

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 240

Senator Lehner

Cosponsors: Senators Gardner, Hottinger, Eklund, Manning, Schiavoni, Sykes

A BILL

To amend sections 3311.80, 3311.84, 3319.075, 1
3319.111, and 3319.112 and to repeal sections 2
3319.114 and 3319.58 of the Revised Code with 3
regard to teacher evaluations. 4

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

Section 1. That sections 3311.80, 3311.84, 3319.075, 5
3319.111, and 3319.112 of the Revised Code be amended to read as 6
follows: 7

Sec. 3311.80. Notwithstanding any provision of the Revised 8
Code to the contrary, a-not later than July 1, 2018, the board 9
of education of each municipal school district and the teachers' 10
labor organization jointly shall decide whether to update the 11
district's standards-based teacher evaluation procedures to 12
conform with the framework for evaluation of teachers developed 13
under section 3319.112 of the Revised Code, as it exists on and 14
after the effective date of this amendment. If the board of 15
education and the teachers' labor organization decide not to 16
conform the framework to the evaluation framework developed 17
under section 3319.112 of the Revised Code, it shall be subject 18

to this section instead of section 3319.111 of the Revised Code. 19

(A) Not later than July 1, ~~2013~~2018, the board of 20
education of each municipal school district and the teachers' 21
labor organization jointly shall develop and adopt standards- 22
based teacher evaluation procedures that conform with either the 23
framework for evaluation of teachers developed under section 24
3319.112 of the Revised Code, as it existed prior to the 25
effective date of this amendment, or the evaluation framework 26
developed under section 3319.112 of the Revised Code, as it 27
exists on and after the effective date of this amendment. The 28
evaluation procedures shall include at least formal observations 29
and classroom walk-throughs, which may be announced or 30
unannounced; examinations of samples of work, such as lesson 31
plans or assessments designed by a teacher; and multiple 32
measures of student academic growth. 33

(B) When using measures of student academic growth as a 34
component of a teacher's evaluation, those measures shall 35
include the value-added progress dimension prescribed by section 36
3302.021 of the Revised Code or the alternative student academic 37
progress measure if adopted under division (C)(1)(e) of section 38
3302.03 of the Revised Code. For teachers of grade levels and 39
subjects for which the value-added progress dimension or 40
alternative student academic achievement measure is not 41
applicable, the board shall administer assessments on the list 42
developed under division (B)(2) of section 3319.112 of the 43
Revised Code. 44

(C) (1) Each teacher employed by the board shall be 45
evaluated at least once each school year, except as provided in 46
division (C)(2) of this section. The composite evaluation shall 47
be completed not later than the first day of June and the 48

teacher shall receive a written report of the results of the 49
composite evaluation not later than ten days after its 50
completion or the last teacher work day of the school year, 51
whichever is earlier. 52

(2) Each teacher who received a rating of accomplished on 53
the teacher's most recent evaluation conducted under this 54
section may be evaluated once every two school years, except 55
that the teacher shall be evaluated in any school year in which 56
the teacher's contract is due to expire. The biennial composite 57
evaluation shall be completed not later than the first day of 58
June of the applicable school year, and the teacher shall 59
receive a written report of the results of the composite 60
evaluation not later than ten days after its completion or the 61
last teacher work day of the school year, whichever is earlier. 62

(D) Each evaluation conducted pursuant to this section 63
shall be conducted by one or more of the following persons who 64
have been trained to conduct evaluations in accordance with 65
criteria that shall be developed jointly by the chief executive 66
officer of the district, or the chief executive officer's 67
designee, and the teachers' labor organization: 68

(1) The chief executive officer or a subordinate officer 69
of the district with responsibility for instruction or academic 70
affairs; 71

(2) A person who is under contract with the board pursuant 72
to section 3319.02 of the Revised Code and holds a license 73
designated for being a principal issued under section 3319.22 of 74
the Revised Code; 75

(3) A person who is under contract with the board pursuant 76
to section 3319.02 of the Revised Code and holds a license 77

designated for being a vocational director or a supervisor in 78
any educational area issued under section 3319.22 of the Revised 79
Code; 80

