



To: State Board of Education
Re: Legislative Update
Date: June 29, 2012

State Activity

Bills Signed by the Governor

Governor Kasich signed the following bills this week.

- [House Bill 386](#) (Blessing, R-Cincinnati), to make changes to the law regarding video lottery terminals, casino gaming and horse racing. The bill includes the following education related changes:
 - Permits guidelines for the establishment of maintenance of the Statewide Education Information System to require school districts to provide a student's county of residence
 - Specifies that the Tax Commissioner must serve as an agent of the counties only for the purposes of the Gross Casino Revenue Tax and solely to make payments directly to municipal corporations and school districts on the counties' behalf
 - Requires school districts to report twice annually the student population of the district for the purposes of calculating the Gross Casino Revenue Tax portion to go to the counties
 - Requires on or before the 30th day of the month following the end of each calendar quarter, the Tax Commissioner to provide for payment from certain casino-related funds to each county, municipal corporation and school district.
- [House Bill 487](#) (Amstutz, R-Wooster), the mid-biennium budget review. The following education related provisions are contained in the of the bill:
 - Waives the adoption and signing contract deadlines for new conversion community schools that open in the 2012-2013 school year, but specifies that a copy of the adopted and signed contract must be filed with the Superintendent of Public Instruction prior to the school's opening and that the school open no later than September 30, 2012
 - Requires each school district, educational service center, and county boards of developmental disabilities serving preschool children with disabilities to participate in the Step Up to Quality Program and be rated by July 1, 2018.
 - Eliminates the income-based reduction required by current law for scholarships under the Cleveland Scholarship Program
 - With regard to the Cleveland Scholarship Program specifies that the net tuition amount is the tuition amount minus any financial aid, tuition discounts, and adjustments to which the student is entitled. Further specifies that, if tuition discounts are offered to multiple students from the same family, but not all of the students are scholarship recipients, the scholarship amount is based on the lowest tuition to which the family is entitled
 - Authorizes ODE, upon approval by the U.S. Department of Education of the state's application for a waiver from certain requirements of the federal No Child Left Behind Act, to implement the changes contained in the application, except for any changes related to the school district and building report cards

- Extends from March 1, 2012 to June 30, 2012 the existence of the Digital Learning Task Force
- Specifies that the Digital Learning Task Force must monitor the implementation of its recommendations submitted in a March 1, 2012 report until the Task Force ceases to exist
- Requires the Digital Learning Task Force to report on the progress of digital learning in Ohio schools and to provide recommendations for enhancing digital learning by June 30, 2012
- Allows any school district real property that was sold under the terms of Section 206.10.21 of HB 66 of the 126th General Assembly to be used for residential development as well as for commercial development
- Until December 31, 2012, permits a school district to offer real property to a state university, rather than first having to offer to sell the property to community schools, if the university has an in-state undergraduate student enrollment of more than 17,000 but less than 22,000 and the property is within 100 yards of a university facility. Provides that the district's offer to the state university may be either to exchange that property for in-kind services, educational programs, or other assistance, or to sell the property for money.
- The Auditor of State's set-aside in GRF line item 200422, School Management Assistance, is reduced from \$1.3 million to \$1.0 million for FY 2013. This subsequently increases the remaining appropriation for ODE to provide fiscal technical assistance to school district management personnel by \$300,000.
- GRF line item 200550, Foundation Funding, is increased by \$6,190,467 for FY 2013. A set-aside for school choice programs in that line item is increased by that same amount (from \$12.5 million to \$18.7 million). The bill also allows increased flexibility to use the set-aside for "school choice programs" rather than for "the Cleveland school choice program."
- GRF line items 200100, Personal Services, 200320, Maintenance and Equipment, and 200416, Career-Technical Education Match, are consolidated into 200321, Operating Expenses, for FY 2013. The new line item's total appropriation for FY 2013 is \$500,000 less than the combined total was for 200100, 200320, and 200416. The new line item is required to support the same activities as the line items being consolidated, including the career-technical education state match.
- Up to \$600,000 of unexpended, unencumbered balances of FY 2012 ODE GRF appropriations are to be reappropriated for FY 2013 to GRF line item 200455, Community Schools and Choice Programs, to provide STEM schools with matching funds for industry workforce development initiatives. If unexpended, unencumbered balances total less than \$600,000, the Superintendent of Public Instruction is required to identify GRF encumbrances from FY 2012 and prior years that are no longer needed and to certify those encumbrances to the Director of the Office of Budget and Management (OBM) who will then cancel the encumbrances and appropriate that amount to GRF line item 200455, Community Schools and Choice Programs.
- \$13 million is appropriated to Fund 7018 (Lottery Profits Education Reserve Fund), line item 200686, Third Grade Reading Guarantee, for FY 2013 to make competitive grants to school districts and community schools to support reading intervention efforts that assist students in meeting the third grade reading guarantee (the third grade reading guarantee is included as a component of S.B. 316 which is still pending). The

Superintendent is required to award the grants pursuant to a competitive process to be established by the Superintendent.

- Appropriation is reduced for various non-GRF line items to better align expected revenue with authorized spending levels.

Senate Activity

The Senate met this week and passed the following bills:

- [Senate Bill 335](#) (Turner, D-Cleveland/ Lehner, R-Kettering), the Cleveland Plan, by a vote of 27-4
- [House Bill 525](#) (Williams, D-Cleveland/Amstutz, R-Wooster), the Cleveland Plan, by a vote of 27-4
- [Senate Bill 15](#) (Turner, D-Cleveland), to require the State Board of Education to recommend performance standards for dropout programs operated by school districts, by a vote of 32-0
- [House Bill 437](#) (Roegner, R-Hudson), to increase the maximum distance that school board-owned motor vehicles may travel on out-of-state trips from 240 miles to 1,000 miles, by a vote of 32-0

The Senate concurred on the House amendments to [Senate Bill 316](#) (Lehner, R-Kettering), the Education MBR, by a vote of 23-8.

