



# Ohio Legislative Service Commission

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## Bill Analysis

Jennifer Stump  
John Rau

### **H.B. 312**

128th General Assembly  
(As Introduced)

**Reps.** Morgan, Combs, Grossman, Huffman, Lehner, Martin, McGregor, Uecker

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### **BILL SUMMARY**

- Requires applicants for a professional, senior professional, or lead professional teacher license or for a principal license to demonstrate that the applicant's students have achieved a value-added measure designated by the bill.
- Requires the Ohio Teacher Residency Program to use measures of student academic gain to evaluate the effectiveness of program participants.
- Repeals the requirement for the Educator Standards Board to develop a measure of student academic improvement over a one-year period and make recommendations for incorporating the measure into teacher and principal licensure and evaluations, and instead requires the Board to base its model teacher and principal evaluation instruments on value-added data and other evidence of student achievement gains.
- Requires the State Board of Education to comply with the Administrative Procedure Act in adopting standards for educators, license renewal, and professional development based on recommendations of the Educator Standards Board.
- Directs the State Board of Education to issue an initial professional educator license to an applicant who has completed at least two years of teaching in another state as a participant in the Teach for America program.
- Creates an exception to the existing moratorium on new Internet- or computer-based community schools (e-schools) by permitting an entity to sponsor a new e-school for each community school sponsored by the entity that, on or after September 1, 2009, has a performance rating of continuous improvement or better.
- Repeals outdated provisions of the Community School Law.

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## CONTENT AND OPERATION

### Use of student performance data for educator licensure

(R.C. 3319.22)

Continuing law grants the State Board of Education authority to issue licenses for teachers, paraprofessionals, principals, administrators, superintendents, and other school personnel. Under Am. Sub. H.B. 1 of the 128th General Assembly (the main operating budget for the 2010-2011 biennium), beginning January 1, 2011, the State Board must issue four licenses for teachers: (1) a resident educator license, (2) a professional educator license, (3) a senior professional educator license, and (4) a lead professional educator license. That act prescribes certain qualifications for obtaining each new teacher license or a principal license, although the State Board may establish additional requirements for the licenses by administrative rule.

The bill further requires the State Board to use student performance data to evaluate teachers and principals for licensure, starting in 2011 when the new teacher licenses are first issued. Specifically, to obtain a professional, senior professional, or lead professional educator license or a principal license under the bill, an applicant must demonstrate that the applicant's students have achieved a value-added measure designated by the bill. A value-added measure is used to determine the amount of learning attributable to a particular teacher or school. It generally compares baseline data, such as performance on a pre-test prior to instruction, with data from subsequent assessments to gauge academic growth over a period of time.

For classroom teachers, the value-added measure used depends on the grade levels and subjects taught by the teacher. The value-added measure used for principals varies according to the grade levels offered by the principal's school. In cases where regular student assessment data is not available, the bill directs the Superintendent of Public Instruction to designate an appropriate value-added measure for licensure purposes. The following table outlines the value-added measures prescribed by the bill.

Type of applicant	Value-added measure	Notes
Teachers who teach reading or math in any of grades 4-8	One standard year of academic growth for the applicable grade level in each of those subjects taught by the teacher	The standard year of academic growth, which has already been defined by the State Board of Education under continuing law, is based on data from the reading and math achievement assessments, which are given annually in grades 3-8. <sup>1</sup>
Principals of schools in which the majority of grades offered are in grades 4-8	One standard year of academic growth in reading and math for each of grades 4-8 offered by the school	Under continuing law, teachers in chartered nonpublic schools do not need a standard educator license, <sup>2</sup> but some teachers may still choose to maintain a standard license to enhance their qualifications or to enable them to work in public schools as well. However, chartered nonpublic schools are not required to administer the elementary-level achievement assessments, although they may voluntarily do so. <sup>3</sup> If a chartered nonpublic school elects not to give the elementary achievement assessments, it probably is not possible to use this measure for the school's teachers who apply for standard licensure.
High school teachers who teach a course for which an end-of-course exam is administered	A "standardized measure of improvement in student achievement" designated by the Superintendent of Public Instruction as applied to performance on the end-of-course exam by students enrolled in the teacher's course. If the teacher	Am. Sub. H.B. 1 of the 128th General Assembly directs the Superintendent of Public Instruction and the Chancellor of the Board of Regents to select a series of end-of-course exams in English language arts, math, science, and social studies, which will

<sup>1</sup> See R.C. 3302.021, not in the bill.

