

Legislative Update

To: State Board of Education

Re: Legislative Update
Date: December 18, 2012

State Activity

Senate Activity

The Senate met on Wednesday and passed the following bills:

- By a vote of 33-0, <u>House Bill 279</u> (Grossman, R-Grove City), to encourage Ohio's child services agencies to place children with family members and to place siblings together whenever possible. It also expands the type of people who can be designated as a power of attorney for the purposes of providing care and obtaining custody of a child. The following education provisions are a part of the bill.
 - Creates an instructional assistant permit for individuals that provide services to a child under the Autism Scholarship Program
 - Makes changes regarding the administration of the Autism Scholarship Program
- By a vote of 33-0, House Bill 280 (Dovilla, R-Berea), to authorize the administrators of the Ohio National Guard Scholarship Program to apply for, and receive and accept, grants and to receive and accept gifts, bequests, and contributions, from public and private sources. The following education provision is a part of the bill.
 - Provides up to \$3.2 million from the lottery profits fund to reimburse districts that lose state funds due to Jon Peterson Scholarship recipients that live in the school district, but have never attended school in the district.
- By a vote of 33-0, <u>House Bill 532</u> (Kozlowski, R-Pierpont), to revise the Ohio Military Medal of Distinction. The following education provisions are a part of the bill.
 - Temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder
 - Permits a school district to sell or lease real property directly to a STEM school in certain circumstances
- By a vote of 33-0, <u>House Bill 543</u> (Anielski, R-Walton Hills), to enact the "Jason Flatt Act" to require public schools to train staff in youth suicide awareness and prevention.
- By a vote of 26-7, <u>House Bill 555</u> (Stebelton, R-Lancaster), to make changes to Ohio's accountability system.

The Senate met on Thursday and passed the following bill:

- By a vote of 32-1, <u>House Bill 247</u> (Butler, R-Oakwood), to authorize a court to cancel claims for uncollectible amounts due the court, to authorize a sentencing court to waive, suspend, or modify payment of the costs of prosecution, to define "case" in connection with the imposition of costs in a criminal case, and to abolish the Felony Sentence Appeal Cost Oversight Committee. The bill includes the following education related provision.
 - Gives state boards the power to revoke the license of an individual convicted of human trafficking

House Activity

The House met on Thursday and concurred on the following bills:

- By a vote of 87-0, House Bill 279 (Grossman, R-Grove City), to encourage Ohio's child services
 agencies to place children with family members and to place siblings together whenever
 possible. It also expands the type of people who can be designated as a power of attorney for
 the purposes of providing care and obtaining custody of a child.
- By a vote 88-0, of <u>House Bill 280</u> (Dovilla, R-Berea), to authorize the administrators of the Ohio National Guard Scholarship Program to apply for, and receive and accept, grants and to receive and accept gifts, bequests, and contributions, from public and private sources.
- By a vote of 84-0, <u>House Bill 532</u> (Kozlowski, R-Pierpont), to revise the Ohio Military Medal of Distinction.
- By a vote of 56-31, <u>House Bill 555</u> (Stebelton, R-Lancaster), to make changes to Ohio's accountability system.
- By a vote of 87-0, House Bill 247 (Butler, R-Oakwood), to authorize a court to cancel claims for uncollectible amounts due the court, to authorize a sentencing court to waive, suspend, or modify payment of the costs of prosecution, to define "case" in connection with the imposition of costs in a criminal case, and to abolish the Felony Sentence Appeal Cost Oversight Committee.

This Week's Committees

Senate Education Committee

The Senate Education Committee met on Tuesday and held their third hearing on <u>House Bill 555</u> (Stebelton, R-Lancaster), to revise Ohio's accountability system. The committee passed the bill by a vote of 8-1 after adding several amendments. Please see the attached summary of the final version of House Bill 555. Other materials are being developed related to HB 555, which will be forwarded to you once finalized.

Next Week's Committees

No committee meetings will be held for the remainder of the year.

Federal Activity

There is not federal activity report this week.

Summary of Provisions in HB 555 As Enacted December 17, 2012

Accountability System

- Replaces the current academic performance rating system for school districts, individual buildings of districts, community schools, STEM schools and college-preparatory boarding schools with a phased-in letter grade system under which districts and schools are assigned grades of "A," "B," "C," "D," or "F" based on various performance measures
- Requires the Department of Education to review additional information included on report cards and submit to the Governor and General Assembly recommendations for revisions
- Requires the State Board of Education to submit to the General Assembly recommendations for a comprehensive statewide plan to intervene in and improve the performance of persistently poor performing schools and school districts
- Adds honors diploma and industry credentials to report card measures; establishes how report
 card measures will be grouped into components: Achievement, Progress, Graduation, K-3
 Literacy Progress, Gap Closing (AYP alternative), and Prepared for Success (formerly College-and
 Career-Ready)
- Raises performance proficiency benchmark to 80% for the 2013-2014 school year
- Restores five score levels for student test results to align with new assessments
- Revises benchmarks for Indicators Met and Performance Index to 90% for an 'A'; specifies that
 the State Board assign specific report card measures to buildings based on applicable grade
 levels
- Requires the State Board by December 31, 2013 to specify additional non-report card measures that will be made available to the public
- Conforms Ohio's definition of graduation rate to the federal definition; clarifies deadlines for adopting rules for the report card and clarifies performance criteria for schools with respect to support or intervention by ODE as required by ESEA
- Requires ODE to give a presentation to the House and Senate Education Committees on its report card recommendations at least 45 days before the State Board votes to adopt them starting with the August 2013 report card
- Requires ODE to assign letter grades to school districts and schools not later than September 15
 of each year, or in certain cases on the preceding Friday
- Requires the State Board to make recommendations to the General Assembly to create a oneyear safe harbor for districts and schools for the first year that the PARCC assessments are administered. The recommendation must include a method to exempt districts, buildings, community schools, STEM schools and college preparatory boarding schools that have a decline in performance index score from sanctions and penalties based on report card ratings
- Clarifies that the Prepared for Success component is to consist of an unduplicated student
 count. If a student qualifies for more than one performance measure in the component, the
 State Board may, in its method to determine a grade for the component, specify an additional
 weight for such a student that is not greater than or equal to 1.0
- Requires the State Board to determine, for the K-3 literacy measure, progress made based on the reduction in the percentage of students scoring below level each year on the reading diagnostics and the English language arts third grade state assessment