House Activity

The House met this week and passed the following bills:

- [House Bill 525](#) (Williams, D-Cleveland/ Amstutz, R-Wooster), the Cleveland Plan, by a vote of 77-16
- [Senate Bill 316](#) (Lehner, R-Kettering), the Education MBR, by a vote of 56-35
- [House Bill 143](#) (Stinziano, D-Columbus), with regard to concussions and head injuries in youth sports, by a vote of 82-4

The House refused to concur with the Senate amendments to [House Bill 375](#) (Butler, R-Oakwood), to allow school districts to sell real property to private, nonprofit institutions of higher education, by a vote of 4-88.

This Week's Committees

Senate Education Committee

The Senate Education Committee met on Tuesday and held their fourth hearing on [Senate Bill 15](#) (Turner, D-Cleveland), to require the State Board of Education to recommend performance standards for dropout programs operated by school districts. Christine Fowler-Mack with the Cleveland Municipal School District offered proponent testimony before the committee unanimously passed the bill.

The committee also held their third hearing on [Senate Bill 335](#) (Turner, D-Cleveland/ Lehner, R-Kettering), the Cleveland Plan. The following witnesses provided testimony before the committee passed the bill:

- Marty McGann, Greater Cleveland Partnership
- Patricia Frost-Brooks, Ohio Education Association

House Education Committee

The House Education Committee met on Tuesday and held their sixth hearing on [Senate Bill 316](#) (Lehner, R-Kettering), the Education MBR. The committee passed the bill by a vote of 13-5. The following is a summary of the education provisions included in the final version of the bill.

Third Grade Reading Guarantee

- Requires the State Board of Education to determine the “cut” score (not lower than the “limited” level of skill), progressively adjusting it upwards until the retention requirements apply to students who do not receive at least a “proficient” score. Not later than December 31, 2013, requires the State Board to submit to the General Assembly recommended changes to the scoring ranges of the state achievement assessments necessary for the successful implementation of the common core curriculum and assessments in the 2014-15 school year.
- Beginning with students entering third grade in the 2013-14 school year, generally prohibits schools districts and community schools from promoting to fourth grade a student scoring below the State Board’s specific cut score on the third grade reading achievement assessments, but exempts from retention the following:
 - Limited English proficient students who have been enrolled in U.S. schools for less than two full school years and have had less than two years of instruction in an English as a second language program;
 - Special education students whose IEPs exempt them from retention under the third-grade guarantee, and special education students whose IEPs or 504 Plans show that they have received intensive remediation in reading for two school years, and who have previously been retained in any of grades K to 3, but who still demonstrate a deficiency in reading;
 - Students who, as determined by the Department of Education, demonstrate an acceptable level of performance on an alternative standardized reading assessment;
 - Students who received intensive remediation in reading for two school years but still demonstrate a deficiency in reading, and were previously retained in any of grades K to 3, as long as the student continues to receive intensive reading instruction in fourth grade. That instruction must include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies that have been successful in improving reading among low-performing readers;
- Requires school districts and community schools to provide all retained third-graders with instruction in a specific academic field that is commensurate with student achievement levels.
- Beginning in the 2012-13 school year, requires each district and community school to assess the reading skills of each student in grades K to 3 by September 30 of each school year and identify students reading below grade level. Requires that they administer the state-developed diagnostic assessments in English language arts, or a comparable tool approved by the Department of Education, to all students.
- Specifies that the notice (required by current law) must inform the parent or guardian that the student has been identified as having a substantial reading deficiency, describe the current services provided to the student, describe the proposed supplemental services and supports to be provided, and explain that the student may be retained in third grade if the student scores below the State Board’s specified cut score on the third grade reading achievement assessment.
- Specifies that intensive reading instruction must be provided immediately following identification of a read deficiency, and must include “intensive, explicit, and systematic instruction,” research-based reading strategies that have been shown to be successful in improving reading among low-performing readers, and instruction targeted at the student’s identified reading deficiencies.
- Requires the district or community school to develop a reading improvement and monitoring plan for each student identified as reading below grade level. The plan must do the following:
 - Identify the student’s specific reading deficiencies;

- Describe the additional instructional services and support that will be provided to remediate the student's deficiencies;
 - Include opportunities for parental involvement in those services and support;
 - Specify a process for monitoring the student's receipt of the services and support;
 - Provide a reading curriculum during regular school hours that provides scientifically based and reliable assessments and provides initial and ongoing analysis of each student's reading progress;
 - State that the student may be retained in third grade for failure to pass the third-grade reading achievement assessment.
- Requires the district or community school to report to the Department of Education any information requested by the Department about the reading improvement and monitoring plans.
- Requires the district or community school to assign each student who has a reading improvement and monitoring plan, and who enters third grade in the 2013-14 school year or later, to a teacher who either has received a passing score on a rigorous test of principles of scientifically based reading instruction or has a reading endorsement on the teacher's license.
- For each student retained in third grade, requires each district or community school, to do the following:
 - Provide intense remediation services until the student is able to read at grade level. Specifies that the services must include intensive interventions in reading that address the areas of deficiencies, including not less than 90 minutes of reading daily and may include other strategies such as small group instruction, reduced student-teacher ratios, more frequent progress monitoring, tutoring or mentoring, transition classes containing third and fourth grade students, extended school day, week, or year, or summer reading camps;
 - Provide a high-performing teacher, as determined by the teacher's student performance data and performance reviews when available;
 - A district or community school must offer the option to receive services from other providers;
 - Requires the district, community school or Department of Education to screen any other service provider
 - Establish a policy for mid-year promotion if the student demonstrates that the student is reading at or above grade level, and promote the student to fourth grade if the student demonstrates reading proficiency in accordance with standards adopted by the Department.
- Includes summer reading camps as an option for services offered to retained third-graders. Does not mandate summer services, but likewise eliminates the requirement of current law that summer remediation be provided in a school or community center and not on an at-home basis.
- Requires districts to submit the results of the K-3 diagnostic assessments in English language arts and math to the Department. Allows the Department to issue a report on the data collected.
- Reverses current law by specifying the blank copies of diagnostic assessments are not public records.
- Requires each district and community school annually to report to the Department on its implementation of and compliance with the bill's third-grade guarantee requirement.
- Requires the Superintendent of Public Instruction annually to report to the Governor and General Assembly the number and percentage of students in grades K-4 reading below grade

level, types of intervention service provided, and an evaluation, if available, on the efficacy of those services, all aggregated by district and school building.

