



# Ohio Legislative Service Commission

---

## Final Analysis

Carrie Burggraf

### Sub. H.B. 362

130th General Assembly  
(As Passed by the General Assembly)

**Reps.** Scherer and Derickson, Anielski, Blessing, Butler, Roegner, Young, Bishoff, Baker, Beck, Buchy, Burkley, Conditt, Green, Grossman, Hackett, Hall, Maag, Romanchuk, Stebelton, Terhar, Wachtmann, Batchelder

**Sens.** Gardner, Coley, Manning, Lehner, Eklund, Hite, LaRose, Patton, Peterson, Seitz, Widener

**Effective date:** September 11, 2014

---

## ACT SUMMARY

### STEM schools

- Creates a new designation of science, technology, engineering, and mathematics (STEM) school equivalent that may be granted to a community school or chartered nonpublic school that satisfies certain requirements.
- Specifies that the existing STEM Committee is a committee of the Department of Education.
- Permits the governing authority of a chartered nonpublic school to submit a proposal to receive a grant for a STEM program of excellence that serves students in any of grades kindergarten through eight in that school.
- Permits a community school, a chartered nonpublic school, or both to be part of a partnership of public and private entities that submits a proposal for the establishment of a new STEM school.
- Regarding the continuing requirement that a STEM school proposal include evidence that it will utilize an established capacity to capture and share knowledge for best practices and innovative professional development, requires this knowledge to be shared with the Ohio STEM Learning Network.

- Requires the STEM Committee to (1) seek technical assistance from the Ohio STEM Learning Network when accepting, evaluating, and choosing to approve proposals for new STEM schools and (2) consider the recommendations of the Network when approving proposals.

## Teacher evaluations

- Permits a school district or school to evaluate any teacher who received a rating of "accomplished" on the teacher's most recent evaluation once every three years, so long as the teacher's student academic growth measure is "average" or higher.
- Permits a school district or school to evaluate any teacher who received a rating of "skilled" on the teacher's most recent evaluation once every two years, so long as the teacher's student academic growth measure is "average" or higher.
- Provides that in any year a teacher is not formally evaluated, as a result of receiving a "skilled" or "accomplished" rating on that teacher's most recent evaluation, that teacher must still receive an observation and a conference.
- Beginning with the 2014-2015 school year, authorizes a district or school to choose not to evaluate a teacher who was on leave from the school district for 50% or more of the school year or has submitted a notice of retirement that was accepted not later than December 1 of the school year.
- Permits a district or school, beginning with the 2014-2015 school year, to use an alternative framework, as prescribed by the act, for teacher evaluations.
- Requires the Department of Education to compile a list of approved instruments for districts and schools to use when evaluating student surveys, teacher self-evaluations, peer review evaluations, and student portfolios under an alternative evaluation framework.

---

## TABLE OF CONTENTS

<b>STEM SCHOOLS</b> .....	3
STEM school equivalent .....	3
Proposal for designation as a STEM school equivalent .....	3
Curriculum requirements .....	5
Applications for grants and additional funds .....	5
Additional requirements.....	5
Contract between a community school and its sponsor .....	5
Notification upon closure or ceasing to be a STEM school equivalent .....	6
STEM Committee.....	6
STEM programs of excellence .....	6
Proposals to create new STEM schools .....	7



Partnering entities for STEM proposals .....	7
Content of proposals .....	7
Evaluation and approval of proposals.....	7
<b>TEACHER EVALUATIONS .....</b>	<b>8</b>
Overview.....	8
Frequency of evaluations .....	8
Exemptions from evaluation .....	9
Framework for the evaluation of teachers .....	9
Alternative framework.....	9
2014-2015 school year .....	10
2015-2016 school year and any subsequent school year .....	10
Components of the alternative framework .....	10
Background.....	11

---

## CONTENT AND OPERATION

### STEM SCHOOLS

#### STEM school equivalent

The act creates a new designation of science, technology, engineering, and mathematics (STEM) school equivalent that may be granted to a community school or chartered nonpublic school that submits a proposal for designation to the STEM Committee. A STEM school equivalent is not subject to any of the requirements that apply to STEM schools except for those regarding a STEM school's curriculum and working partnerships with outside public and private entities. Additionally, a STEM school equivalent is not eligible for any of the state operating funding that is provided to STEM schools.<sup>1</sup>

(Under continuing law, a regular STEM school is a stand-alone public school that offers a rigorous curriculum for any of grades 6 through 12 that integrates STEM disciplines with arts and humanities. A STEM school receives state funds on a per-pupil basis through one of two distinct funding methods.)

