

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 347

Representative Setzer

**Cosponsors: Representatives McGregor, J., Webster, Huffman, Combs,
Fessler, Chandler**

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A B I L L

To amend section 3319.25; to amend for the purpose of 1
adopting a new section number as indicated in 2
parentheses, section 3319.25 (3319.259); and to 3
enact new section 3319.25 and sections 3319.251 to 4
3319.258 of the Revised Code and to amend Section 5
269.10.30 of Am. Sub. H.B. 119 of the 127th 6
General Assembly to replace the Praxis III 7
assessment as a condition for a professional 8
educator license with assessment systems developed 9
by school districts, community schools, STEM 10
schools, and chartered nonpublic schools. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3319.25 be amended; section 3319.25 12
(3319.259) be amended for the purpose of adopting a new section 13
number, as indicated in parentheses; and new section 3319.25 and 14
sections 3319.251, 3319.252, 3319.253, 3319.254, 3319.255, 15
3319.256, 3319.257, and 3319.258 of the Revised Code be enacted to 16
read as follows: 17

Sec. 3319.25. As used in this section and sections 3319.251 18

<u>to 3319.259 of the Revised Code:</u>	19
<u>(A) "Community school" means a community school established</u>	20
<u>under Chapter 3314. of the Revised Code.</u>	21
<u>(B) "Entry-year program" means a formal, structured program</u>	22
<u>of support for an entry-year teacher as prescribed in section</u>	23
<u>3319.252 of the Revised Code.</u>	24
<u>(C) "Entry-year teacher" means an individual who holds a</u>	25
<u>provisional educator license, who desires to convert that license</u>	26
<u>to a professional educator license, and who is eligible for an</u>	27
<u>entry-year program because the individual is teaching full-time in</u>	28
<u>the subject area or grade level of the individual's provisional</u>	29
<u>educator license. "Entry-year teacher" does not include an</u>	30
<u>individual who is teaching in a STEM school under a provisional</u>	31
<u>educator license issued under section 3319.28 of the Revised Code</u>	32
<u>but does include an individual who is teaching in a STEM school</u>	33
<u>under any other type of provisional educator license.</u>	34
<u>(D) "Ohio standards for the teaching profession" means the</u>	35
<u>standards for what teachers are expected to know and be able to do</u>	36
<u>as developed and adopted under section 3319.61 of the Revised</u>	37
<u>Code.</u>	38
<u>(E) "Praxis III test" means the praxis III classroom</u>	39
<u>performance assessment for beginning teachers developed and</u>	40
<u>licensed by the educational testing service.</u>	41
<u>(F) "Provisional educator license" and "professional educator</u>	42
<u>license" mean those licenses as so designated and issued by the</u>	43
<u>state board of education in accordance with rules adopted under</u>	44
<u>section 3319.22 of the Revised Code.</u>	45
<u>(G) "STEM school" means a science, technology, engineering,</u>	46
<u>and mathematics school established under Chapter 3326. of the</u>	47
<u>Revised Code.</u>	48

(H) "Teacher assessment system" means the performance assessment system for entry-year teachers developed and implemented in accordance with sections 3319.253 to 3319.258 of the Revised Code.

Sec. 3319.251. (A) Beginning July 1, 2008, the state board of education shall not require any individual to pass the praxis III test as a condition of converting a provisional educator license to a professional educator license. The state board shall issue a professional educator license to any individual who has taken the praxis III test prior to that date and who has received a satisfactory rating on the test, as the test was administered prior to that date, as long as the individual otherwise qualifies for the professional educator license under rules of the state board in effect on that date.

(B) Beginning July 1, 2008, except for a provisional educator license issued under section 3319.28 of the Revised Code, the state board shall require each individual who holds a provisional educator license, who desires to convert that license to a professional educator license, and who has not passed a praxis III test relating to the subject area or grade level of the provisional educator license administered prior to that date, to do both of the following in order to qualify for conversion of the provisional educator license to a professional educator license:

(1) Complete an entry-year program;

(2) Attain a satisfactory rating through the teacher assessment system of the school district, community school, STEM school, or chartered nonpublic school that employs the individual.

An individual issued a provisional educator license under section 3319.28 of the Revised Code shall qualify for a professional educator license in the same subject area in accordance with division (D) of that section.

(C) The state board may issue an interim license to any individual who does not qualify for a professional educator license because the individual did not receive the satisfactory rating required by division (B)(2) of this section. The interim license shall be valid for one year and is not renewable. During that year, the individual shall complete another year of the entry-year program of the individual's employing school district or school and shall be assessed in accordance with the teacher assessment system of that district or school. Upon expiration of the interim license, the individual may qualify for a professional educator license if the person has completed the additional year of the entry-year program and receives a satisfactory rating through the 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 shall be ineligible for a provisional or professional educator license until the individual completes additional coursework, field experiences, or clinical experiences through a teacher preparation program approved under section 3319.23 of the Revised Code.

