

March 12, 2018

## Senate Bill 246 Seeks Changes to Out-of-School Suspensions and Expulsions for Ohio's Youngest Learners

Senate Bill (SB) 246, sponsored by Senator Peggy Lehner (R-Kettering), Chair of the Senate Education Committee, and Senate Majority Whip Gayle Manning (R-North Ridgeville), received sponsor testimony in the Senate Finance Committee on March 6, 2018. The bill seeks to limit certain out-of-school suspensions and expulsions for children in pre-kindergarten through the 3<sup>rd</sup> grade. Under the legislation, out-of-school suspensions and expulsions would continue to be permitted for violent behavior and to protect the health and safety of others. The bill would also still permit emergency removal of disruptive students when necessary.

Additionally, the bill requires school districts to implement an intervention to encourage positive behavior and to support a framework that seeks to “improve the school climate for the purpose of improving academic and social outcomes and increasing the learning for all students.” SB 246 appropriates \$2 million for competitive grants to assist schools in the implementation and allows for a three-year phase-in of the bill’s requirements.

OEA supports this legislation. The bill aligns with OEA Legislative Policy passed at the December 2016 OEA Representative Assembly regarding out-of-school suspensions and expulsions of children who are nine years old and younger. A wide variety of research has concluded that more exclusionary approaches to school discipline often fail to improve individual student behavior. Such approaches can also lead to a series of adverse consequences later in life, including academic failure and incarceration.

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## OEA Testifies in Opposition to Education Consolidation Bill

On Wednesday, March 7, 2018, OEA testified in opposition to House Bill 512. The bill, sponsored by Representative Bill Reineke (R- Tiffin), seeks to consolidate the Ohio Department of Education, the Ohio Department of Higher Education, and the Governor's Office of Workforce Transformation into a new, cabinet-level agency, the Ohio Department of Learning and Achievement. The bill also proposes to transfer most of the functions and policy-making powers of the State Board of Education (SBOE) to the new department. Under the bill, SBOE would oversee teacher licensure and educator misconduct.

The primary reasons for OEA's opposition is the concern that the unique needs of K-12 education, higher education and workforce development could get lost in the creation of a new "super" agency. Additionally, the bill would strip the State Board of Education of most of its powers taking away an important means of input in education policy for educators, parents and the public.

You can read OEA's testimony on HB 512 by clicking [here](#).

Of the 33 individuals and organizations that provided testimony, 26 were listed as opponents. The Ohio School Boards Association, Buckeye Association of School Administrators, Ohio Faculty Council, current and former members of the State Board of Education and home school advocates were among those voicing opposition to the bill.

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## SB216 – OTES Reform Long-Sought by OEA Passes Senate Education Committee

The Senate Education Committee has passed a package of reforms to the Ohio Teacher Evaluation System (OTES) that is based on recommendations made by the Educator Standards Board (ESB), which is led by teachers. OEA strongly supports this OTES reform package and has made it a top-priority.

Also, on the plus side, was the removal of a provision that would have allowed a superintendent to assign a licensed teacher to any grade or subject. OEA advocated for removal of this provision.

However, another provision in SB 216, allowing for a “grade band flex” teacher assignment, is cause for concern. The bill also changes educator grade bands for individuals seeking initial licensure after the bill takes effect. (Current teachers are grandfathered). OEA will continue to urge that these and other concerns be addressed when the House takes up the bill.

Amendments to SB 216 accepted by the Senate Education Committee on March 7 included:

- **OTES Reform:**

- Requires ODE to revise the state board of education’s standards-based state framework for the evaluation of teachers, **based on the recommendations of the Educator Standards Board (ESB)** and submit a summary of the revisions to the state board for review. Not later than **May 1, 2019**, the state board shall adopt the revised framework. Not later than **July 1, 2019**, the board of education of each school district, in consultation with teachers employed by the board, shall update its standards-based teacher evaluation policy to conform with the state board’s adopted framework.
- Requires OTES state framework to include **at least two measures of high-quality student data** to provide evidence of student learning attributable to the teacher being evaluated.
- ODE shall define "high-quality student data" and for this purpose. When applicable to the grade level or subject area taught by a teacher, high-quality student data shall include the value-added progress dimension,

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but the teacher or evaluator shall use at least one other measure of high-quality student data to demonstrate student learning.