- Requires the Superintendent of Public Instruction and the Governor's Director of 21st Century Education to report to the Governor and General Assembly, by December 31, 2012, on the ability of the Department of Education to reprioritize state and federal funds, in order to identify additional funds that may be used to support the assessments and interventions associated with the third-grade reading guarantee. The Superintendent and Director must examine all available sources of funding, including Title I federal funds for disadvantaged students, Title II (D) federal funds for educational technology, and Title III federal funds for limited English proficient students.
- Requires the State Board of Education and the Early Childhood Advisory Council in consultation with the Governor's Office of 21st Century Education to jointly develop legislative recommendations on the state's policies on literacy education of children from birth to third grade. The joint recommendations are due to the Governor and members of the General Assembly not later than February 28, 2013.
- Requires each district's and community school's policy to comply with the terms of the third-grade reading guarantee.

Career-Technical Education Rankings and Report Cards

- Requires the State Board of Education, in consultation with the Chancellor of the Board of Regents, the Governor's Office of Workforce Development, the Ohio Association of Career and Technical Education, the Ohio Association of Career-Technical Superintendents, and the Ohio Association of City Career-Technical Schools to develop a report card for career-technical planning districts separate from those for city, exempted village and local school districts, and to begin issuing the report card for the 2012-13 school year by September 1, 2013.
- Removes joint vocational school districts from the Department of Education's annual ranking of public schools according to academic performance and spending.
- Removes from the criteria with which the Department ranks public schools performance measures related to career-technical education.

Performance Indicators for Dropout Prevention and Recovery Programs

- Specifies that unless the General Assembly enacts performance standards, a report card rating system, and closure criteria for community schools that operate dropout prevention and recovery programs by March 31, 2013, those schools are subject to permanent closure under the existing criteria that applies to other community schools. Also specifies that only the performance ratings issued to schools that operate dropout programs for the 2012-13 school year and later count in determining if a school meets the closure criteria.

Expenditure Standards

- Removes the deadline for the Department to present proposed reporting standards to the State Board, but moves the date that the State Board must adopt those standards to December 31, 2012.
- Requires the Department, when developing the standards, to align them with the expenditure categories required for reporting to the U.S. Department of Education under federal law.
- Requires school districts, community schools, and STEM schools to begin reporting data in accordance with the standards on July 1, 2013.

- Eliminates a requirement that the first report, ranking school districts and schools according to classroom and nonclassroom operating expenditures, cover fiscal years 2008 through 2012.
- Aligns the terminology of a separate reporting requirement by specifying that the Department annually compare a school district's expenditures for "classroom instructional purposes" with expenditures for "nonclassroom purposes."

School Restructuring

- Specifies that the provisions of the "parent trigger" restructuring petition, under the pilot program, prevail over the general restructuring law for low-performing schools, if a Columbus district school becomes subject to both, unless the parent petition is rejected for certain reasons.
- Requires that a parent petition be filed by December 31 of any school year a school qualifies for restructuring under the Columbus "parent trigger" pilot program.
- Specifies that if either the parent petition or the state's general restructuring plan for a public school conflicts with federal law, federal law prevails.
- Specifies that if a school is restructured under a parent petition, under the general restructuring law, by a district academic distress commission, or under federal law, the school does not have to restructure again for three years after implementing the prior restructuring.

Educator Evaluations

- Specifies that public school teachers who are subject to the requirement of current law to undergo evaluation by their employers are those who are employed under a teacher license and spend at least 50% of their time employed providing student instruction, and exempts substitute teachers from the evaluation requirement.
- When calculating student academic growth for the purpose of teacher evaluation, excludes students with 60 or more unexcused absences for the school year.
- Authorizes to conduct teacher evaluations persons designated by an agreement entered into by the teacher's employer and persons employed by an entity hired by the employer to conduct evaluations and who are licensed as a superintendent, assistant superintendent, principal, vocational director, supervisor, administrative specialist or person designated in an agreement (including persons designated in a peer review agreement) entered into by an employer and its teachers. Also allows qualified persons who are not licensed as superintendent, assistant superintendent, principal vocational director, administrative specialist, or supervisor to conduct teacher evaluations, if they work for a third party hired by the employer to do evaluations.
- Requires all authorized evaluators to obtain a credential established by the Department of Education before doing teacher evaluations.
- Requires only one annual evaluation of teachers on limited or extended limited contracts.
- Requires at least three classroom observations of teachers on limited or extended limited contracts as part of the evaluation process, and specifies that the requirement applies only to such teachers who are under consideration for nonrenewal.
- Permits an employer to require only one classroom observation of a teacher rated as "accomplished" on the teacher's most recent evaluation, if the teacher completes a project approved by the employer to demonstrate continued growth and practice at the accomplished level.
- Extends from April 1 to May 1 the deadline for employers to complete teacher evaluations.
- Specifically authorizes the State Board of Education to periodically update by resolution its state framework for evaluating public school teachers.

- Directs the State Board to develop by June 30, 2013, a standards-based teacher evaluation framework for state agencies, and requires each state agency that employs teachers to adopt a teacher evaluation policy that conforms to the framework.
- Requires each school district's evaluation procedures for assistant principals to be based on principles comparable to the district's teacher evaluation policy, but tailored to the duties and responsibilities of assistant principals.

Testing Teachers

- Revises circumstances triggering the requirement that teachers of core subject areas take exams to prove their knowledge, so that it applies to teachers employed by school districts when the teacher has been rated "ineffective" on evaluations for two of the three most recent years.
- Retains the law applying the requirement to teachers employed by community schools and STEM schools when the teacher's building is ranked by performance index score in the lowest 10% of all public schools.
- Specifies that the requirement applies beginning with the 2015-16 school year.
- Applies the requirement also to teachers employed by joint vocational school districts.
- Adds that if a teacher employed by a school district passes the required exams, the teacher, at the teacher's own expense, must complete professional development targeted at the deficiencies identified in the teacher's evaluations. The district may terminate the teacher if the teacher does not complete the professional development or receives an "ineffective" rating on the teacher's next evaluation after the professional development.
- Applies the exam requirement to teachers who are currently teaching a core subject when they become subject to the provision.
- Specifies that the exams the teachers must take are content knowledge exams selected by the Department of Education to determine expertise to teach the teacher's subject area and grade level.