(4) A person designated to conduct evaluations under an 81
agreement providing for peer assistance and review entered into 82
by the board and the teachers' labor organization. 83

(E) The evaluation procedures shall describe how the 84
evaluation results will be used for decisions regarding 85
compensation, retention, promotion, and reductions in force and 86
for removal of poorly performing teachers. 87

(F) A teacher may challenge any violations of the 88
evaluation procedures in accordance with the grievance procedure 89
specified in any applicable collective bargaining agreement. A 90
challenge under this division is limited to the determination of 91
procedural errors that have resulted in substantive harm to the 92
teacher and to ordering the correction of procedural errors. The 93
failure of the board or a person conducting an evaluation to 94
strictly comply with any deadline or evaluation forms 95
established as part of the evaluation process shall not be cause 96
for an arbitrator to determine that a procedural error occurred, 97
unless the arbitrator finds that the failure resulted in 98
substantive harm to the teacher. The arbitrator shall have no 99
jurisdiction to modify the evaluation results, but the 100
arbitrator may stay any decision taken pursuant to division (E) 101
of this section pending the board's correction of any procedural 102
error. The board shall correct any procedural error within 103
fifteen business days after the arbitrator's determination that 104
a procedural error occurred. 105

(G) Notwithstanding any provision to the contrary in 106
Chapter 4117. of the Revised Code, the requirements of this 107

section prevail over any conflicting provisions of a collective 108
bargaining agreement entered into on or after October 1, 2012. 109
However, the board and the teachers' labor organization may 110
negotiate additional evaluation procedures, including an 111
evaluation process incorporating peer assistance and review, 112
provided the procedures are consistent with this section. 113

(H) This section does not apply to administrators 114
appointed by the chief executive officer of a municipal school 115
district under section 3311.72 of the Revised Code, 116
administrators subject to evaluation procedures under section 117
3311.84 or 3319.02 of the Revised Code, or to any teacher 118
employed as a substitute for less than one hundred twenty days 119
during a school year pursuant to section 3319.10 of the Revised 120
Code. 121

(I) Nothing in this section shall be construed to limit 122
the ability of a municipal school district to implement 123
evaluation procedures that exceed those contained in the 124
evaluation framework prescribed under section 3319.112 of the 125
Revised Code. 126

Sec. 3311.84. Notwithstanding any provision of the Revised 127
Code to the contrary, unless a municipal school district updates 128
its evaluation framework to conform with evaluation framework 129
developed under section 3319.112 of the Revised Code, as it 130
exists on and after the effective date of this amendment, it 131
shall be subject to this section instead of division (D) of 132
section 3319.02 of the Revised Code with respect to principals 133
and assistant principals, but all other provisions of that 134
section shall apply to the district with respect to principals 135
and assistant principals. Section 3319.02 of the Revised Code in 136
its entirety shall apply to the district with respect to 137

employees other than principals and assistant principals who are 138
covered by that section, except as otherwise provided in section 139
3311.72 of the Revised Code. 140

(A) As used in this section, "principal" includes an 141
assistant principal. 142

(B) The board of education of each municipal school 143
district shall adopt procedures for the evaluation of principals 144
and shall evaluate all principals in accordance with those 145
procedures. The procedures shall be based on principles 146
comparable to the teacher evaluation procedures adopted under 147
section 3311.80 of the Revised Code, but shall be tailored to 148
the duties and responsibilities of principals and the 149
environment in which principals work. Each evaluation shall 150
measure the principal's effectiveness in performing the duties 151
included in the principal's job description and shall be 152
considered by the board in deciding whether to renew the 153
principal's contract of employment. 154

(C) The evaluation procedures adopted under this section 155
shall require each principal to be evaluated annually through a 156
written evaluation process. The evaluation shall be conducted by 157
the chief executive officer of the district, or the chief 158
executive officer's designee. 159

(D) To provide time to show progress in correcting 160
deficiencies identified in the evaluation, each evaluation shall 161
be completed as follows: 162