Sec. 3319.252. (A) Beginning with the 2008-2009 school year, each school district, community school, STEM school, and chartered nonpublic school shall provide each entry-year teacher employed by the district or school who is teaching full-time in the subject area or grade level of the teacher's provisional educator license with a formal, structured entry-year program that includes individualized mentoring and professional development and that is conducted in concert with the district's or school's teacher assessment system.

(B)(1) Except as provided in division (B)(2) of this section, each entry-year program shall be at least two school years in duration.

(2) In the case of an entry-year teacher who participated in an entry-year program as prescribed by rules of the state board of education in effect prior to July 1, 2008, and who did not pass the praxis III by that date, the entry-year program under this section shall be at least one school year in duration.

(3) In any school year in which an entry-year teacher is employed after the beginning of that school year, the entry-year program for that school year shall be at least one hundred twenty days in duration.

(C) If the entry-year teacher is employed by more than one school district or school during the two-year duration of the teacher's provisional educator license, each of the teacher's employing districts or schools shall provide the teacher with an entry-year program for the balance of that two-year period in which the teacher is employed by the district or school.

Sec. 3319.253. (A) Beginning with the 2008-2009 school year, each school district, community school, STEM school, and chartered nonpublic school shall develop and implement a teacher assessment system to assess and rate the performance of each entry-year teacher employed by the district or school. The system shall use a team of individuals, as described in section 3319.254 of the Revised Code, to assess and rate the performance of each entry-year teacher. Each entry-year teacher is expected to attain a satisfactory performance rating, as prescribed in division (B) of this section, by the conclusion of the entry-year program. The superintendent of the school district or the chief administrative officer of the community school, STEM school, or chartered nonpublic school that employs the entry-year teacher shall report the entry-year teacher's rating to the state board of education in the manner and by any deadlines prescribed by the state board.

(B) An entry-year teacher shall be rated satisfactory if the

assessment team determines that the teacher is proficient in each 143
standard included in the Ohio standards for the teaching 144
profession. In assessing a teacher against those standards, the 145
team also may consider, where applicable, information regarding 146
the teacher's performance available through the value-added 147
progress dimension implemented under section 3302.021 of the 148
Revised Code. 149

(C) If the entry-year teacher is employed by more than one 150
school district or school during the two-year duration of the 151
teacher's provisional educator license, each of the teacher's 152
employing districts or schools shall assess the performance of the 153
teacher for the balance of that two-year period in which the 154
teacher is employed by the district or school in accordance with 155
that district's or school's teacher assessment system. However, 156
only the district or school that employs the entry-year teacher at 157
the end of the second year shall report the teacher's final rating 158
to the state board. 159

(D) Each school district, community school, STEM school, and 160
chartered nonpublic school shall give written notice to each 161
entry-year teacher, upon employment and at least once each year 162
thereafter, of the provisions of the district's or school's 163
teacher assessment system. 164

Sec. 3319.254. The assessment team for each entry-year 165
teacher under the teacher assessment system of a school district, 166
community school, STEM school, or chartered nonpublic school shall 167
consist of the following: 168

(A) The principal or chief administrative officer of the 169
building to which the entry-year teacher is assigned, or a 170
principal or an administrator assigned to a different building if 171
the entry-year teacher requests assignment of a new assessment 172
team under section 3319.258 of the Revised Code and that request 173

is granted; 174

(B) The mentor assigned to the entry-year teacher for purposes of the entry-year program; 175
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(C) An individual who is not assigned to the same building as the teacher and who has a valid professional educator license with credentials qualifying the individual to supervise other teachers or to manage the development and implementation of curricula. The individual appointed under this division may be a regular employee of a district, community school, STEM school, or chartered nonpublic school other than the district or school that employs the entry-year teacher. 177
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Sec. 3319.255. The teacher assessment system of a school district, community school, STEM school, or chartered nonpublic school shall provide for at least the following: 185
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(A) Subject to section 3319.256 of the Revised Code, at least three formal observations of the entry-year teacher's classroom performance in each year of the entry-year program. Each formal observation shall be at least forty-five minutes in duration. 188
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(B) In addition to the observations required under division (A) of this section, subject to section 3319.256 of the Revised Code, a number of shorter-length observations at the discretion of the assessment team; 192
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(C) A written summary of each observation conducted under division (A) of this section, which shall be given to the entry-year teacher not later than ten working days after the observation; 196
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(D) At the request of the entry-year teacher, a conference between the entry-year teacher and the assessment team before and after each observation conducted under division (A) of this section. However, a pre-observation conference is not required, if 200
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the entry-year teacher is not given advance notice of an 204
observation, as permitted under division (B) of section 3319.256 205
of the Revised Code. 206

