

As Reported by the House Education and Career Readiness Committee

132nd General Assembly

Regular Session

2017-2018

Am. H. B. No. 540

Representatives Gavarone, Manning

A BILL

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

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

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

Sec. 3319.075. Once the state board of education adopts 7
professional development standards pursuant to section 3319.61 8
of the Revised Code, the board of education of each school 9
district shall use the standards for the following purposes: 10

(A) To guide the design of teacher education programs 11
serving both teacher candidates and experienced teachers; 12

(B) To guide school-based professional development that is 13
aligned with student achievement; 14

(C) To determine what types of professional development 15
the school district and the schools within the district should 16
provide; 17

(D) To guide how state and federal funding for 18

professional development should be spent; 19

(E) To develop criteria for decision making by the local 20
professional development committees established under section 21
3319.22 of the Revised Code; 22

(F) To guide the school district in the hiring of third- 23
party providers of instructional services who use or meet the 24
professional development standards; 25

(G) To guide all licensed school personnel in developing 26
their own plans for professional growth; 27

(H) To guide the development of professional growth plans 28
and improvement plans resulting from the teacher evaluations 29
conducted under section 3319.111 of the Revised Code. 30

Sec. 3319.111. Notwithstanding section 3319.09 of the 31
Revised Code, this section applies to any person who is employed 32
under a teacher license issued under this chapter, or under a 33
professional or permanent teacher's certificate issued under 34
former section 3319.222 of the Revised Code, and who spends at 35
least fifty per cent of the time employed providing student 36
instruction. However, this section does not apply to any person 37
who is employed as a substitute teacher or as an instructor of 38
adult education. 39

(A) Not later than July 1, ~~2013~~2019, the board of 40
education of each school district, in consultation with teachers 41
employed by the board, shall ~~adopt a~~ update its standards-based 42
teacher evaluation policy ~~that conforms to conform~~ with the 43
framework for evaluation of teachers ~~developed~~ adopted under 44
section 3319.112 of the Revised Code. The policy shall become 45
operative at the expiration of any collective bargaining 46
agreement covering teachers employed by the board that is in 47

effect on ~~September 29, 2011~~ the effective date of this 48
amendment, and shall be included in any renewal or extension of 49
such an agreement. 50

(B) When using measures of student ~~academic growth as a~~ 51
~~component of performance as evidence in a teacher's evaluation,~~ 52
those measures shall ~~include the value added progress dimension~~ 53
~~prescribed by section 3302.021 of the Revised Code or an~~ 54
~~alternative student academic progress measure if adopted under~~ 55
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 56
~~teachers of grade levels and subjects for which the value added~~ 57
~~progress dimension or alternative student academic progress~~ 58
~~measure is not applicable, the board shall administer~~ 59
~~assessments on the list developed under division (B) (2) of~~ 60
~~section 3319.112 of the Revised Code~~ be high-quality student 61
data. The board of education of each school district may use 62
data from the assessments on the list developed under division 63
(B) (2) of section 3319.112 of the Revised Code as high-quality 64
student data. 65

(C) (1) The board shall conduct an evaluation of each 66
teacher employed by the board at least once each school year, 67
except as provided in division (C) (2) of this section. The 68
evaluation shall be completed by the first day of May and the 69
teacher shall receive a written report of the results of the 70
evaluation by the tenth day of May. 71

(2) (a) The board may evaluate each teacher who received a 72
rating of accomplished on the teacher's most recent evaluation 73
conducted under this section once every three school years, so 74
long as the ~~teacher's student academic growth measure, for the~~ 75
~~most recent school year for which data is available, is average~~ 76
~~or higher, as determined by the department of education~~ teacher 77

submits a self-directed professional growth plan to the 78
evaluator that focuses on specific areas identified in the 79
observations and evaluation and the evaluator determines that 80
the teacher is making progress on that plan. 81

(b) The board may evaluate each teacher who received a 82
rating of skilled on the teacher's most recent evaluation 83
conducted under this section once every two years, so long as 84
~~the teacher's student academic growth measure, for the most~~ 85
~~recent school year for which data is available, is average or~~ 86
~~higher, as determined by the department of education~~ teacher and 87
evaluator jointly develop a professional growth plan for the 88
teacher that focuses on specific areas identified in the 89
observations and evaluation and the evaluator determines that 90
the teacher is making progress on that plan. 91

(c) For each teacher who is evaluated pursuant to division 92
(C)(2) of this section, the evaluation shall be completed by the 93
first day of May of the applicable school year, and the teacher 94
shall receive a written report of the results of the evaluation 95
by the tenth day of May of that school year. 96

(d) ~~Beginning with the 2014-2015 school year, the~~ The 97
board may elect not to conduct an evaluation of a teacher who 98
meets one of the following requirements: 99

(i) The teacher was on leave from the school district for 100
fifty per cent or more of the school year, as calculated by the 101
board. 102

(ii) The teacher has submitted notice of retirement and 103
that notice has been accepted by the board not later than the 104
first day of December of the school year in which the evaluation 105
is otherwise scheduled to be conducted. 106

(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 performance-based assessment prescribed by the state board of education for resident educators.