<sup>2</sup> To qualify for State Board certification to work in a chartered nonpublic school, a teacher need only have a bachelor's degree from an accredited U.S. college or university (R.C. 3301.071(A), not in the bill).

<sup>3</sup> R.C. 3301.0711(K), not in the bill.

	provides instruction in more than one course for which an end-of-course exam is administered, the measure must account for student performance on the exam for each of those courses.	become one component of a new, multi-factored assessment system to replace the Ohio Graduation Test (OGT) as a requirement for graduation from a public or chartered nonpublic high school. <sup>4</sup> That act does not set a deadline for selection or implementation of the end-of-course exams. Consequently, until administration of the exams begins, high school teachers in core subject areas and high school principals presumably will be evaluated for licensure using the value-added measure described below for other teachers and principals.
Principals of schools in which the majority of grades offered are in grades 9-12	A "standardized measure of improvement in student achievement" designated by the Superintendent of Public Instruction as applied to performance on all end-of-course exams administered by the school	
All other teachers and principals	A measure designated by the Superintendent of Public Instruction	

## Ohio Teacher Residency Program

(R.C. 3319.223)

The bill requires the Ohio Teacher Residency Program to use measures of student academic gain to evaluate the effectiveness of program participants.

### Background

Under Am. Sub. H.B. 1 of the 128th General Assembly (the main operating budget for the 2010-2011 biennium), by January 1, 2011, the Superintendent of Public Instruction and the Chancellor of the Ohio Board of Regents jointly must establish a four-year, entry-level program for classroom teachers, to be known as the Ohio Teacher Residency Program. Individuals who hold a resident educator license or an alternative resident educator license issued under that act's new licensure provisions must participate in the program. The program is to be operational in the 2011-2012 school year when the first recipients of the new licenses will begin teaching. Successful completion of the program is a requirement for individuals holding those licenses to qualify for a professional educator license. The residency program must include (1)

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<sup>4</sup> R.C. 3301.0712, not in the bill.

mentoring by teachers who hold a lead professional educator license, (2) counseling to ensure that participants received needed professional development, and (3) measures of appropriate progression through the program.

### **Educator Standards Board recommendation for value-added measure**

(R.C. 3319.61(F)(6))

Current law requires the Educator Standards Board to develop a method of measuring the academic improvement of individual students over a one-year period and to make recommendations for incorporating the measurement, as one of multiple evaluation criteria, into (1) eligibility for a professional, senior professional, or lead professional educator license or principal license, (2) the Ohio Teacher Residency Program, and (3) the Board's model teacher and principal evaluation instruments.

Since the bill prescribes value-added measures to evaluate license applicants and participants in the Ohio Teacher Residency Program (see "**Use of student performance data for educator licensure**" and "**Ohio Teacher Residency Program**" above), there is no need for recommendations on this issue. Therefore, the bill repeals this language. With respect to (3), though, the bill replaces the repealed language with a requirement for the Educator Standards Board to base its model evaluation instruments on "student performance over time as determined by value-added data and other standardized evidence of student achievement gains."

### **State Board adoption of recommended standards**

(R.C. 3319.61(G))

Under continuing law, by September 1, 2010, the Educator Standards Board must submit to the State Board of Education recommendations for the following: (1) standards for teachers and principals, (2) standards for school district superintendents, treasurers, and business managers, (3) standards for license renewal, and (4) standards for educator professional development. The State Board may adopt the recommended standards, modify the standards prior to adoption, or elect not to adopt standards at all.

The bill specifies that if the State Board does adopt standards, it must do so in accordance with the Administrative Procedure Act, which typically requires notice of a proposed rule and a public hearing.<sup>5</sup>

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<sup>5</sup> See R.C. Chapter 119.

