁸ Each new teacher must be given notice of the employing district's or school's teacher assessment system at the time of employment and at least once each year thereafter.

know and be able to do at each stage of their professional careers.⁹ The seven standards are as follows:

(1) "Teachers understand student learning and development, and respect the diversity of the students they teach."

(2) "Teachers know and understand the content area for which they have instructional responsibility."

(3) "Teachers understand and use varied assessments to inform instruction, evaluate and ensure student learning."

(4) "Teachers plan and deliver effective instruction that advances the learning of each individual student."

(5) "Teachers create learning environments that promote high levels of learning and achievement for all students."

(6) "Teachers collaborate and communicate with students, parents, other educators, administrators and the community to support student learning."

(7) "Teachers assume responsibility for professional growth, performance, and involvement as an individual and as a member of a learning community."¹⁰

Under each of the seven standards, there are "elements," and under each element there are "indicators" that show each teacher's stage of development. The three stages of development are "proficient," "accomplished," and "distinguished."

Considerations of value-added progress. The bill also states that an assessment team may consider, where applicable, information regarding the teacher's performance available through the "value-added progress dimension" implemented by the Department of Education. The value-added progress dimension is a system for measuring student achievement over time by using state achievement test data. It is intended to measure whether a district or building has made a "standard year of academic growth" on the reading and math tests, but it

⁹ The Educator Standards Board is a state body made up mostly of professional educators charged with making recommendations to the State Board of Education on teacher licensure and professional development standards and other related issues (see R.C. 3319.60 and 3319.61, neither section in the bill). The Educator Standards Board recommended the Ohio Standards for the Teaching Profession, and those standards were adopted by the State Board on October 11, 2005.

¹⁰ See <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=8&ContentID=8561&Content=37548>.

likely could help determine how individual classrooms are performing. The Department of Education began to implement the value-added progress dimension for the 2007-2008 school year.¹¹

Assessment team

(R.C. 3319.254)

Each assessment team must consist of three individuals as follows:

- (1) The principal or chief administrative officer of the building to which the teacher is assigned, or a principal or administrator of another building if the teacher requests a new assessment team and the request is granted (see below);
- (2) The teacher's mentor under the entry-year program; and
- (3) A licensed supervisor or curriculum director from another building.

A provision of the bill also permits a teacher to request a new assessment team or a new mentor (see "**Responses and rebuttals**" below).

Assessment system specifications

(R.C. 3319.255 and 3319.256)

The bill specifies that each teacher assessment system must include all of the following:

- (1) At least three formal observations of each new teacher in each year of the entry-year program. Each formal observation must be at least 45 minutes in duration. Thus, there must be six formal observations in all during the two-year entry-year program.
- (2) A number of shorter-length observations at the discretion of the assessment team;
- (3) A written summary of each formal observation, which must be given to the teacher not later than ten working days after the observation;
- (4) At the request of the teacher, a conference between the teacher and the assessment team before and after each formal observation, unless the team makes the observation unannounced, as the bill permits;

¹¹ See R.C. 3302.021, not in the bill.

(5) An annual written summative appraisal of the teacher's performance, which must be given to the teacher not later than five working days before the summative conference (see below). The summative appraisal must be placed in the teacher's personnel file.

(6) Unless waived by the teacher, a summative conference between the teacher and the assessment team occurring at least 15 school days prior to the last day of instruction of each school year. The conference must focus on the written summative appraisal "and related data sources." If a new assessment team or mentor has been appointed for the teacher and because of that fact the assessment team no longer includes any individual assigned to the same building as the teacher, the principal or chief administrative officer of the teacher's building, or a designee, must be invited to the conference.

(7) Maintenance of cumulative written documents regarding the teacher's performance. Any documentation collected after the summative conference but before the end of the school year may be considered in the assessment of the teacher. If the documentation affects the teacher's assessment, the bill requires that another summative appraisal be written and another summative conference be provided to the teacher.

(8) Procedures for a teacher to submit a response or rebuttal to a written summary of an observation or an annual written summative appraisal, to file a grievance against an assessment, to request another observation, or to request a change in the teacher's assessment team or mentor.

Timing of observations. The bill specifies that both formal observations and the shorter-length observations ((1) and (2) above) may not be conducted anytime during the first or last three weeks of instruction in a school year or on the last day of instruction before a holiday.¹²

Advance notice of observations. The bill states that advance notice of an observation may be given to a teacher, but it is not required.

¹² The bill states that an observation may not be conducted "anytime during the first or last three weeks of instruction or the last day of instruction before a holiday." Presumably, this means that it may not be conducted "on" the last day of instruction before a holiday, but does not mean that an observation may not be conducted anytime within three weeks of before or after a holiday.

Intervention plans

(R.C. 3319.257)

The bill requires a teacher's assessment team and the teacher to develop a written intervention plan if, at any time during the teacher's entry-year program, the team determines that the teacher is not proficient in one or more of the specified standards.¹³ Each teacher's plan must include all of the following:

- (1) Identification of each standard in which the teacher is not proficient;
- (2) Directives or recommendations for professional improvement activities and indicators that will be used to determine successful completion of those activities;
- (3) Directives for changes in the teacher's behavior and indicators that will be used to determine if the teacher's behavior has changed;
- (4) Options for professional development activities designed to enhance the entry-year teacher's proficiency. The bill states that at least one of these options must not place a "significant financial burden" on either the teacher or the employing district or school.
- (5) A timeline for successful completion of the plan. Failure of a teacher to successfully complete the intervention plan by the time specified in the plan may be considered by the employing district or school in deciding whether to renew the teacher's employment contract.

Responses and rebuttals

(R.C. 3319.258)

The bill permits a teacher to submit to the teacher's assessment team a written response or rebuttal to either a summary of an observation or the teacher's annual summative appraisal. The response or rebuttal must be sent within ten working days or, at the discretion of the assessment team, within 15 working days after the teacher receives either the summary of an observation or the summative

¹³ As in the case of the summative conference, if a new assessment team or mentor has been appointed for the teacher and because of that fact the assessment team no longer includes anyone assigned to the same building as the teacher, the principal or chief administrative officer of the teacher's building, or a designee, must be invited to participate in developing and implementing the teacher's intervention plan.

appraisal. In the response or rebuttal, the teacher may request another formal observation or may request the assignment of a new assessment team or mentor.

The bill specifies that the decision whether to grant either request belongs solely to the board of education of the school district, the governing authority of the community school, the governing body of the STEM school, or the governing authority of the chartered nonpublic school that employs the teacher.

Qualified immunity for assessors

(R.C. 3319.259, renumbered from R.C. 3319.25)

Current law 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.

The bill maintains this provision and extends its application to the members of a teacher's assessment team.

Earmark for teacher assessment systems

(Section 269.10.30 of Am. Sub. H.B. 119 of the 127th General Assembly, amended in Sections 3 and 4)

The budget act for the 2007-2009 fiscal biennium appropriates and earmarks \$9,515,817 in each of fiscal years 2008 and 2009 "to support mentoring services and performance assessments of beginning teachers and principals." The bill amends that earmark to set aside up to \$4.2 million in fiscal year 2009 to be distributed to school districts and chartered nonpublic schools, on a per entry-year teacher basis, to support teacher assessments.

HISTORY

ACTION

DATE

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