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

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

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

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

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

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

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

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

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

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

who have comparable evaluations. 166

(G) For purposes of section 3333.0411 of the Revised Code, 167
the board annually shall report to the department of education 168
the number of teachers for whom an evaluation was conducted 169
under this section and the number of teachers assigned each 170
rating prescribed under division (B)(1) of section 3319.112 of 171
the Revised Code, aggregated by the teacher preparation programs 172
from which and the years in which the teachers graduated. The 173
department shall establish guidelines for reporting the 174
information required by this division. The guidelines shall not 175
permit or require that the name of, or any other personally 176
identifiable information about, any teacher be reported under 177
this division. 178

(H) Notwithstanding any provision to the contrary in 179
Chapter 4117. of the Revised Code, the requirements of this 180
section prevail over any conflicting provisions of a collective 181
bargaining agreement entered into on or after ~~September 24, 2012~~ 182
the effective date of this amendment. 183

Sec. 3319.112. (A) ~~Not later than December 31, 2011, The~~ 184
department of education shall revise the state board of 185
~~education shall develop a~~ education's standards-based state 186
framework for the evaluation of teachers, based on the 187
recommendations of the educator standards board established 188
under section 3319.60 of the Revised Code, and shall submit a 189
summary of the revisions to the state board for review. Not 190
later than May 1, 2019, the state board shall adopt the revised 191
framework. The state board may update the framework periodically 192
by adoption of a resolution. The framework shall establish an 193
evaluation system that does the following: 194

(1) Provides for multiple evaluation factors. ~~One factor~~ 195

~~shall be student academic growth which shall account for fifty- 196
per cent of each evaluation, except as otherwise prescribed by- 197
the alternative framework under section 3319.114 of the Revised- 198
Code. When applicable to the grade level or subject area taught- 199
by a teacher, the value added progress dimension established- 200
under section 3302.021 of the Revised Code or an alternative- 201
student academic progress measure if adopted under division (C)- 202
(1)(e) of section 3302.03 of the Revised Code shall be used in- 203
the student academic growth portion of an evaluation in- 204
proportion to the part of a teacher's schedule of courses or- 205
subjects for which the value added progress dimension is- 206
applicable. 207~~

~~If a teacher's schedule is comprised only of courses or 208
subjects for which the value added progress dimension is- 209
applicable, one of the following applies: 210~~

~~(a) Beginning with March 22, 2013, until June 30, 2014,- 211
the majority of the student academic growth factor of the- 212
evaluation shall be based on the value-added progress dimension. 213~~

~~(b) On or after July 1, 2014, the entire student academic- 214
growth factor of the evaluation shall be based on the value- 215
added progress dimension. In calculating student academic growth- 216
for an evaluation, a student shall not be included if the- 217
student has forty five or more excused or unexcused absences- 218
during the full academic year.; 219~~

~~(2) Is aligned with the standards for teachers adopted 220
under section 3319.61 of the Revised Code; 221~~

~~(3) Requires observation of the teacher being evaluated, 222
including at least two formal observations by the evaluator of 223
at least thirty minutes each and classroom-walkthroughs walk- 224~~

<u>throughs;</u>	225
(4) Assigns a rating on each evaluation in accordance with	226
division (B) of this section or section 3319.114 of the Revised	227
Code, whichever is applicable;	228
(5) Requires each teacher to be provided with a written	229
report of the results of the teacher's evaluation;	230
(6) Identifies measures of student academic growth for	231
grade levels and subjects for which the value added progress-	232
dimension prescribed by section 3302.021 of the Revised Code or	233
an alternative student academic progress measure if adopted	234
under division (C) (1) (e) of section 3302.03 of the Revised Code	235
does not apply;	236
(7) Implements a classroom-level, value added program	237
developed by a nonprofit organization described in division (B)	238
of section 3302.021 of the Revised Code or an alternative	239
student academic progress measure if adopted under division (C)	240
(1) (e) of section 3302.03 of the Revised Code;	241
<u>(8) Uses at least two measures of high quality student</u>	242
<u>data to provide evidence of student learning attributable to the</u>	243
<u>teacher being evaluated. The department shall define "high</u>	244
<u>quality student data" for this purpose. When applicable to the</u>	245
<u>grade level or subject area taught by a teacher, high quality</u>	246
<u>student data shall include the value-added progress dimension</u>	247
<u>established under section 3302.021 of the Revised Code, but the</u>	248
<u>teacher or evaluator shall use at least one other measure of</u>	249
<u>high quality student data to demonstrate student learning. In</u>	250
<u>accordance with the guidance described in division (D) (3) of</u>	251
<u>this section, high quality student data may be used as evidence</u>	252
<u>in any component of the evaluation related to the following:</u>	253