(1) In any school year that the principal's contract of 163
employment is not due to expire, at least one evaluation shall 164
be completed in that year. A written copy of the evaluation 165
shall be provided to the principal by the end of the principal's 166

contract year as defined by the principal's annual salary 167
notice. 168

(2) In any school year that the principal's contract of 169
employment is due to expire, at least a preliminary evaluation 170
and a final evaluation shall be completed in that year. A 171
written copy of the preliminary evaluation shall be provided to 172
the principal at least sixty days prior to any action by the 173
board on the principal's contract of employment. The final 174
evaluation shall indicate the chief executive officer's intended 175
recommendation to the board regarding a contract of employment 176
for the principal. A written copy of the final evaluation shall 177
be provided to the principal at least five days prior to the 178
chief executive officer making the recommendation to the board. 179

(E) At least thirty days prior to taking action to renew 180
or not renew the contract of a principal, the board shall notify 181
the principal of the board's intended action and that the 182
principal may request a meeting with the board regarding the 183
board's intended action. Upon request of the principal, the 184
board shall grant the principal a meeting in executive session. 185
In that meeting, the board shall discuss its reasons for 186
considering renewal or nonrenewal of the contract. The principal 187
shall be permitted to have a representative, chosen by the 188
principal, present at the meeting. 189

The establishment of evaluation procedures in accordance 190
with this section shall not create an expectancy of continued 191
employment. Nothing in this section shall prevent the board from 192
making the final determination regarding the renewal or 193
nonrenewal of a principal's contract. 194

(F) Termination of a principal's contract shall be in 195
accordance with section 3319.16 of the Revised Code, except as 196

follows:	197
(1) Failure of the principal's building to meet academic performance standards established by the chief executive officer shall be considered good and just cause for termination under that section.	198 199 200 201
(2) If the chief executive officer intends to recommend to the board that the principal's contract be terminated, the chief executive officer shall provide the principal a written copy of the principal's evaluation at least five days prior to making the recommendation to the board.	202 203 204 205 206
<u>(G) Nothing in this section shall be construed to limit the ability of a municipal school district to implement evaluation procedures that exceed those contained in the evaluation framework prescribed under section 3319.112 of the Revised Code.</u>	207 208 209 210 211
Sec. 3319.075. Once the state board of education adopts professional development standards pursuant to section 3319.61 of the Revised Code, the board of education of each school district shall use the standards for the following purposes:	212 213 214 215
(A) To guide the design of teacher education programs serving both teacher candidates and experienced teachers;	216 217
(B) To guide school-based professional development that is aligned with student achievement;	218 219
(C) To determine what types of professional development the school district and the schools within the district should provide;	220 221 222
(D) To guide how state and federal funding for professional development should be spent;	223 224

(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code;

(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards;

(G) To guide all licensed school personnel in developing their own plans for professional growth;

(H) To guide the development of professional growth plans and improvement plans resulting from the teacher evaluations conducted under section 3319.111 of the Revised Code.

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional or permanent teacher's certificate issued under former section 3319.222 of the Revised Code, and who spends at least fifty per cent of the time employed providing student instruction. However, this section does not apply to any person who is employed as a substitute teacher or as an instructor of adult education.

(A) Not later than July 1, ~~2013~~2019, the board of education of each school district, in consultation with teachers employed by the board, shall ~~adopt a~~update its standards-based teacher evaluation policy ~~that conforms to conform~~ with the framework for evaluation of teachers ~~developed~~adopted under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on ~~September 29, 2011~~ the effective date of this

amendment, and shall be included in any renewal or extension of 254
such an agreement. 255

(B) When using measures of student ~~academic growth as a~~ 256
~~component of performance as evidence in a~~ teacher's evaluation, 257
those measures shall ~~include the value-added progress dimension~~ 258
~~prescribed by section 3302.021 of the Revised Code or an~~ 259
~~alternative student academic progress measure if adopted under~~ 260
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 261
~~teachers of grade levels and subjects for which the value added~~ 262
~~progress dimension or alternative student academic progress~~ 263
~~measure is not applicable, the board shall administer~~ 264
~~assessments on the list developed under division (B) (2) be high~~ 265
~~quality student data, as defined under division (A) (6) of~~ 266
section 3319.112 of the Revised Code. 267