Teacher Evaluation Data

- Requires the Chancellor of the Board of Regents annually, beginning on December 31, 2014, to report the number and percentage of graduates of each Ohio teacher preparation program who were rated at each of the four performance levels on evaluations conducted by their employers in the previous school year.
- Requires districts and schools to report the number of teachers receiving each evaluation rating, aggregated by the teacher preparation programs from which the teachers graduated and graduation year. Requires the Department of Education to establish guidelines for the teacher evaluation report, and prohibits the guidelines from permitting or requiring the reporting of teachers' names or other personally identifiable information.

Nonrenewal of Teacher and Administrator Contracts

- Extends the deadlines for a school district or educational service center (ESC) to notify a teacher or administrator that the person's contract will not be renewed for the following school year, as follows:
 - From April 30 to June 1, in the case of teachers; and
 - From March 31 to June 1, in the case of assistant superintendents, principals, assistant principals, business managers, supervisors, and other administrators.
- Extends from June 1 to June 15 the deadline for a teacher or administrator to notify a school district or ESC that the person is declining reemployment, in cases where the person is

automatically reemployed due to the district's or ESC's failure to comply with the statutory nonrenewal procedures.

Digital Learning and Blended Learning

- Defines “blended learning” as “the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.”
- Requires the State Board of Education to revise its existing operating standards for school districts and chartered nonpublic schools to include standards for blended learning programs.
- Requires the operating standards to provide for student-to-teacher ratios whereby no blended learning classroom is required to have more than one teacher for every 125 students.
- Requires an operating standard that provides for “the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications.”
- Requires the State Board to provide standards for the following:
 - Licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications;
 - Efficient and effective instructional materials and equipment, including library facilities;
 - Proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school;
 - Buildings, grounds, and health and sanitary facilities and services;
 - Admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified;
 - Requirements for graduation; and
 - Such other factors as the Board finds necessary.
- Requires school districts, community schools, STEM schools, public college-preparatory boarding schools, and chartered nonpublic schools that operate a blended learning school, or that plan to cease operating one, to notify the Department of Education by July 1 of the school year for which the change is effective.
- Permits a school already operating a blended learning program to notify the Department of Education within 90 days after the bill's effective date and request classification as a blended learning school.
- Specifies that an Internet-or computer-based community school is not a blended learning school, and that the bill's provisions addressing blended and digital learning do not affect current law with respect to the operation of and state payments to e-schools.
- Requires the Department, whenever the State Board adopts new state academic standards or model curricula, to provide information on the use of blended or digital learning in the delivery of the standards or curricula to students.

Ed Choice Eligibility

- Specifies that, in the case of a child placed in the custody of either a government agency or a person other than the child's parent, the school district that includes the child in its average daily membership, for funding purposes, is the district from which Ed Choice scholarship payments must be deducted.
- Requires the State Board of Education to adopt rules establishing procedures for awarding Ed Choice scholarships to students already attending a nonpublic school when the school receives

its charter. The scholarships must be awarded to eligible students beginning in the following school year after the school is chartered. The State Board's procedures must provide special application periods for students enrolled at the time the school's charter is granted, if necessary, and provide notice to the students' resident school districts. A student who is already enrolled in the nonpublic school when it receives its charter qualifies for a scholarship if either:

- The student currently would be assigned to a school district building whose students qualify for Ed Choice, provided that the student either has always been enrolled in that particular nonpublic school, or was enrolled in a school operated by the student's resident district or in a community school prior to enrolling in the nonpublic school; or
 - At the end of the last school year before the student enrolled in the nonpublic school, the student either was enrolled in a school district building whose students qualified for Ed Choice or was enrolled in a community school but otherwise would have been assigned to such a school district building.
- Requires the Department of Education to open a second application period for the 2012-13 school year for eligible students who attended a nonpublic school in 2011-12 when the school received its charter.

Scholarship Programs

- Requires the Department of Education, when publishing achievement assessment data for students participating in the Ed Choice or Cleveland Scholarship Program, to disaggregate that data by grade (instead of by age, under current law).
- Requires that, each time a school district completes an evaluation for a child with a disability or undertakes the development, review, or revision of the child's IEP, the district send by letter or electronic means a notice to the child's parent about the scholarship programs. The notice must include a prescribed statement indicating that the child might be eligible for a scholarship to attend a special education program operated by an alternative public provider or a registered private provider instead of that operated by the district. The notice must include the telephone number of the office of the Department of Education responsible for administering the scholarship programs and the location of scholarship information on the Department's web site.

Eye Exams for Disabled Students

- Requires the Department of Education by December 31, 2013, to issue a report to the Governor and General Assembly on the compliance of school districts and community schools with the requirement of current law to have students with disabilities undergo a comprehensive eye exam within three months after beginning to receive special education and related services.
- Specifies that the report must include data from the 2012-13 school year and annually thereafter on the total number of students enrolled in each school district or community school who were subject to the requirement to undergo an eye exam and the total number of those students whom the district or school can verify received the exam.
- Requires the Department annually to notify each school district and community school of the requirement of current law to have students with disabilities undergo a comprehensive eye exam.

Community Schools

- Requires community schools to comply with an existing law requiring each school district to adopt a promotion and retention policy that prohibits the promotion of a student who has been truant for more than 10% of the school year and has failed at least two of the required subjects,

unless the principal and teachers in the failed subject agree that the students is academically prepared for the next grade.

- Revises and updates the definition of “sponsor” for purposes of the community school laws to explicitly include boards of school districts and ESCs that agree to the conversion of a school of building and grandfathered sponsors, which are exempt from having to obtain the Department of Education’s approval to sponsor community schools.
- Increases to five the number of governing authorities of start-up community schools on which a person can serve at the same time.
- Allows the governing authority of a community school to establish a single-gender school without establishing a comparable school for the other gender.
- Revises an uncodified provision enacted in 2011 in HB 153, and in each prior budget act since 2005, to permit a community school operating from or in a residential care facility, as long as the school was operating in Ohio prior to May 1, 2005, regardless of whether the school was operating from or in the facility on that date.
- Requires the Department of Education to make available on its web site a copy of every approved community school contract filed with the Superintendent of Public Instruction.