<u>(a) Knowledge of the students to whom the teacher provides instruction;</u>	254
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<u>(b) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;</u>	256
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<u>(c) Assessment of student learning;</u>	259
<u>(d) The teacher's use of assessment data;</u>	260
<u>(e) Professional responsibility and growth.</u>	261
<u>(7) Prohibits the shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;</u>	262
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	264
<u>(8) Includes development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under the "Elementary and Secondary Education Act of 1965," as amended by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 20 U.S.C. 6301 et seq.;</u>	265
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<u>(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;</u>	272
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(9) <u>(10) Provides for the allocation of financial resources to support professional development;</u>	275
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<u>(11) Prohibits the use of student learning objectives.</u>	277
(B) For purposes of the framework developed <u>adopted</u> under this section, the state board also <u>department</u> shall do the following:	278
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(1) ~~Develop~~ Revise, as necessary, specific standards and 281
criteria that distinguish between the following levels of 282
performance for teachers and principals for the purpose of 283
assigning ratings on the evaluations conducted under sections 284
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code: 285

(a) Accomplished; 286

(b) Skilled; 287

(c) Developing; 288

(d) Ineffective. 289

(2) ~~For grade levels and subjects for which the~~ 290
~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 291
~~the Revised Code and the value-added progress dimension~~ 292
~~prescribed by section 3302.021 of the Revised Code, or~~ 293
~~alternative student academic progress measure, do not apply,~~ 294
~~develop~~ Develop a list of student assessments that measure 295
mastery of the course content for the appropriate grade level, 296
which may include nationally normed standardized assessments, 297
industry certification examinations, or end-of-course 298
examinations. The data from these assessments may be considered 299
high-quality student data. 300

(C) The ~~state board~~ department shall consult with experts, 301
teachers and principals employed in public schools, the educator 302
standards board, and representatives of stakeholder groups in 303
~~developing~~ revising the standards and criteria required by 304
division (B) (1) of this section. 305

(D) To assist school districts in developing evaluation 306
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 307
of the Revised Code, the department shall do ~~both~~ all of the 308
following: 309

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	310 311
(2) Provide technical assistance to districts in creating evaluation policies;	312 313
<u>(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;</u>	314 315 316 317 318
<u>(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.</u>	319 320 321 322 323
(E) Not later than June 30, 2013 <u>July 1, 2019</u> , the state board department , in consultation with <u>other</u> state agencies that employ teachers, shall develop a <u>update its</u> 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 <u>conform</u> 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 <u>the effective date of this amendment</u> , 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.	324 325 326 327 328 329 330 331 332 333 334 335 336 337
Section 2. That existing sections 3319.075, 3319.111, and	338

3319.112 and sections 3319.114 and 3319.58 of the Revised Code 339
are hereby repealed. 340

Section 3. (A) For the 2018-2019 school year, the 341
Department of Education shall establish a pilot program to guide 342
implementation of the framework for the evaluation of teachers 343
revised under section 3319.112 of the Revised Code, as amended 344
by this act. The Department shall issue a request for school 345
districts to volunteer to participate in the pilot program. 346
However, the Department may designate districts to participate 347
as necessary to ensure a participant pool of adequate size and 348
diversity. 349

(B) The Department shall provide professional development 350
and technical assistance to teachers and evaluators in 351
participating school districts prior to their use of the revised 352
teacher evaluation framework. The Department shall collect 353
feedback from participating districts, teachers, and evaluators 354
on the implementation of the framework, and shall use such 355
feedback to make adjustments to the framework and to improve 356
professional development on the framework. 357

(C) The Department shall work with stakeholder groups in 358
conducting the pilot program. 359

Section 4. Notwithstanding the amendment or repeal of 360
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 361
this act, for the 2017-2018 and 2018-2019 school years, the 362
following shall apply: 363

(A) Each school district, other than a district 364
participating in the pilot program established under Section 3 365
of this act, shall conduct teacher evaluations in accordance 366
with those sections as they existed prior to the effective date 367

of this section. 368

(B) Each state agency that employs teachers shall conduct 369
teacher evaluations in accordance with its teacher evaluation 370
policy developed under former division (E) of section 3319.112 371
of the Revised Code, as it existed prior to the effective date 372
of this section. 373

(C) Any reference in law to evaluations conducted under 374
section 3319.111 of the Revised Code shall be construed to 375
include evaluations conducted as required by this section. 376

(D) References to "evaluation procedures" in section 377
3319.11 of the Revised Code shall be construed to include the 378
evaluation procedures required by this section. 379