



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. S.B. 180\*

128th General Assembly  
(As Reported by S. Education)

**Sens.** Husted, Goodman, Wagoner, Harris, Jones, Schaffer, Cates

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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's model teacher and principal evaluation instruments to use multiple evaluation criteria, with student performance counting for 50% of the evaluation.
- 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.
- Authorizes the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal data system for students in public elementary and secondary schools and public institutions of higher education by combining their

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\* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

student data, using the Department's existing system for giving each student a unique identifier number.

- 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	<p>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></p> <p>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</p>
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	

<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).

		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 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.	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 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	

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

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

## 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) 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 use multiple evaluation criteria in its model evaluation instruments, including "student performance over time, as

determined by value-added data or other appropriate measures of student achievement gains." Student performance must count for 50% of a teacher's or principal's overall evaluation.

### **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>

### **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.

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

## Longitudinal data system

(R.C. 3301.0714(D)(2), 3301.94, and 3333.0410)

### Background

The Department of Education operates the Education Management Information System (EMIS), which is a statewide electronic database on elementary and secondary students, staff, and schools, including statistical, demographic, attendance and enrollment, fiscal, licensure, and student achievement information. As part of that system, the Department engages an independent contractor to assign each student enrolled in a public school a unique identifier number (often called the student's "SSID" number). Schools must use that number to report student data to the Department through EMIS. Each school also must include a student's number on records reported to another public school, and the other school must continue to use the same number when reporting data to the Department for that student. The number is used by the Department to ensure that students are properly counted for funding and state achievement testing purposes. However, with a few exceptions, the Department may not have access to other information that would permit it to match a particular student's number to the student's personal information.<sup>6</sup>

The Chancellor of the Board of Regents also collects student data from institutions of higher education for use in compiling statistical reports for the General Assembly and the federal government and for tracking student eligibility for state scholarships and other assistance. On the other hand, the Chancellor does not have a system for assigning each student a unique identifier number like the Department has for EMIS reporting. Currently, therefore, it may be difficult to match EMIS and the Chancellor's data for longitudinal studies of student achievement and mobility beyond high school.

### The bill

The bill permits the Department of Education and the Chancellor, upon the approval of the State Board of Education, to establish a longitudinal student data system for students in public elementary and secondary schools and public institutions of higher education (that is, a P-16 student data system) by combining their data, using the Department's existing system for assigning each student a unique identifier number. Accordingly, the bill permits the Superintendent of Public Instruction and the Chancellor to enter into a memorandum of understanding, under which the

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<sup>6</sup> Those exceptions permit the Department to match student names with numbers for students participating in the Educational Choice, Autism, and Cleveland Scholarship (voucher) programs and for students enrolled in programs operated by county boards of developmental disabilities.

Department will receive and maintain copies of student data that are reported to the Chancellor and will combine that data with the data reported by elementary and secondary schools through EMIS. The bill states that the data in the combined repository submitted by the Department remains under the direct control of the Department, and the data submitted by the Chancellor remains under the direct control of the Chancellor. Prior to establishing the data system, the state Superintendent and Chancellor must develop a strategic plan that outlines the goals to be achieved from the system's implementation and use.<sup>7</sup>

To facilitate the combined data system, the bill requires public elementary and secondary schools to include a student's SSID number on records they submit on behalf of their students to public institutions of higher education. The Chancellor must require each public higher education institution to use that same number when reporting data for that student to the Chancellor. The EMIS contractor that assigns student identifier numbers must receive data from the Chancellor and match each student's data to that student's SSID number. If a number has not been previously assigned to that student, the contractor must assign one to the student. The contractor then must remove from the student's record any information that would enable the SSID number to be matched to personally identifiable student data and submit the record to the Department for inclusion in EMIS.

The state Superintendent and the Chancellor jointly must develop procedures for the maintenance of the combined data repository and designate the types of research that may be conducted using the data. Under the bill, permitted uses of the data must include (1) assisting the Department in compiling statistical reports, making state payments to schools, and evaluating and reporting district and school academic performance and (2) assisting the Chancellor in compiling statistical reports and tracking eligibility for state assistance. The bill specifically permits the Superintendent and the Chancellor to use the data for other purposes, including research and analysis designed to evaluate the effectiveness of programs or services or to measure progress against strategic planning goals.<sup>8</sup>

Nevertheless, the bill also states that all uses of student data must conform to the federal Family Educational Rights and Privacy Act of 1974 (20 United States Code 1232g). That act controls the release of student data by any public or private school or educational institution that receives federal funding. Under the federal act, subject to

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<sup>7</sup> Copies of the strategic plan must be provided to the Governor, President of the Senate, and Speaker of the House of Representatives.

<sup>8</sup> If the state Superintendent and Chancellor enter into an agreement with a third party to conduct the research or analysis, the State Board of Education must be notified of the agreement.



specific exceptions, schools and institutions may not release a student's personally identifiable information, which is not simply directory information, without the student's or parent's consent.<sup>9</sup>

Finally, all costs for the establishment and maintenance of the data system must be paid solely from (1) Race to the Top grants awarded under the federal American Recovery and Reinvestment Act of 2009,<sup>10</sup> (2) other federal grant programs, or (3) existing appropriations of the Department or Chancellor that are designated for a similar purpose. The Department must annually report to the State Board of Education and Chancellor those costs and all requests for access to the data in the repository.

## **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>11</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>9</sup> A state statute, R.C. 3319.321 (not in the bill), generally implements the federal act with respect to elementary and secondary schools.

<sup>10</sup> The Race to the Top program will provide competitive grants in fiscal year 2010 to states that make "significant progress" in achieving certain objectives, such as addressing inequities in the distribution of highly qualified teachers, improving the collection and use of student data, improving academic standards and assessments, and supporting underperforming schools (Division (A), Title XIV, Sections 14005 and 14006 of Public Law 111-5).

<sup>11</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>12</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>12</sup> R.C. 3314.02(C)(1)(a) through (f).

quality standards.<sup>13</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>14</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	10-01-09
Reported, S. Education	---

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<sup>13</sup> R.C. 3314.014.

<sup>14</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.