Community School Sponsor Rankings

- Makes permanent the exclusion from the ranking calculations of community schools that primarily serve students with disabilities.
- Requires the Department of Education to include schools that operate dropout programs when calculating the composite performance index scores of community school sponsors for the purpose of sponsor rankings, if the schools become subject to the existing closure criteria.
- Excludes community schools that have been in operation for less than two full school years from counting in the annual rankings of community school sponsors.
- Specifies that the Department of Education’s Office of School Sponsorship must be included in the annual rankings of community school sponsors, but exempts the Office from the prohibitions against sponsoring additional community schools.
- Requires the Department to publish the rankings between October 1 and October 15.
- States that the General Assembly intends to enact a law, not later than December 31, 2012, that establishes a battery of measures to be used to rate the performance of the sponsors of community schools and to determine whether an entity may sponsor additional community schools.

Community School Sponsorship by the Department of Education

- Designates the Department’s Office of School Sponsorship as the entity within the Department that may assume sponsorship of a community school whose sponsor is found not to be in compliance with state rules or its contract with the community school.
- Permits the Department to deny an application for direct authorization submitted by an existing community school, if the school’s previous sponsor did not renew its contract with the school.

Community School Enrollment Verification

- Requires school district boards of education monthly to review community school enrollment for students who are entitled to attend school in the district and verify the community school in which the student is enrolled and that the student is entitled to attend school in the district under law.

- Authorizes community school governing authorities to adopt a policy for initial reporting that prescribes the number of documents required to verify a student’s residency. If adopted, this policy supersedes any policy adopted by a school district.
- Codifies current Department of Education policy by specifying that “the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.”
- Specifies that the following documents may serve as evidence of primary residence:
 - A deed, mortgage, lease, current home owner’s or renter’s insurance declaration page, or current real property tax bill;
 - A utility bill or receipt of utility installation issued within 90 days of enrollment;
 - A paycheck or paystub issued to the parent or student within 90 days of the date of enrollment that includes the address of the parent’s or student’s primary residence;
 - The most current available bank statement issued to the parent or student that includes the address of the parent’s or student’s primary residence;
 - Any other official document issued to the parent or student that includes the address of the parent’s or student’s primary residence. (Requires the Superintendent of Public Instruction to develop guidelines for determining what qualifies as an “official document.”)
- Specifies that when a student becomes a homeless child, or when a homeless child changes living arrangements, the district in which the student is entitled to attend school must be determined in accordance with current state and federal law governing education of homeless children.
- Specifies that the state Superintendent must determine the district in which the student is entitled to attend in the event of a disagreement.
- Requires, when a school district and community school reach different determinations as to a student’s school district, the community school to provide the district with documentation of the student’s residency and make a good faith effort to accurately identify the student’s residence. The community school cannot appeal to the state Superintendent until doing so, and any appeal must be within 60 days after the Department’s monthly deadlines for reporting enrollment. The state Superintendent must make the determination within 30 days after the community school presents the matter.
- Makes no statement about withholding payments, but requires the state Superintendent to direct any necessary adjustments to deductions and payments after resolving a dispute.

Access to School District Property

- Includes public college-preparatory boarding schools, in addition to community schools as under current law, in the right of first refusal for real property that a school district chooses to sell.
- Permits, but does not require, a school district when offering unused real property for sale or lease to community schools located in the district, as required under current law, also to make that offer to existing community schools or college preparatory-boarding schools with plans to relocate operations to the district.
- Specifies that the appraised fair market value of the property must be determined by an appraisal that is not more than one year old.
- Specifies that if the district conducts an auction or lottery to select a community school or college-preparatory boarding school to purchase or lease the property, because more than one eligible party notifies the district of its interest, the auction or lottery must be conducted only

among the parties that notified the district of their interest, instead of among all eligible parties as required under current law.

- Adds nonprofit private colleges and universities and chartered nonpublic schools to the list of entities that may purchase real (or personal) property of a school district directly without purchasing it at a public auction.

College-Preparatory Boarding School Governance

- Allows the appointing person or body of members of the board of trustees of college-preparatory boarding schools to remove a trustee they appoint at any time.
- Requires members of the board of trustees of a college-preparatory boarding school to file a disclosure statement with the Ohio Ethics Commission.
- Removes a reference that college-preparatory boarding school operators must comply with certain education provisions, but this change may not have a substantive effect because, continuing law, retained by the amendment, requires the school's board of trustees to comply with these requirements.

STEM Schools

- Specifies that the STEM Committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body. If so authorized, each separate school must comply with all provisions of the existing STEM school law except:
 - It may not be organized or funded in the alternative, open enrollment model where a school district board is the STEM school's governing body;
 - The group's governing body may employ a single treasurer for the entire group of schools;
 - The governing body may employ a single individual to be the chief administrative officer of two or more schools;
 - The Department of Education must calculate state operating funds for each STEM school within the group separately and pay those funds directly to each school; and
 - The Department must issue a separate report card for each school within the group and compute and report a separate rating for the group as a whole.
- For facilities funding from the School Facilities Commission, provides that the governing body of a group of STEM schools must submit a proposal for each school under its direction separately and the Commission must consider each proposal separately.
- Allows the STEM Committee to approve one or more STEM schools to serve only gifted students.
- Exempts STEM schools, and STEM programs awarded grants by the STEM Committee, from the prohibitions in current law against restricting participation based on intellectual ability or other measures of achievement or aptitude, if the schools or programs serve only gifted students.

Educational Service Centers

- Eliminates the annual July 1 deadline by which a fee-for-service agreement between an ESC and a school district must be filed with the Department of Education.
- Beginning with the 2012-13 school year, permits a school district with more than 16,000 students that enters into an agreement with an ESC for services for which the state provides per-pupil funding, to opt out of receiving supervisory services. If a district opts out of those

services, it is not required to pay for them through the deduction of supervisory units from the district's state aid account.

