**Senate Education Committee**

**Testimony on SB 216**

**Opponent Testimony**

**Presented by David Quolke**

**President Cleveland Teachers Union**

**December 6, 2017**

**Chair Lehner, Vice Chair Huffman, Ranking member Sykes, and members of the Senate Education Committee. I am David Quolke, President of the Cleveland Teachers Union (CTU) representing over 4,500 members. This is a position I have served in since April of 2008. While SB 216 has a number of provisions that the CTU can provide testimony on, I am here today to offer opponent testimony on only one portion of SB 216. I am offering opponent testimony on the language that would mandate that Cleveland teachers would be the only teachers in the State of Ohio who would not benefit from the from the Ohio Teacher Evaluation System (OTES) improvements recommended by the Educator Standards Board.**

**As you are aware, the legislation that created the Cleveland Municipal School District was crafted in 1998. Among other things, that legislation eliminated a School Superintendent and created a CEO position and eliminated an elected school board. It gave the Mayor of the City of Cleveland control to appoint a school board based on the recommendations of a nominating committee.**

**In February 2012, three months after Ohioans rejected Senate Bill 5/Issue 2, Mayor Frank Jackson, CEO Eric Gordon, the business community, the foundations, and Breakthrough Charter Schools secretly crafted wide sweeping legislative changes to amend the Mayoral Control bill. That legislation, commonly referred to as “The Cleveland Plan” was developed without any CTU input, without any parent or community input, and was little more than SB 5 for Cleveland educators only.**

**It would have been the “easy” thing to just say no. It would have been the “easy” thing to just walk away and start another SB5 fight. But our CTU leadership team has never looked for the “easy” thing to do, and has never turned a blind eye to the economic realities of this city and needed improvements to our school district. So, our “fight” was to get CTU to the table, and with the help of members of the General Assembly from both parties, and in particular Senate President Neihaus, we were included and were able discuss policies centered on what is best for students and what could improve the quality of teaching and learning in the District. The result was an agreement on HB 525. Let me be clear, that was not a perfect bill, but was a bill that all partners were able to reach consensus on and come to the General Assembly to ask for support.**

**Part of that agreement was ORC 3311.80 which deals with teacher evaluations. The language mandated that “the board of education of each municipal school district and the teachers’** **labor organization shall develop and adopt standards-based teacher evaluation procedures that conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code.” The District, the Mayor, and the partners were very clear from day one when we were working to get an agreement on the Cleveland Plan that we must follow the OTES state laws for teacher evaluations. In Cleveland we developed our Teacher Development and Evaluation System (TDES) in 2010. Our current CEO Eric Gordon was then our Chief Academic Officer and was the district lead in developing that system. In 2010, our TDES System conformed with the OTES system. While our TDES system varies from OTES in some areas (for example we have a 22-point rubric system, OTES has a 10-point system) our system does conform with ORC 3319.112. After the Cleveland Plan passed in 2012, we negotiated a new collective bargaining agreement in 2013. We incorporated the legislative changes of the Cleveland Plan into our Collective Bargaining Agreement (CBA). That CBA was negotiated and ratified by the CMSD Board and the CTU membership. Our TDES system in that contract conformed with ORC 3319.112. In February of 2017, CMSD and CTU ratified a new collective bargaining agreement that also conforms with ORC.**

**The CBA we ratified in February of this year contained language that provided flexibility that if state law were to change regarding the percentage of Student Growth Measures (SGMs) used in teacher evaluation, then those changes would apply to our teachers in Cleveland, as well. The CMSD’s lead in this negotiation was CEO Eric Gordon, and the CMSD’s lead attorney was Susan Hastings from Squire, Patton, and Boggs. Ms. Hastings was the lead attorney in developing the Cleveland Plan legislation and was their lead attorney in our 2013 negotiations as well. Mr. Gordon and Ms. Hastings were very clear that our negotiations must comply with the Cleveland Plan. Additionally, every negotiation I have lead since being elected President ultimately needed approval of the Mayor and his appointed School Board. There is no doubt in my mind that when we reached agreement in February of this year, CTU had the word of the CMSD, the Mayor, and the Board of Education that if ORC 3319.112 changed the evaluation system, these changes applied to Cleveland and would not violate the integrity of the Cleveland Plan.**

**I share this history with you because shortly after SB 216 was introduced, the CTU raised concerns that only our Cleveland teachers were carved out of this language intended to improve teacher evaluations. Lessons have been learned since the initial implementation of OTES and our TDES system, and the Educator Standards Board (ESB) made up of teachers, superintendents, ODE representatives, and other stakeholders have solutions that were recommended for all teachers in the state of Ohio. It was at this time that I began to hear discussion that Cleveland should be carved out because of the Cleveland Plan. The Educator Standards Board never even hinted that Cleveland teachers should be excluded from these recommendations to improve the Evaluation System. Even after I shared with legislators how CEO Gordon told me he did not request this language, and that the Mayor’s appointed School Board had just signed an agreement that Ohio Revised Code changes to Student Growth Measure percentages would apply to Cleveland, I continually heard messages that CMSD wanted to be carved out.**

**Finally, on November 7th, Senator Lehner convened an interested party meeting with representatives of the CMSD, the ODE, the ESB, the Ohio Senate, the CTU and the Ohio Federation of Teachers. During that meeting the CMSD made it clear that their concern was centered on the belief that the proposed legislation would eliminate the 22-point rubric that was part of our TDES system and mandate the 10-point OTES rubric. I made it clear that was not the intention of the Cleveland Teachers Union and that we would commit to that in writing. CTU was asked to write the first draft of what that language would encompass so we could resolve this quickly. We responded in less than 48 hours (on November 9) with draft language and a draft Memorandum of Understanding (MOU) committing to our 22-point TDES rubric and incorporating Student Growth Measures into that rubric. Unfortunately, the district did not respond to our draft for more than 3 weeks and finally, last Friday (December 1), indicated they could not agree with CTU.**

**I have enclosed both our language recommendations for SB 216 and the MOU that we proposed. As you can see, we proposed maintaining the 22-point rubric and incorporating SGMs into the rubric. We further proposed that if both sides could not agree to how incorporate student growth measures into the rubric, we would adopt a 23-point rubric incorporating SGMs that then CAO Gordon helped develop back in 2011 as the lead district administrator responsible for developing TDES.**

**In February 2017, members of the CTU, CEO Gordon, the CMSD Board of Education, and ultimately Mayor Frank Jackson, agreed that if changes to ORC 3319.112 were to occur to OTES, those changes would also apply to Cleveland. The recommendations proposed by the Educator Standards Board that are part of SB 216 are intended to improve teacher evaluation and make improvements that benefit teachers and students. The teachers and students of Cleveland deserve these changes also. It is desperately unfair to carve one group of educators out of changes that could improve the evaluation system for all other teachers in the state of Ohio. CTU is asking that an amendment be adopted to remove the underlined language carving out Cleveland in lines 2658-2659 and 2673-2675.**

**This concludes my testimony and I welcome any questions you may have.**