(E) An annual written summative appraisal of the entry-year 207
teacher's performance, which shall be given to the entry-year 208
teacher not later than five working days before the summative 209
conference prescribed in division (F) of this section. The 210
appraisal shall be placed in the teacher's personnel file by the 211
end of each year of the entry-year program. 212

(F) Unless waived by the entry-year teacher, a summative 213
conference between the entry-year teacher and the assessment team 214
occurring at least fifteen school days prior to the last day of 215
instruction of each school year. The conference shall focus on the 216
appraisal required under division (E) of this section and related 217
data sources. If, upon assignment of a new assessment team or 218
mentor in accordance with section 3319.258 of the Revised Code, 219
the entry-year teacher's assessment team does not include any 220
individual assigned to the same building as the entry-year 221
teacher, the principal or chief administrative officer of the 222
entry-year teacher's building, or the principal's or chief 223
administrative officer's designee, shall be invited to the 224
summative conference. 225

(G) Maintenance of cumulative written documents regarding the 226
entry-year teacher's performance, including the documents required 227
under divisions (C) and (E) of this section. Any documentation 228
collected after a summative conference, prescribed in division (F) 229
of this section, but before the end of the school year may be 230
considered in the assessment of the entry-year teacher. If the 231
documentation affects the entry-year teacher's assessment, another 232
summative appraisal, as prescribed in division (E) of this 233
section, shall be written and another summative conference shall 234
be provided to the entry-year teacher to inform the entry-year 235

<u>teacher of the changes in the assessment.</u>	236
<u>(H) Procedures for an entry-year teacher to submit a response</u>	237
<u>or rebuttal to a written summary of an observation or an annual</u>	238
<u>written summative appraisal, to file a grievance against an</u>	239
<u>assessment, to request another observation, and to request a</u>	240
<u>change in the entry-year teacher's assessment team or mentor.</u>	241
<u>Sec. 3319.256. (A) Observations of an entry-year teacher's</u>	242
<u>classroom performance, as prescribed under divisions (A) and (B)</u>	243
<u>of section 3319.255 of the Revised Code, shall not be conducted</u>	244
<u>anytime during the first or last three weeks of instruction in a</u>	245
<u>school year or the last day of instruction before a holiday.</u>	246
<u>(B) An entry-year teacher may be given advance notice of the</u>	247
<u>date or time of an observation, but advance notice is not</u>	248
<u>required.</u>	249
<u>Sec. 3319.257. (A) If at any time during the entry-year</u>	250
<u>program, the assessment team determines that an entry-year teacher</u>	251
<u>is not proficient or above in one or more of the Ohio standards</u>	252
<u>for the teaching profession, the team and the entry-year teacher</u>	253
<u>jointly shall develop a written intervention plan that includes</u>	254
<u>the following:</u>	255
<u>(1) Each standard in which the entry-year teacher is not</u>	256
<u>proficient;</u>	257
<u>(2) Directives or recommendations for professional</u>	258
<u>improvement activities and indicators that will be used to</u>	259
<u>determine successful completion of those activities;</u>	260
<u>(3) Directives for changes in the entry-year teacher's</u>	261
<u>behavior and indicators that will be used to determine if the</u>	262
<u>teacher's behavior has changed;</u>	263
<u>(4) Options for professional development activities designed</u>	264

to enhance the entry-year teacher's proficiency. At least one 265
option shall not place significant financial burden on either the 266
teacher or the employing district or school. 267

(5) A timeline for successful completion of the intervention 268
plan. 269

(B) If, upon assignment of a new assessment team or mentor in 270
accordance with section 3319.258 of the Revised Code, the 271
entry-year teacher's assessment team does not include any 272
individual assigned to the same building as the entry-year 273
teacher, the principal or chief administrative officer of the 274
entry-year teacher's building, or the principal's or chief 275
administrative officer's designee, shall be invited to participate 276
in the development and implementation of the intervention plan. 277

(C) Failure of an entry-year teacher to successfully complete 278
the intervention plan by the time specified in the plan may be 279
considered by the employing district or school in the deciding 280
whether to renew the employment contract of the entry-year 281
teacher. 282