- Permits an ESC providing services for a child in the custody of a county or district juvenile detention facility to submit the bill directly to the school district responsible for paying the cost of educating that child, instead of first billing the district in which the facility is located.
- Requires the district responsible for paying the cost of educating the child to include the child in its "average daily membership" and prohibits any other district from including the child in that count.
- Repeals an obsolete law that required boards of county commissioners, until fiscal year 2007, to provide and equip offices for the use of ESCs.

Kindergarten Admission

- Permits a school district of community school to admit to kindergarten or first grade a child who is not yet the required age, if the child is recommended for early admission in accordance with the district's or school's acceleration policy.
- Requires a school district to evaluate a child for early admission upon referral by a parent or guardian, an educator employed by the district or school, a preschool educator who knows the child, or a pediatrician or psychologist who knows the child.
- Repeals the provisions of current law that:
 - Require a child to be issued a waiver by a pupil personnel services committee in order to be admitted to first grade without completing kindergarten; and
 - Authorize early admission for children who meet established standards on standardized tests.
- Specifies that a community school may admit a child younger than age five in accordance with these procedures.
- Prohibits a school district from denying a transferring student admission, based on the student's age, if the student had been admitted to kindergarten by another school district or chartered nonpublic school.

Licensing of Preschool and Latchkey Programs

- Eliminates the requirement that a school district, county DD board, or chartered nonpublic school operating a preschool or latchkey program renew its license every two years, and specifies that a program's license remains valid until revoked by the Department of Education or the program ceases operations.
- Extends the length of the provisional license issued to new preschool or latchkey programs from six months to one year.
- Requires the Department to inspect each preschool or latchkey program annually to determine compliance with laws and rules, and to notify the program of the results.
- Eliminates the requirement that a preschool or latchkey program's license contain the name of the program's administrator, the program's address of operation, and the toll-free number to report suspected violations of the law by the program.

Reporting Data of Young Children

- Requires the director of each state agency that administers programs for children who are younger than compulsory school age to obtain for each child receiving those services a student data verification code (SSID) issued under the Department of Education's Education Management Information System (EMIS).

- Requires the EMIS contractor to submit to the Department of Education the SSID code of a child younger than compulsory school age receiving services from another state agency.
- Requires state agencies to submit to the Department of Education information of children younger than compulsory school age receiving services from the agency using their SSID code, and provides that the information maintained EMIS or an agency's files not be a public record.

State Education Aid Definition

- Specifies that a school district's state education aid for fiscal years 2012 and 2013 includes both its supplemental guarantee payment and its payment for high academic performance, if either is paid to the district.

School Facilities Programs

- Reduces the minimum size that a segment of state-assisted school facilities project must be in order for a school district to proceed with it separately, from 4% to 2% of the district's tax valuation.
- Removes conditions of land-area size and wealth for participation in the Exceptional Needs School Facilities Assistance Program.
- Authorizes the School Facilities Commission to offer early Classroom Facilities Assistance Program (CFAP) funding to school districts participating in the Expedited Local Partnership program (ELLP) and gives priority for funding to ELLP districts that are ready to proceed with their districtwide CFAP projects over all other districts, except districts only partially served under pre-1997 programs, urban districts, and districts receiving funding under the Exceptional Needs Program.

Body Mass Index Screenings

- Makes schools' implementation of the body mass index (BMI) screenings optional, thereby eliminating the need to obtain a state waiver.

State Board of Education Meetings

- Repeals the requirement of current law that the State Board of Education hold regular meetings every three months, and instead requires the State Board to annually adopt a calendar by March 31 indicating the dates on which it will hold its regular meetings for the following fiscal year.
- Allows notice of special meetings of the State Board to be delivered to Board members electronically or by regular mail, and permits a designee of the Board president to give the notice.

Miscellaneous

- Requires any public school (district school, community school, STEM school, or college-preparatory boarding school), during the admissions process to provide the parent of a student a copy of the school's most recent report card.
- Requires the Superintendent of Public Instruction to present updated academic standards and model curricula in English language arts, math, science, and social studies to the House and Senate Education Committees at least 45 days before their adoption by the State Board of Education.
- Directs the State Board of Education, by June 30, 2013, and in consultation with the Governor's Office of Workforce Development, to adopt model curricula for grades K to 12 that embed "career connections learning strategies" into regular classroom instruction.

- Prohibits substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than 120 days per school year, and persons who are employed on an as-needed, seasonal, or intermittent basis from accruing sick leave.
- Modifies the earmark for GRF appropriation item 935409, Technology Operations, established by HB 153, to permit funds designated to cover the costs of public school students taking advanced placement or postsecondary courses through the OhioLearns Gateway to also be available to chartered nonpublic school and homeschooled students.
- For the 2012-13 school year, extends from 60 to 75 days after administration of the state achievement assessments the deadline to report individual scores to school districts. However, retains current law's ultimate deadline of June 15 by specifying that scores may not be reported later than June 15, 2013.
- Includes "law enforcement emergencies" within the description of "calamity day" for which a school may be closed.
- Directs the Department of Education by June 30, 2013, to conduct a study of the licensure requirements for media specialists and to use the study to make necessary revisions to those requirements.
- Requires that at least 50% of the beverages available for sale from school food service programs, vending machines, or school stores that are not milk consist of water or other beverages that contain no more than ten calories per eight ounces.
- States that the legislative authority enacting a TIF resolution must notify a joint vocational school district of pending TIF legislation according to the same time requirements as apply to other school districts. Under continuing law, this equates to 45 days notice before adopting a TIF resolution that would last for more than ten years or authorize a tax exemption in excess of 75% of the increased value of the subject property, and 14 days notice in all other cases.
- Removes an obsolete reference to the Center for Early Childhood Development, which no longer exists.
- Corrects a misspelling with respect to dual enrollment programs.
- Re-enacts the law, repealed by HB 487, that authorizes employees of county boards of developmental disabilities to be members of the governing board of a political subdivision (including a school district) or an agency that does not provide services designed primarily for individuals with developmental disabilities and specifies that a county developmental disabilities board may contract with that governing board even though its membership includes a developmental disabilities board employee.