#### Proposal for designation as a STEM school equivalent

The act requires a community school or chartered nonpublic school seeking designation as a STEM school equivalent to submit a proposal to the STEM Committee that is established in continuing law (see "**STEM Committee**" below). The proposal must include all of the following:

---

<sup>1</sup> R.C. 3326.032 and 3326.09.



(1) Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations;

(2) Assurances that the school submitting the proposal will operate in compliance with the act's provisions and the provisions of the proposal as accepted by the STEM Committee;

(3) Evidence that the school submitting the proposal will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades 6 through 12, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities; and

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles outlined above;

(5) A description of how each school's curriculum will be developed and approved in accordance with the STEM school curriculum requirements, which apply to a STEM school equivalent under the act's provisions;

(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development; and

(7) Assurance that the school submitting the proposal has received commitments of sustained and verified fiscal and in-kind support from regional education and business entities.<sup>2</sup>

These requirements are very similar to the requirements for a proposal for a STEM school, except that STEM school proposals must also provide that the school will be under the oversight of a governing body and specify how the school's assets will be distributed upon its closing. These additional requirements are unnecessary for STEM

---

<sup>2</sup> R.C. 3326.032(B).

school equivalents because the act specifies that a community school or chartered nonpublic school that is designated as a STEM school equivalent is still subject to the requirements that already apply to that type of school, including requirements pertaining to school governance and distribution of the school's assets upon its closing.<sup>3</sup>

### **Curriculum requirements**

The act specifies that the curriculum of a STEM school equivalent is subject to the requirements that apply to the curriculum of a STEM school under law unchanged by the act. The curriculum must be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner with the STEM school equivalent, and a member of the public with expertise in the application of science, technology, engineering, or mathematics. Additionally, the curriculum is subject to approval by the school's governing authority.<sup>4</sup>

### **Applications for grants and additional funds**

The act expressly permits a STEM school equivalent to apply for any of the grants and additional funds that a STEM school may apply for under continuing law, as long as the STEM school equivalent is eligible for those grants or additional funds.<sup>5</sup> This apparently means a STEM school equivalent may use its designation to (1) apply to any state or federal agency for grants under federal or state law or any "appropriations act of the General Assembly" and (2) apply to any private entity or foundation for additional funds.<sup>6</sup>

### **Additional requirements**

#### **Contract between a community school and its sponsor**

If the governing authority of a community school is planning to seek designation for the school as a STEM school equivalent, the act requires that fact to be stipulated in its contract with the school's sponsor.<sup>7</sup>

---

<sup>3</sup> R.C. 3326.032(C)(1).

<sup>4</sup> R.C. 3326.032(C)(1) and 3326.09.

<sup>5</sup> R.C. 3326.032(C)(3).

<sup>6</sup> R.C. 3326.38, not in the act.

<sup>7</sup> R.C. 3314.03(A)(26).



## **Notification upon closure or ceasing to be a STEM school equivalent**

If the governing authority of a community school or chartered nonpublic school that has been designated as a STEM school equivalent intends to close the school or intends to no longer be designated as a STEM school equivalent, the act requires the school to notify the STEM Committee of that fact.<sup>8</sup>

(Continuing law requires the governing authority and sponsor of a community school that is permanently closing and ceasing operation to use procedures adopted by the Department of Education, including procedures for data reporting to the Department, handling of student records, distribution of assets, and other matters.<sup>9</sup> With respect to chartered nonpublic schools that intend to close, continuing law requires a school's governing authority to notify the Department, the school's accrediting agency, and the school district that receives state Auxiliary Services Funds for the school's students of the intent to close.<sup>10</sup>)

## **STEM Committee**

The act specifies that the STEM Committee, which is established under continuing law, is a committee of the Department of Education.<sup>11</sup> The STEM Committee consists of seven members: the Superintendent of Public Instruction, the Chancellor of the Board of Regents, the Director of Development, and four members of the public who have expertise in business or STEM fields (two appointed by the Governor, one appointed by the Speaker of the House of Representatives, and one appointed by the President of the Senate).

## **STEM programs of excellence**

The act permits the governing authority of a chartered nonpublic school to submit a proposal to the STEM Committee to receive a grant for a STEM program of excellence that serves students in any of grades kindergarten through eight in that school.<sup>12</sup> Under continuing law, city, exempted village, and local school districts and community schools may also submit proposals for this purpose. Law unchanged by the act requires the STEM Committee to award grants to support the operation of STEM

---

<sup>8</sup> R.C. 3301.162 and 3326.032(D).