(C) (1) The board shall conduct an evaluation of each 268
teacher employed by the board at least once each school year, 269
except as provided in division (C) (2) of this section. The 270
evaluation shall be completed by the first day of May and the 271
teacher shall receive a written report of the results of the 272
evaluation by the tenth day of May. 273

(2) (a) The board may evaluate each teacher who received a 274
rating of accomplished on the teacher's most recent evaluation 275
conducted under this section once every three school years, so 276
long as the ~~teacher's student academic growth measure, for the~~ 277
~~most recent school year for which data is available, is average~~ 278
~~or higher, as determined by the department of education~~ teacher 279
submits a self-directed professional growth plan to the 280
evaluator that focuses on specific areas identified in the 281
observations and evaluation and the evaluator determines that 282
the teacher is making progress on that plan. 283

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, 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~~ teacher and evaluator jointly develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(c) For each teacher who is evaluated pursuant to division (C) (2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

~~(d) Beginning with the 2014-2015 school year, the~~ The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:

(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board.

(ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted.

~~(e) Beginning with the 2017-2018 school year, the~~ The board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency program established under section 3319.223 of the Revised Code for the year during which

that teacher takes, for the first time, at least half of the 313
performance-based assessment prescribed by the state board of 314
education for resident educators. 315

(3) In any year that a teacher is not formally evaluated 316
pursuant to division (C) of this section as a result of 317
receiving a rating of accomplished or skilled on the teacher's 318
most recent evaluation, an individual qualified to evaluate a 319
teacher under division (D) of this section shall conduct at 320
least one observation of the teacher and hold at least one 321
conference with the teacher. The conference shall include a 322
discussion of progress on the teacher's professional growth 323
plan. 324

(D) Each evaluation conducted pursuant to this section 325
shall be conducted by one or more of the following persons who 326
hold a credential established by the department of education for 327
being an evaluator: 328

(1) A person who is under contract with the board pursuant 329
to section 3319.01 or 3319.02 of the Revised Code and holds a 330
license designated for being a superintendent, assistant 331
superintendent, or principal issued under section 3319.22 of the 332
Revised Code; 333

(2) A person who is under contract with the board pursuant 334
to section 3319.02 of the Revised Code and holds a license 335
designated for being a vocational director, administrative 336
specialist, or supervisor in any educational area issued under 337
section 3319.22 of the Revised Code; 338

(3) A person designated to conduct evaluations under an 339
agreement entered into by the board, including an agreement 340
providing for peer review entered into by the board and 341

representatives of teachers employed by the board; 342

(4) A person who is employed by an entity contracted by 343
the board to conduct evaluations and who holds a license 344
designated for being a superintendent, assistant superintendent, 345
principal, vocational director, administrative specialist, or 346
supervisor in any educational area issued under section 3319.22 347
of the Revised Code or is qualified to conduct evaluations. 348

(E) Notwithstanding division (A) (3) of section 3319.112 of 349
the Revised Code: 350

~~(1) The, the~~ board shall require at least three formal 351
observations of each teacher who is under consideration for 352
nonrenewal and with whom the board has entered into a limited 353
contract or an extended limited contract under section 3319.11 354
of the Revised Code. 355

~~(2) The board may elect, by adoption of a resolution, to 356
require only one formal observation of a teacher who received a 357
rating of accomplished on the teacher's most recent evaluation 358
conducted under this section, provided the teacher completes a 359
project that has been approved by the board to demonstrate the 360
teacher's continued growth and practice at the accomplished 361
level. 362~~

(F) The board shall include in its evaluation policy 363
procedures for using the evaluation results for retention and 364
promotion decisions and for removal of poorly performing 365
teachers. Seniority shall not be the basis for a decision to 366
retain a teacher, except when making a decision between teachers 367
who have comparable evaluations. 368

(G) For purposes of section 3333.0411 of the Revised Code, 369
the board annually shall report to the department of education 370

the number of teachers for whom an evaluation was conducted 371
under this section and the number of teachers assigned each 372
rating prescribed under division (B) (1) of section 3319.112 of 373
the Revised Code, aggregated by the teacher preparation programs 374
from which and the years in which the teachers graduated. The 375
department shall establish guidelines for reporting the 376
information required by this division. The guidelines shall not 377
permit or require that the name of, or any other personally 378
identifiable information about, any teacher be reported under 379
this division. 380