- High-quality student data **may be used as evidence in any component of the evaluation related to the following (i.e. not as a separate 50% factor):**
  - (a) Knowledge of the students to whom the teacher provides instruction;
  - (b) A teacher's use of differentiated instructional practices based on the needs or abilities of individual students;
  - (c) Assessment of student learning;
  - (d) A teacher's use of assessment data;
  - (e) Professional responsibility and growth.
- Prohibits the use of student learning objectives
- **College Credit Plus textbooks:** Requires families and school districts to share the cost of textbooks needed for student participation in the CCP program, unless the student's family is at or below 200 percent of the federal poverty level.
- **Early college high school four-year provisional license:** Requires that the state board shall adopt rules establishing standards and requirements for obtaining a nonrenewable four-year provisional educator license for teaching in grades seven through twelve at an early college high school as long as the applicant meets prescribed qualifications.
- **Educator Licensure Bands and Teacher Assignment:**
  - Removes unrestricted authority to employ teachers to any grade or subject for which they are not licensed,
  - A superintendent may employ a teacher in a subject area for which the person is not licensed or a grade level for which the person is not licensed that is **within two grade levels of the person's licensure grade band** for up to three school years if that person has three or more years of teaching experience and attains a passing score on an examination prescribed by the state board of education in the teaching area
  - After a person has taught in a subject area or grade band for which that person is not licensed for one year under this section, that person may be licensed in the area or grade band for which he or she had been teaching under this section if that person successfully completes the

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- pedagogy and instruction in the teaching of reading required by ODE for that subject area or grade band. A teacher preparation program approved by the chancellor of higher education or a school district board of education may provide the required pedagogy course or courses.
- **Grade Bands:** Requires educator licenses issued by the state board of education to be issued in the following grade bands:
    - Pre-K through grade 5
    - Grades 4 through 9
    - Grades 5 through 12
  - **Current teachers grandfathered from new grade bands:** The changes to the grade band specifications under this amendment shall not apply to a person who holds an educator license prior to the effective date of the bill.

## HB 98 – Senate Education Committee Passes Bill to Provide Students More Information About Careers in the Skilled Trades; Other Education Amendments Included

House Bill 98 (R-Duffey/D-Boggs) adds representatives from the skilled trades and technical careers to the list of entities for which boards of education are required to make uniform presentations regarding career information to students. OEA supports this proposal. It is critical that students receive a full range of information about how what they learn in public schools can be linked with the training and development of skills that will result in good-paying jobs in Ohio's diverse economy.

The Senate Education Committee added a batch of un-related amendments before passing House Bill 98 on Wednesday, March 7, 2018:

- An amendment from Sen. Randy Gardner (R-Bowling Green) would provide funding to partially offset massive tax revenue losses in Benton-Carroll-Salem schools from devaluation of the Davis-Besse nuclear power plant in Ottawa County. Sen. Bill Coley (R-West Chester) objected to the amendment, but it passed with support from all other members of the committee present.

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- Gardner also attached an amendment that he said would restore the Ohio College Opportunity Grant (OCOG) funding model used for the past 10 years, in response to a re-interpretation of the OCOG funding statute by the Ohio Department of Higher Education.
- Two amendments from Sen. Gayle Manning (R-North Ridgeville) included a technical correction to the bill regarding terminology and a technical change that updates a section of the Ohio Revised Code dealing with career-technical education licensure so that it conforms with other parts of current educator licensure law.

## Local School Districts Stand to Recover Money Lost to Troubled Charter Schools with the House Passage of HB 87

HB 87 was passed 94-2 by the Ohio House on March 7, 2018. OEA worked with Rep. Kristina Roegner (R-Hudson) and the bill's bi-partisan co-sponsors to secure overwhelming support for this important charter school financial accountability bill. State Auditor Dave Yost also voiced strong support.

The bill requires any public funds that are reclaimed by the state based on a finding of recovery against a charter school for fraudulently over-reporting enrollment to be returned to the school districts from which the funds were initially deducted. Ohio law is currently silent on where the state should send these recovered funds.

The House passage of HB 87 by a vote of 94-2 comes after recently passing stronger charter student residency verification requirements in HB 21 (R-Hambley) by a vote of 94-0. HB 21 has received three hearings in Senate Education Committee thus far and is likely to be approved eventually by the Senate.

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