<sup>9</sup> R.C. 3314.015(E), not in the act.

<sup>10</sup> R.C. 3301.162.

<sup>11</sup> R.C. 3326.02.

<sup>12</sup> R.C. 3326.04.



programs of excellence, but money has not been appropriated for this purpose for several years.

## **Proposals to create new STEM schools**

### **Partnering entities for STEM proposals**

The act permits, but does not require, a community school, a chartered nonpublic school, or both to be part of a partnership of public and private entities that submits a proposal for the establishment of a new STEM school.<sup>13</sup> Continuing law requires this partnership to consist of at least (1) a city, exempted village, local, or joint vocational school district or an educational service center, (2) higher education entities, and (3) business organizations.

### **Content of proposals**

Under continuing law, a proposal for the establishment of a new STEM school must include evidence that each STEM school that is part of the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development. The act specifies that this knowledge for best practices and innovative professional development must be shared with the Ohio STEM Learning Network, or its successor.<sup>14</sup> The Ohio STEM Learning Network is a private entity that connects STEM schools, teachers, and administrators across the state and assists schools and communities that want to create new STEM schools and programs.<sup>15</sup>

### **Evaluation and approval of proposals**

The act requires the STEM Committee to seek technical assistance from the Ohio STEM Learning Network, or its successor, throughout the process of accepting and evaluating proposals for the establishment of a new STEM school and choosing which proposals to approve. The STEM Committee also must consider the recommendations of the Ohio STEM Learning Network, or its successor, in approving proposals for STEM schools.<sup>16</sup>

---

<sup>13</sup> R.C. 3326.03.

<sup>14</sup> R.C. 3326.03(C)(6).

<sup>15</sup> Ohio STEM Learning Network website ([www.osln.org](http://www.osln.org)), click on "About."

<sup>16</sup> R.C. 3326.03(A).



# TEACHER EVALUATIONS

## Overview

The act makes several modifications to the state teacher evaluation system. First, it decreases the frequency of evaluations for high-performing teachers. Second, it exempts teachers from an evaluation who were on leave for a specified percentage of the school year or submitted a notice of retirement by a specified date. Finally, it permits districts and schools to use an alternative framework, prescribed by the act, for the evaluation of teachers.

## Frequency of evaluations

The act modifies a provision of prior law that required all teachers who spent at least 50% of the time employed providing student instruction to be evaluated at least once every school year by permitting certain high-performing teachers to be evaluated on a less frequent basis. Specifically, the act permits a school district board of education or governing authority of a community school or STEM school to evaluate only once every three years any teacher who received a rating of "accomplished" on the teacher's most recent evaluation so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is "average" or higher, as determined by the Department of Education.<sup>17</sup> Prior law permitted a board or governing authority, by adoption of a resolution, to evaluate once every two years any teacher who received a rating of "accomplished" on the most recent evaluation.

The act also permits a board or governing authority to evaluate once every two years any teacher who received a rating of "skilled" on the teacher's most recent evaluation so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is "average" or higher, as determined by the Department.<sup>18</sup>

In any year that a teacher does not receive a formal evaluation, the act requires that the teacher receive at least one observation from, and attend at least one conference with, an individual who holds a credential for being an evaluator issued by the Department.<sup>19</sup>

---

<sup>17</sup> R.C. 3319.111(C)(2)(a).

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

<sup>19</sup> R.C. 3319.111(C)(3).



## Exemptions from evaluation

Beginning with the 2014-2015 school year, the act allows a district or school to choose not to evaluate either of the following:

(1) A teacher who was on leave from the school district for 50% or more of the school year; or

(2) A teacher who has submitted a notice of retirement and whose notice has been accepted not later than December 1 of the school year in which the evaluation is otherwise scheduled to be conducted.<sup>20</sup>

## Framework for the evaluation of teachers

Under continuing law, all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds, must adopt a standards-based teacher evaluation system that conforms to a framework developed by the State Board of Education.<sup>21</sup> The evaluation system must provide for multiple evaluation factors, one of which must be student academic growth and must account for 50% of each evaluation (unless using an alternative framework established by the act, see below). This system also requires at least two formal observations of the teacher being evaluated, of at least 30 minutes each, and classroom walkthroughs; however, no percentage of a teacher's evaluation is expressly attributed to this factor.<sup>22</sup>

### Alternative framework

Beginning with the 2014-2015 school year, the act permits a district or school to use an alternative framework prescribed by the act for the evaluation of teachers, rather than the framework developed by the State Board, which is unchanged by the act (described above).<sup>23</sup> If a district or school chooses to use the alternative framework, that district or school must calculate ratings assigned for teacher evaluations according to the framework for that specified school year, as prescribed below.