(H) Notwithstanding any provision to the contrary in 381
Chapter 4117. of the Revised Code, the requirements of this 382
section prevail over any conflicting provisions of a collective 383
bargaining agreement entered into on or after ~~September 24, 2012~~ 384
the effective date of this amendment. 385

Sec. 3319.112. (A) ~~Not later than December 31, 2011, The~~ 386
department of education shall revise the state board of 387
~~education shall develop a~~ education's standards-based state 388
~~framework for the evaluation of teachers, based on the~~ 389
recommendations of the educator standards board established 390
under section 3319.60 of the Revised Code, and shall submit a 391
summary of the revisions to the state board for review. Not 392
later than May 1, 2019, the state board shall adopt the revised 393
framework. The state board may update the framework periodically 394
by adoption of a resolution. The framework shall establish an 395
evaluation system that does the following: 396

(1) Provides for multiple evaluation factors. ~~One factor~~ 397
~~shall be student academic growth which shall account for fifty~~ 398
~~per cent of each evaluation, except as otherwise prescribed by~~ 399
~~the alternative framework under section 3319.114 of the Revised~~ 400

~~Code. When applicable to the grade level or subject area taught by a teacher, the value-added progress dimension established under section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) (1)(e) of section 3302.03 of the Revised Code shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value added progress dimension is applicable.~~ 401-409

~~If a teacher's schedule is comprised only of courses or subjects for which the value added progress dimension is applicable, one of the following applies:~~ 410-412

~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value added progress dimension.~~ 413-415

~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty five or more excused or unexcused absences during the full academic year.;~~ 416-421

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 422-423

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom ~~walkthroughs~~ walk-throughs; 424-427

(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised~~ 428-429

Code, whichever is applicable;	430
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	431 432
(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code does not apply;	433 434 435 436 437 438
(7) Implements a classroom level, value added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code;	439 440 441 442 443
<u>(8) Uses at least two measures of high quality student data to provide evidence of student learning attributable to the teacher being evaluated. The department shall define "high quality student data" 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 established under section 3302.021 of the Revised Code, but the teacher or evaluator shall use at least one other measure of high quality student data to demonstrate student learning. In accordance with the guidance described in division (D) (3) of this section, high quality student data may be used as evidence in any component of the evaluation related to the following:</u>	444 445 446 447 448 449 450 451 452 453 454 455
<u>(a) Knowledge of the students to whom the teacher provides instruction;</u>	456 457
<u>(b) The teacher's use of differentiated instructional</u>	458

<u>practices based on the needs or abilities of individual</u>	459
<u>students;</u>	460
<u>(c) Assessment of student learning;</u>	461
<u>(d) The teacher's use of assessment data;</u>	462
<u>(e) Professional responsibility and growth.</u>	463
<u>(7) Prohibits the shared attribution of student</u>	464
<u>performance data among all teachers in a district, building,</u>	465
<u>grade, content area, or other group;</u>	466
<u>(8) Includes development of a professional growth plan or</u>	467
<u>improvement plan for the teacher that is based on the results of</u>	468
<u>the evaluation and is aligned to any school district or building</u>	469
<u>improvement plan required for the teacher's district or building</u>	470
<u>under the "Elementary and Secondary Education Act of 1965," as</u>	471
<u>amended by the Every Student Succeeds Act of 2015, Pub. L. No.</u>	472
<u>114-95, 20 U.S.C. 6301 et seq.;</u>	473
<u>(9) Provides for professional development to accelerate</u>	474
<u>and continue teacher growth and provide support to poorly</u>	475
<u>performing teachers;</u>	476
(9) <u>(10) Provides for the allocation of financial</u>	477
<u>resources to support professional development;</u>	478
<u>(11) Prohibits the use of student learning objectives.</u>	479
(B) For purposes of the framework developed <u>adopted</u> under	480
this section, the state board also <u>department</u> shall do the	481
following:	482
(1) Develop <u>Revise, as necessary,</u> specific standards and	483
criteria that distinguish between the following levels of	484
performance for teachers and principals for the purpose of	485