## Licensure of Teach for America participants

(R.C. 3319.227)

The bill directs the State Board of Education to issue an initial professional educator license to an applicant who has completed at least two years of teaching in another state as a participant in the Teach for America program. In other words, the applicant does not need to meet any other licensure qualifications prescribed by statute or administrative rule. However, the teacher would be subject to those additional qualifications when renewing or upgrading the license after its expiration.

### Background

Teach for America recruits recent college graduates to teach for two years in urban and rural public schools. Prior to being placed in a classroom, participants complete a five-week summer training seminar that covers such topics as instructional planning and delivery, classroom management and culture, learning theory, and literacy development. They also receive ongoing professional development during their teaching commitment.

### Community schools

#### Background

Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. A conversion community school, created by converting an existing school district school or educational service center (ESC) building, may be located in and sponsored by any school district or ESC in the state. On the other hand, a "start-up" community school may be located only in a "challenged school district." A challenged school district is any of the following: (1) a "Big-Eight" school district, (2) a school district in academic watch or academic emergency, or (3) a school district in the original community school pilot project area (Lucas County).<sup>6</sup>

The sponsor of a start-up community school may be any of the following:

- (1) The school district in which the school is located;
- (2) A school district located in the same county as the district in which the school is located has a major portion of its territory;

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<sup>6</sup> R.C. 3314.02(A)(3). The "Big-Eight" districts are Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown.

(3) A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;

(4) An ESC serving the county in which the school is located or a contiguous county;

(5) The board of trustees of a state university (or the board's designee) under certain specified conditions; or

(6) A federally tax-exempt entity under certain specified conditions.<sup>7</sup>

The Department of Education may take over sponsorship of community schools, but only in specified exigent circumstances.

### **Exception to e-school moratorium**

(R.C. 3314.013)

Since May 1, 2005, there has been a moratorium on the establishment of new Internet- or computer-based community schools (e-schools). This moratorium, which applies to both conversion and start-up e-schools, is in force until the effective date of any standards enacted by the General Assembly governing the operation of e-schools. The bill creates an exception to the moratorium for both types of schools, thereby allowing new e-schools to open under certain conditions.

Under the bill, a new e-school may open if it enters into a sponsorship contract with an entity that sponsors at least one other community school that, on or after September 1, 2009, is rated continuous improvement, effective, or excellent on the annual school building report cards. A community school sponsor may sponsor one new e-school for each of its other community schools that attains one of those ratings. A sponsor, for example, that sponsors two schools in continuous improvement and one effective school could agree to sponsor three new e-schools. If two of those new e-schools then receive performance ratings of continuous improvement or better, the sponsor could sponsor two more new e-schools.

The bill also requires each new *start-up* e-school, like all "brick-and-mortar" start-up community schools established after June 30, 2007, to hire a qualified operator for the school. Under continuing law, an operator is (1) an individual or organization that manages the daily operations of a community school or (2) a nonprofit organization that provides programmatic oversight and support to a community school and that retains the right to terminate its affiliation with the school for failure to meet the organization's

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<sup>7</sup> R.C. 3314.02(C)(1)(a) through (f).

quality standards.<sup>8</sup> To be a qualified operator, the operator must manage fewer community schools established after June 30, 2007, than the total number of schools nationwide managed by the operator that perform comparably to Ohio schools in continuous improvement or better. Furthermore, if the operator already manages community schools in Ohio, the operator is qualified only if at least one of those Ohio schools is rated continuous improvement or better.<sup>9</sup>

### **Repeal of outdated community school law**

(R.C. 3314.013, 3314.014, 3314.02, 3314.021, 3314.03, and 3314.05)

Prior to July 1, 2007, there were statutory caps on the number of community schools that could be established and specific requirements that a school had to meet to open after the caps were reached. Also, until July 1, 2005, a federally tax-exempt, nonprofit entity could sponsor only community schools that were formerly sponsored by the State Board of Education. The bill repeals these provisions since they are no longer in effect.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	10-14-09

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<sup>8</sup> R.C. 3314.014.

<sup>9</sup> R.C. 3314.016(A). Although the bill makes minor revisions to the statutory language requiring all start-up community schools established after June 30, 2007, to hire an operator, those revisions are technical in nature and do not substantively change the requirement.