---

<sup>20</sup> R.C. 3319.111(C)(2)(d).

<sup>21</sup> R.C. 3319.111, 3314.03(A)(11)(i), and 3326.111, latter section not in the act.

<sup>22</sup> R.C. 3319.112(A)(1) and (3).

<sup>23</sup> R.C. 3319.114(A). (See also R.C. 3319.112.)



### **2014-2015 school year**

If a district or school chooses to use the alternative framework for the 2014-2015 school year, ratings assigned for teacher evaluations must be calculated according to the following:

- (1) The teacher performance measure must account for 42.5% of each evaluation.
- (2) The student academic growth measure must account for 42.5% of each evaluation.
- (3) One of four specified components (student surveys, teacher self-evaluations, peer review evaluations, or student portfolios) must account for 15% of each evaluation. Schools may choose which of the four listed components to use.<sup>24</sup>

### **2015-2016 school year and any subsequent school year**

If a district or school chooses to use the alternative framework for the 2015-2016 school year, or for any school year thereafter, ratings assigned for teacher evaluations must be calculated according to the following:

- (1) The teacher performance measure must account for 42.5% to 50% of each evaluation.
- (2) The student academic growth measure must account for 42.5% to 50% of each evaluation.
- (3) One of four specified components (student surveys, teacher self-evaluations, peer review evaluations, or student portfolios) must account for the remainder of each evaluation. Schools may choose which of the four listed components to use.<sup>25</sup>

Additionally, the act specifies that the teacher performance measure and the student academic growth measure must account for an equal percentage of each evaluation. It appears that, under this framework, the percentage assigned for each of the three components may vary across districts and schools, so long as each percentage meets the specified parameters.

### **Components of the alternative framework**

The act specifies that the first two components of the alternative framework, the teacher performance measure and the student academic growth measure, are measures

---

<sup>24</sup> R.C. 3319.114(B).

<sup>25</sup> R.C. 3319.114(C).



defined by the Department.<sup>26</sup> Meanwhile, the final component must be chosen by the district or school from among four prescribed components, which include student surveys, teacher self-evaluations, peer review evaluations, and student portfolios. Only one of the four components may be used by each district or school.<sup>27</sup> Therefore, the components cannot be used in combination.

In order to provide a method for the evaluation of the final component, the act requires the Department to compile a list of approved instruments for districts and schools to use, beginning with the 2014-2015 school year, when evaluating student surveys, teacher self-evaluations, peer review evaluations, and student portfolios. Each district or school must choose one of the approved instruments from this list in order to evaluate the applicable component selected by the district or school.<sup>28</sup>

## **Background**

Under continuing law, the State Board of Education must establish a teacher evaluation framework that:

- (1) Provides for multiple evaluation factors;
- (2) Is aligned with the Educator Standards Board's standards for teachers, as adopted by the State Board;
- (3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator for a minimum of 30 minutes each time and classroom walkthroughs;
- (4) Requires each teacher to be given a written report of the evaluation results;
- (5) Implements a classroom-level, value-added data program developed by a nonprofit organization led by the Ohio business community;
- (6) Provides for professional development to accelerate and continue teacher growth and to support poorly performing teachers; and
- (7) Allocates financial resources to support the professional development.

---

<sup>26</sup> R.C. 3319.114(B)(1) and (2) and (C)(1) and (2).

<sup>27</sup> R.C. 3319.114(B)(3) and (C)(3).

<sup>28</sup> R.C. 3319.114(D).



The framework must also enable teachers to be rated as "accomplished," "skilled," "developing," or "ineffective." The State Board is tasked with developing standards and criteria that distinguish between the four levels of performance in consultation with experts, public school teachers and principals, and stakeholder groups.<sup>29</sup>

---

## HISTORY

ACTION	DATE
Introduced	11-26-13
Reported, H. Education	02-27-14
Passed House (86-5)	04-02-14
Reported, S. Education	06-03-14
Passed Senate (30-3)	06-03-14
House concurred in Senate amendments (94-1)	06-03-14

14-HB362-130.docx/jc

---

<sup>29</sup> R.C. 3319.112(A) and (B)(1).