The committee also held their seventh hearing on [House Bill 525](#) (Williams, D-Cleveland/ Amstutz, R-Wooster), the Cleveland Plan. The committee favorably reported the bill. The following is a summary of the education provisions included in the final version of the bill.

Teacher contracts

- Requires a teacher who is employed by a municipal school district and who meets the tenure requirements in current law to provide notice of the teacher's eligibility by September 15 of the year the teacher becomes eligible.
- Lowers from five years to two years the maximum length of an initial limited contract for employment entered into between a municipal school district and a teacher on or after the bill's effective date.
- Revises the procedures for a municipal school district to grant an extended limited contract to a teacher who is eligible for tenure.

- Exempts municipal school districts from the requirement to enter into supplemental contracts with teachers who teach courses for high school credit outside the normal school day.

Assigning teachers to school buildings

- Prescribes procedures for assigning teachers to school buildings of a municipal school district, whereby the decisions of the district CEO or designee are guided by the recommendations of building-level interview teams.
- Prescribes credential factors that a building-level interview team must consider in making its recommendations to the CEO or designee.

Teacher evaluations

- Requires a municipal school district to include review of a teacher's work samples as part of the teacher evaluations mandated by current law and specifies that (1) the required observations may be announced or unannounced and (2) "multiple measures" must be used in determining student academic growth.
- Requires a municipal school district to conduct one annual evaluation (instead of two, as in current law) for a teacher whom the district is considering not reemploying.
- Changes the deadline for a municipal school district to complete teacher evaluations from April 1 to June 1.
- Requires evaluators in a municipal school district to be trained in accordance with criteria developed by the district CEO and teachers' union.
- Requires a municipal school district to use evaluations in decisions about compensation and layoffs (in addition to promotion and retention decisions, as in current law).
- Specifies that teachers in a municipal school district may use the collective bargaining agreement's grievance procedure to challenge violations of the evaluation procedures, but limits the violations that may be corrected to those that cause "substantive harm" to the teacher.

Teacher salaries

- Requires a municipal school district to adopt a performance-based salary schedule for teachers, in the same manner required by current law for school districts that receive federal Race to the Top funds.
- Requires a municipal school district to place newly hired teachers on the salary schedule based on years of experience, area of licensure, and other factors determined by the district.
- Requires a municipal school district to initially place veteran teachers on the salary schedule so that their salary is comparable to their pay under the previous salary schedule.
- Requires a municipal school district to consider specialized training and experience in the assigned position (in addition to the performance metrics in current law) when measuring a teacher's performance.
- Requires a municipal school district to consider specialized training and experience in the assigned position (in addition to the performance metrics in current law) when measuring a teacher's performance.
- Adds teaching in a school with an extended school day or school year to the duties for which a municipal school district may provide additional compensation.
- Allows a municipal school district to decrease a teacher's salary during the term of the employment contract if the teacher will perform fewer or different duties.

Nonrenewal of teacher contracts

- Extends from April 30 to June 1 the deadline for a municipal school district to notify teachers that their contracts will not be renewed for the following school year.
- Revises the procedures for holding a hearing on the nonrenewal of a teacher's contract in a municipal school district.
- Exempts a municipal school district from most provisions requiring the automatic reemployment of a teacher when the district fails to comply with nonrenewal procedures.
- Specifies that the decision of a municipal school district to not renew a teacher's contract is not subject to appeal.
- Exempts a municipal school district from the requirement to notify employees by April 30 that their contracts will not be renewed in order for the employees to qualify for unemployment benefits.

Teacher terminations and disciplinary suspensions

- Permits a municipal school district to place a teacher on an unpaid disciplinary suspension for a definite period of time for "good and just cause."
- Specifies that "good and just cause" for a municipal school district to terminate a teacher's contract includes receiving an evaluation rating of "ineffective" for two consecutive years.
- Establishes new due process procedures, including a fact-finding hearing, for teacher terminations and disciplinary suspensions in municipal school districts.
- Prohibits an arbitrator from overturning the termination or disciplinary suspension of a teacher by a municipal school district for failure of the district to comply with the procedures of the bill or a collective bargaining agreement, unless the failure results in "substantive harm" to the teacher.

Teacher layoffs

- Modifies the reasons for which a municipal school district may lay off teachers by (1) omitting suspension of schools as a reason and (2) allowing layoffs for academic reasons resulting in the consolidation of teaching positions, duties, or functions or in changes in educational programs.
- Requires a municipal school district to lay off teachers in order of their evaluation ratings, starting with teachers with the lowest rating, and to lay off nontenured teachers before tenured teachers within each group of teachers with the same rating.
- Requires a municipal school district to make decisions regarding the recall of laid-off teachers in the reverse order of the tenure status and composite evaluation rating categories used in the layoff decisions.
- Specifies that the municipal district board and the teachers' union "shall negotiate" how specialized training and experience will be factored into layoff and recall decisions.
- Specifies that laid-off tenured and nontenured teachers of a municipal school district have the right of restoration only to positions for which they qualify within three years after the date their contracts were suspended.
- Requires a municipal school district to give teachers preference in contract renewals, layoffs, or rehiring based on seniority or tenure, only when deciding between teachers with the same evaluation rating and tenure status.

Collective bargaining

- Specifies that the bill's requirements regarding teacher employment in municipal school districts, including requirements related to (1) contracts, (2) building assignments, (3)

evaluations, (4) salaries, (5) contract nonrenewals, (6) terminations and disciplinary suspensions, and (7) layoffs, generally prevail over collective bargaining agreements entered into on or after the bill's effective date.

Employment of principals

- Requires a municipal school district to pay principals based on performance, generally in the same manner required by the bill for the district's teachers.
- Exempts a municipal school district from the requirement to automatically reemploy a principal for a specified period of time when the district fails to comply with nonrenewal procedures.
- Makes procedural changes to the requirement for a municipal school district to notify a principal before taking action to renew or not renew the principal's contract.
- Exempts a municipal school district from the requirement to automatically reemploy a principal for a specified period of time when the district fails to comply with nonrenewal procedures.
- Specifies that, in a municipal school district, the failure of a principal's building to meet academic performance standards established by the district CEO is grounds for termination.
- Requires the CEO of a municipal school district to give a principal a copy of the principal's evaluation at least five days before the CEO recommends the principal's termination to the school board.