assigning ratings on the evaluations conducted under sections	486
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	487
(a) Accomplished;	488
(b) Skilled;	489
(c) Developing;	490
(d) Ineffective.	491
(2) For grade levels and subjects for which the	492
assessments prescribed under sections 3301.0710 and 3301.0712 of	493
the Revised Code and the value-added progress dimension	494
prescribed by section 3302.021 of the Revised Code, or	495
alternative student academic progress measure <u>if adopted under</u>	496
<u>division (C) (1) (e) of section 3302.03 of the Revised Code</u> , do	497
not apply, develop a list of student assessments that measure	498
mastery of the course content for the appropriate grade level,	499
which may include nationally normed standardized assessments,	500
industry certification examinations, or end-of-course	501
examinations.	502
(C) The state board <u>department</u> shall consult with experts,	503
teachers and principals employed in public schools, <u>the educator</u>	504
<u>standards board</u> , and representatives of stakeholder groups in	505
developing <u>revising</u> the standards and criteria required by	506
division (B) (1) of this section.	507
(D) To assist school districts in developing evaluation	508
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111	509
of the Revised Code, the department shall do both <u>all</u> of the	510
following:	511
(1) Serve as a clearinghouse of promising evaluation	512
procedures and evaluation models that districts may use;	513

(2) Provide technical assistance to districts in creating evaluation policies; 514
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(3) Provide guidance to districts on how high quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework adopted under this section; 516
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(4) Provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components determined appropriate by the district may be used as part of the evaluation process. 521
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(E) Not later than ~~June 30, 2013~~ July 1, 2019, the ~~state board~~ department, in consultation with other state agencies that employ teachers, shall ~~develop a~~ update its standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy ~~that conforms to~~ conform with the framework ~~developed under this division~~. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on ~~September 24, 2012~~ the effective date of this amendment, and shall be included in any renewal or extension of such an agreement. However, this division does not apply to any person who is employed as a substitute teacher or as an instructor of adult education. 526
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Section 2. That existing sections 3311.80, 3311.84, 3319.075, 3319.111, and 3319.112 and sections 3319.114 and 3319.58 of the Revised Code are hereby repealed. 540
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Section 3. (A) For the 2018-2019 school year, the 543
Department of Education shall establish a pilot program to guide 544
implementation of the framework for the evaluation of teachers 545
revised under section 3319.112 of the Revised Code, as amended 546
by this act. The Department shall issue a request for school 547
districts to volunteer to participate in the pilot program. 548
However, the Department may designate districts to participate 549
as necessary to ensure a participant pool of adequate size and 550
diversity. 551

(B) The Department shall provide professional development 552
and technical assistance to teachers and evaluators in 553
participating school districts prior to their use of the revised 554
teacher evaluation framework. The Department shall collect 555
feedback from participating districts, teachers, and evaluators 556
on the implementation of the framework, and shall use such 557
feedback to make adjustments to the framework and to improve 558
professional development on the framework. 559

(C) The Department shall work with stakeholder groups in 560
conducting the pilot program. 561

Section 4. Notwithstanding the amendment or repeal of 562
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 563
this act, for the 2017-2018 and 2018-2019 school years, the 564
following shall apply: 565

(A) Each school district, other than a district 566
participating in the pilot program established under Section 3 567
of this act, shall conduct teacher evaluations in accordance 568
with those sections as they existed prior to the effective date 569
of this section. 570

(B) Each state agency that employs teachers shall conduct 571

teacher evaluations in accordance with its teacher evaluation 572
policy developed under former division (E) of section 3319.112 573
of the Revised Code, as it existed prior to the effective date 574
of this section. 575

(C) Any reference in law to evaluations conducted under 576
section 3319.111 of the Revised Code shall be construed to 577
include evaluations conducted as required by this section. 578

(D) References to "evaluation procedures" in section 579
3319.11 of the Revised Code shall be construed to include the 580
evaluation procedures required by this section. 581