

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 540**

**Representatives Gavarone, Manning**

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**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 agreement providing for peer assistance and review entered into by the board and the teachers' labor organization.	81 82 83
(E) The evaluation procedures shall describe how the evaluation results will be used for decisions regarding compensation, retention, promotion, and reductions in force and for removal of poorly performing teachers.	84 85 86 87
(F) A teacher may challenge any violations of the evaluation procedures in accordance with the grievance procedure specified in any applicable collective bargaining agreement. A challenge under this division is limited to the determination of procedural errors that have resulted in substantive harm to the teacher and to ordering the correction of procedural errors. The failure of the board or a person conducting an evaluation to strictly comply with any deadline or evaluation forms established as part of the evaluation process shall not be cause for an arbitrator to determine that a procedural error occurred, unless the arbitrator finds that the failure resulted in substantive harm to the teacher. The arbitrator shall have no jurisdiction to modify the evaluation results, but the arbitrator may stay any decision taken pursuant to division (E) of this section pending the board's correction of any procedural error. The board shall correct any procedural error within fifteen business days after the arbitrator's determination that a procedural error occurred.	88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105
(G) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after October 1, 2012.	106 107 108 109

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 assistant principal.	141 142
(B) The board of education of each municipal school district shall adopt procedures for the evaluation of principals and shall evaluate all principals in accordance with those procedures. The procedures shall be based on principles comparable to the teacher evaluation procedures adopted under section 3311.80 of the Revised Code, but shall be tailored to the duties and responsibilities of principals and the environment in which principals work. Each evaluation shall measure the principal's effectiveness in performing the duties included in the principal's job description and shall be considered by the board in deciding whether to renew the principal's contract of employment.	143 144 145 146 147 148 149 150 151 152 153 154
(C) The evaluation procedures adopted under this section shall require each principal to be evaluated annually through a written evaluation process. The evaluation shall be conducted by the chief executive officer of the district, or the chief executive officer's designee.	155 156 157 158 159
(D) To provide time to show progress in correcting deficiencies identified in the evaluation, each evaluation shall be completed as follows:	160 161 162
(1) In any school year that the principal's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the principal by the end of the principal's contract year as defined by the principal's annual salary notice.	163 164 165 166 167 168

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

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

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

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

(1) Failure of the principal's building to meet academic

performance standards established by the chief executive officer 199  
shall be considered good and just cause for termination under 200  
that section. 201

(2) If the chief executive officer intends to recommend to 202  
the board that the principal's contract be terminated, the chief 203  
executive officer shall provide the principal a written copy of 204  
the principal's evaluation at least five days prior to making 205  
the recommendation to the board. 206

(G) Nothing in this section shall be construed to limit 207  
the ability of a municipal school district to implement 208  
evaluation procedures that exceed those contained in the 209  
evaluation framework prescribed under section 3319.112 of the 210  
Revised Code. 211

**Sec. 3319.075.** Once the state board of education adopts 212  
professional development standards pursuant to section 3319.61 213  
of the Revised Code, the board of education of each school 214  
district shall use the standards for the following purposes: 215

(A) To guide the design of teacher education programs 216  
serving both teacher candidates and experienced teachers; 217

(B) To guide school-based professional development that is 218  
aligned with student achievement; 219

(C) To determine what types of professional development 220  
the school district and the schools within the district should 221  
provide; 222

(D) To guide how state and federal funding for 223  
professional development should be spent; 224

(E) To develop criteria for decision making by the local 225  
professional development committees established under section 226

3319.22 of the Revised Code;	227
(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards;	228 229 230
(G) To guide all licensed school personnel in developing their own plans for professional growth;	231 232
<u>(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.</u>	233 234 235
<b>Sec. 3319.111.</b> 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.	236 237 238 239 240 241 242 243 244
(A) Not later than July 1, <del>2013</del> <u>2019</u> , the board of education of each school district, in consultation with teachers employed by the board, shall <del>adopt a</del> <u>update its</u> standards-based teacher evaluation policy <del>that conforms</del> <u>to conform</u> with the framework for evaluation of teachers <del>developed</del> <u>adopted</u> 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 <del>September 29, 2011</del> <u>the effective date of this amendment</u> , and shall be included in any renewal or extension of such an agreement.	245 246 247 248 249 250 251 252 253 254 255