Dropout Prevention and Recovery Community Schools

- Requires the State Board of Education to develop an alternative academic performance rating system for community schools serving primarily students enrolled in dropout prevention and recovery programs
- Establishes criteria for closing dropout prevention and recovery community schools based on their academic performance
- Clarifies selection of assessments used to measure progress of dropout recovery students
- Inserts performance criteria for dropout recovery schools wishing to operate in multiple facilities
- Adds performance of dropout recovery schools to community school sponsor evaluations beginning with the 2014-2015 school year

Community Schools

- Establishes a new evaluation system for determining which community school sponsors may sponsor additional schools. This new system will be developed in 2013 but will not be used for determining which sponsors can open new schools until the 2015-16 school year.
- Permits an educational service center to sponsor a new start-up community school in any challenged district in the state, instead of just its service territory, so long as it receives approval to do so from the Department of Education
- Clarifies the deadline for ODE to prescribe quality practices for community school sponsors
- Clarifies which students are included in value-added calculations for community school closure purposes
- Clarifies when a new community school's performance is included in sponsor evaluations
- ODE may assume sponsorship of contracted, but not yet opened, community schools if the school's sponsor is found ineffective
- Clarifies that educational service centers approved by ODE as a statewide sponsor meet the criteria to authorize in a municipal school district
- Specifies a community school that operates a drug recovery program in cooperation with a court must be considered a dropout prevention and recovery program for purposes of Community School Law
- Provides criteria for new e-schools once the moratorium on new e-schools is lifted
- Requires community school treasurers to be licensed and provides an existing community school fiscal officer one year from the bill's effective date to obtain a school treasurer license
- Expands the current exception permitting a community school to operate facilities in more than
 one location to apply to a community school sponsored by a school district having territory in
 the same county where the facilities of the school are located, regardless of whether the school
 has an operator

Third Grade Reading Guarantee

- Requires a school district to provide immediate services and regular diagnostic assessments for a student found to have a reading deficiency pending development of the student's reading improvement and monitoring plan required under the third grade reading guarantee
- Clarifies which diagnostic tests are appropriate for assessing student reading levels
- Requires administration of diagnostic assessments to each student in third grade, as well as first and second grade under current law

Requires a teacher who provides reading instruction services under the third grade reading
guarantee to be actively engaged in the reading instruction of students for the previous three
years and to satisfy at least one of certain specified criteria, depending on which school year the
teacher intends to provide these services

Gifted Students

- Clarifies existing law with respect to the gifted education performance indicator and specifies which data are subject to disaggregation
- Permits a school to give an additional weight to any gifted student taking a level of coursework above their normal grade, provided they receive a score of 'proficient' or better on the assessment

Teacher Evaluation

- Provides that certain statutory deadlines regarding teacher evaluations and timelines for nonrenewal notices prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of the bill
- Modifies the method in which the value-added progress dimension for student academic growth measure must be used to evaluate teachers
- Exempts instructors of adult education from performance evaluation requirements for public school teachers
- Exempts substitute teachers and instructors of adult education from teacher evaluations conducted by state agencies that employ teachers

Miscellaneous

- Specifically permits educational service centers to partner in the development of STEM schools
- Moves administration of the state achievement assessments in social studies to grades four and six, from grades five and eight as under current law
- Permits the War Orphans Scholarship Fund to accept private donations
- Permits limited access to student data for firms contracted with ODE to develop state assessments
- Clarifies the definition of state aid
- Clarifies that ODE's reporting of data for the new expenditure standards shall coincide to when schools and districts are required to report data under the new standards
- Eliminates the Ohio Accountability Task Force
- Eliminates the requirement that a district failing to make adequate yearly progress for two or more consecutive years administer diagnostic assessments
- Permits a school district that received an excellent or effective rating (or the equivalent of such ratings as determined by ODE) for the immediately preceding school year to use different diagnostic assessments than those provided by the State Board of Education
- Makes permanent two application windows for EdChoice Scholarships starting with the 2013-2014 school year
- Clarifies that the report card will be issued for each career-tech planning district and this report card may contain disaggregated data for each joint vocational school if applicable