Sec. 3319.258. An entry-year teacher may submit to the 283
teacher's assessment team a written response or rebuttal within 284
ten working days or, at the discretion of the assessment team, 285
within fifteen working days after receiving either a written 286
summary of an observation or an annual written summative appraisal 287
as required under division (C) or (E) of section 3319.255 of the 288
Revised Code. In that response or rebuttal, the entry-year teacher 289
may request another formal observation, under division (A) of 290
section 3319.255 of the Revised Code, or may request the 291
assignment of a new assessment team or mentor. The decision 292
whether to grant a request belongs solely to the board of 293
education of the school district, governing authority of the 294
community school, governing body of the STEM school, or governing 295

authority of the chartered nonpublic school that employs the 296
entry-year teacher. 297

Sec. ~~3319.25~~ 3319.259. Any teacher performance assessment 298
entity with which the department of education or the state board 299
of education contracts ~~or~~, any independent agent with whom such 300
entity, the department, or the state board contracts to provide 301
services as a teacher performance assessor, trainer of assessors, 302
or assessment coordinator, or any member of an assessment team 303
under the teacher assessment system of a school district, 304
community school, STEM school, or chartered nonpublic school, is 305
not liable for damages in a civil action concerning the actions of 306
such entity ~~or~~, agent, or team member made in the conduct of a 307
teacher performance assessment unless those actions were conducted 308
with malicious purpose, in bad faith, or in a wanton or reckless 309
manner. 310

As used in this section, "teacher performance assessment" 311
means an assessment ~~prescribed by the state board of education~~ to 312
measure the classroom performance of a teacher who is a candidate 313
for a professional educator license based on observations 314
~~conducted by a trained assessor~~ while the teacher is engaged in 315
actual classroom instruction. 316

Section 2. That existing section 3319.25 of the Revised Code 317
is hereby repealed. 318

Section 3. That Section 269.10.30 of Am. Sub. H.B. 119 of the 319
127th General Assembly be amended to read as follows: 320

Sec. 269.10.30. EDUCATOR TRAINING 321

The foregoing appropriation item 200-410, Educator Training, 322
shall be used to fund professional development programs in Ohio. 323

The Department of Education shall, when possible, incorporate 324
cultural competency as a component of professional development and 325
actively promote the development of cultural competency in the 326
operation of its professional development programs. As used in 327
this section, "cultural competency" has the meaning specified by 328
the Educator Standards Board under section 3319.61 of the Revised 329
Code. 330

Of the foregoing appropriation item 200-410, Educator 331
Training, up to \$9,250,000 in fiscal year 2008 and up to 332
\$10,250,000 in fiscal year 2009 shall be used by the Department of 333
Education to provide grants to pay \$2,225 of the application fee 334
in order to assist teachers from public and chartered nonpublic 335
schools applying for the first time to the National Board for 336
Professional Teaching Standards for professional teaching 337
certificates or licenses that the board offers. These moneys shall 338
be used to pay up to the first 400 applications in each fiscal 339
year received by the Department. This set aside shall also be used 340
to recognize and reward teachers who become certified by the 341
National Board for Professional Teaching Standards under section 342
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 343
this set aside may be used by the Department to pay for costs 344
associated with activities to support candidates through the 345
application and certification process. Up to \$39,500 of this set 346
aside in each fiscal year may be used to support the application 347
fee for candidates participating in the Take One program for 348
beginning teachers in years two and three. 349

Of the foregoing appropriation item 200-410, Educator 350
Training, up to \$9,515,817 in each fiscal year shall be allocated 351
for entry year teacher and principal programs. These funds shall 352
be used to support mentoring services and performance assessments 353
of beginning teachers and principals in school districts and 354
chartered nonpublic schools. Of this set aside, up to \$4,200,000 355

in fiscal year 2009 shall be used for entry year teacher 356
assessments under sections 3319.253 to 3319.258 of the Revised 357
Code. The Department shall distribute these funds to school 358
districts and chartered nonpublic schools on a per-entry year 359
teacher basis. 360

Of the foregoing appropriation item 200-410, Educator 361
Training, up to \$200,000 in each fiscal year shall be used to 362
provide technical assistance and grants for districts to develop 363
local knowledge/skills-based compensation systems. Each district 364
receiving grants shall issue an annual report to the Department of 365
Education detailing the use of the funds and the impact of the 366
system developed by the district. 367

Of the foregoing appropriation item 200-410, Educator 368
Training, up to \$350,000 in each fiscal year shall be used for 369
training and professional development of school administrators, 370
school treasurers, and school business officials. 371

Of the foregoing appropriation item 200-410, Educator 372
Training, up to \$63,000 in each fiscal year shall be used to 373
support the Ohio University Leadership Program. 374

Of the foregoing appropriation item 200-410, Educator 375
Training, \$250,000 in each fiscal year shall be used to support 376
the Ohio School Leadership Institute. 377

Section 4. That existing Section 269.10.30 of Am. Sub. H.B. 378
119 of the 127th General Assembly is hereby repealed. 379