(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 284  
rating of skilled on the teacher's most recent evaluation 285

conducted under this section once every two years, so long as 286  
~~the teacher's student academic growth measure, for the most-~~ 287  
~~recent school year for which data is available, is average or-~~ 288  
~~higher, as determined by the department of education~~ teacher and 289  
evaluator jointly develop a professional growth plan for the 290  
teacher that focuses on specific areas identified in the 291  
observations and evaluation and the evaluator determines that 292  
the teacher is making progress on that plan. 293

(c) For each teacher who is evaluated pursuant to division 294  
(C) (2) of this section, the evaluation shall be completed by the 295  
first day of May of the applicable school year, and the teacher 296  
shall receive a written report of the results of the evaluation 297  
by the tenth day of May of that school year. 298

(d) ~~Beginning with the 2014-2015 school year, the~~ The 299  
board may elect not to conduct an evaluation of a teacher who 300  
meets one of the following requirements: 301

(i) The teacher was on leave from the school district for 302  
fifty per cent or more of the school year, as calculated by the 303  
board. 304

(ii) The teacher has submitted notice of retirement and 305  
that notice has been accepted by the board not later than the 306  
first day of December of the school year in which the evaluation 307  
is otherwise scheduled to be conducted. 308

(e) ~~Beginning with the 2017-2018 school year, the~~ The 309  
board may elect not to conduct an evaluation of a teacher who is 310  
participating in the teacher residency program established under 311  
section 3319.223 of the Revised Code for the year during which 312  
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~~ 401  
~~by a teacher, the value added progress dimension established~~ 402

~~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.~~

~~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:~~

~~(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.~~

~~(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.;~~

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

(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;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised Code, whichever is applicable;~~

(5) Requires each teacher to be provided with a written

report of the results of the teacher's evaluation; 432

~~(6) Identifies measures of student academic growth for 433  
grade levels and subjects for which the value-added progress 434  
dimension prescribed by section 3302.021 of the Revised Code or 435  
an alternative student academic progress measure if adopted 436  
under division (C)(1)(e) of section 3302.03 of the Revised Code 437  
does not apply; 438~~

~~(7) Implements a classroom level, value added program 439  
developed by a nonprofit organization described in division (B) 440  
of section 3302.021 of the Revised Code or an alternative 441  
student academic progress measure if adopted under division (C) 442  
(1)(e) of section 3302.03 of the Revised Code; 443~~

~~(8) Uses at least two measures of high quality student 444  
data to provide evidence of student learning attributable to the 445  
teacher being evaluated. The department shall define "high 446  
quality student data" for this purpose. When applicable to the 447  
grade level or subject area taught by a teacher, high quality 448  
student data shall include the value-added progress dimension 449  
established under section 3302.021 of the Revised Code, but the 450  
teacher or evaluator shall use at least one other measure of 451  
high quality student data to demonstrate student learning. In 452  
accordance with the guidance described in division (D)(3) of 453  
this section, high quality student data may be used as evidence 454  
in any component of the evaluation related to the following: 455~~

~~(a) Knowledge of the students to whom the teacher provides 456  
instruction; 457~~

~~(b) The teacher's use of differentiated instructional 458  
practices based on the needs or abilities of individual 459  
students; 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
<del>(9)</del> <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 <del>developed</del> <u>adopted</u> under	480
this section, the <del>state board also</del> <u>department</u> shall do the	481
following:	482
(1) <del>Develop</del> <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 assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, or alternative student academic progress measure <u>if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code</u> , do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	492 493 494 495 496 497 498 499 500 501 502
(C) The <del>state board</del> <u>department</u> shall consult with experts, teachers and principals employed in public schools, <u>the educator standards board</u> , and representatives of stakeholder groups in <del>developing-revising</del> the standards and criteria required by division (B) (1) of this section.	503 504 505 506 507
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do <del>both</del> <u>all</u> of the following:	508 509 510 511
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	512 513
(2) Provide technical assistance to districts in creating evaluation policies;	514 515

(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 Department of Education shall establish a pilot program to guide implementation of the framework for the evaluation of teachers 543  
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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