Academic performance plan

- Requires that the district CEO's academic performance plan include provisions requiring parents or guardians of students in the district's schools to attend, prior to December 15 each year, at least one parent-teacher conference or similar event.
- Adds adjustment of the length of the school year or school day to the items that may be included in the corrective actions specified in the plan.
- Prescribes procedures for development of the CEO's "corrective plan" for a particular school, whereby the CEO and labor union presiding officer must appoint corrective action teams to make recommendations regarding implementation of the plan.
- Specifies that the content and implementation of a corrective plan and any actions taken to implement the plan prevail over collective bargaining agreements entered into on or after the bill's effective date.

Additional accountability measures

- Requires the board of education of an existing municipal school district to develop, subject to approval by the Superintendent of Public Instruction, an array of measures to evaluate the academic performance of the district, and to use those measures to report annually to the General Assembly, Governor, and state Superintendent.
- Requires the state Superintendent, by November 15, 2017, to evaluate the district's performance based on the district board's approved array of measures and to issue a report to the General Assembly and Governor.

Student advisory committees

- Requires a municipal school district and each of its partnering community schools to establish a student advisory committee at each of their schools offering grades 9 to 12 to make regular (at least semiannual) recommendations for improving the academic performance of the school.

School calendars

- Declares that the board of a municipal school district "has final authority" to establish a school calendar for the district's school buildings that provides for additional student days or hours beyond the state minimum.
- Specifies that the school calendar adopted by the board prevails over collective bargaining agreements entered into on or after the bill's effective date, but requires the board and the teachers' union to negotiate regarding any additional compensation for working an extended school day or school year.

Municipal School District Transformation Alliance

- Allows the mayor of the city containing the greatest portion of a municipal school district to initiate the establishment of and appoint the board of directors of a Municipal School District Transformation Alliance as a nonprofit corporation under R.C. Chapter 1702.
- Requires the Alliance, if created, to (1) confirm and monitor a "transformation alliance education plan" prepared by the mayor, (2) suggest national education models for and provide input in the development of new district schools and partnering community schools, (3) report annually on the performance of all municipal school district schools and all community schools located in the district, and (4) make recommendations to the Department on the approval of sponsors of new community schools located in the district.
- Sunsets the authority to create an Alliance on January 1, 2018, and terminates any Alliance created under the bill on that date.
- Exempts the Alliance and its directors, officers, and employees, from the state Public Ethics Law, Open Meetings Act, Public Records Law, Civil Service Law, Public Employees Retirement System Law, and Public Employee Collective Bargaining Law, but stipulates that board meetings must be open to the public, that records must be maintained as though they were public records, and that the board must establish a conflicts of interest policy.
- Specifies that membership on the Alliance board does not constitute an incompatible holding of public office.
- Expands the offense of bribery, a third degree felony, to include (1) promising, offering, or giving any valuable thing or valuable benefit, with purpose to corrupt or improperly influence, to a director, officer, or employee of the Alliance, or (2) knowingly soliciting or accepting for self or another, by a director, officer, or employee of the Alliance, any valuable thing or valuable benefit to corrupt or improperly influence the discharge of duties.

Framework to assess district and community schools

- Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by April 30, 2013, jointly to establish a framework to assess the efficacy of district schools and community schools located in the municipal school district.

Criteria for community school sponsorship in a municipal school district

- Requires the Department of Education, the Transformation Alliance, if created, and a statewide nonprofit community school sponsor organization, by December 31, 2012, jointly to establish criteria for both (1) sponsors to use to determine if they will sponsor new community schools in the municipal school district, and (2) the Department and the Alliance to use in assessing the ability of a sponsor to successfully sponsor schools in the district.

Use of standards by community school sponsors

- Beginning with any community school that opens after July 1, 2013, requires each sponsor to use the criteria developed jointly by the Alliance, Department, and statewide sponsor organization to determine whether it will sponsor a new community school in the municipal school district.

Combining community school and district report card data

- Authorizes a municipal school district, with the approval of the community school governing authority, to elect to have the student performance data of a community school located in the district combined with the district's data on the district's annual state report card, if the district either sponsors the community school or has entered into an agreement with the school to endorse each other's programs.
- Authorizes a municipal school district, at its own discretion, to elect to have the number of students enrolled in a community school located in the district noted separately on the district's report card, if the district either sponsors the community school or has entered into an agreement with the school to endorse each other's programs.
- Requires the district, by October 1 each year, to submit documentation to the Department of Education indicating eligibility for the election to include a community school's data on its report card.

Deposit of proceeds from the sale of real property

- Permits a municipal school district that sells any parcel of real property to deposit the proceeds into the district's general fund, as long as (1) the district has owned property for at least ten years, (2) any securities or other obligations issued to pay for the real property or improvements to it are no longer outstanding at the time of the sale, and (3) the deposit is not prohibited by any agreements the district has with the School Facilities Commission (rather than deposit those proceeds into the sinking fund, the bond retirement fund, or a special fund for the construction or acquisition of permanent improvements as otherwise required under current law.)

Tax levy

- Authorizes the school board of a municipal school district to propose a levy for current operating expenses, a portion of which would be allocated to "partnering" community schools and distributed among those schools on a per-pupil basis.

Other

- Specifically authorizes the board of education of a municipal school district to request exemptions from education-related statutes and administrative rules through an existing law that permits any district to request such exemptions for an innovative education pilot program.

Next Week's Committees

There will be no committee meetings next week.

Federal Activity

Senate Appropriations Committee Approves Labor, HHS, Education FY2013 Spending Plan

The Senate Appropriations Committee approved, by a vote of 16-14, the fiscal year 2013 spending plan for Labor, Health and Human Services and Education which provides \$159 billion in discretionary funding for programs under bill. Specific to education, the plan provides \$68.5 billion for the U.S.

Department of Education's programs, reflecting a \$400 million increase over enacted FY12 levels. Notable spending figures under the committee mark-up include:

- Title I receives \$14.6 billion (+\$100 million compared to FY12 enacted)
- IDEA, Part B receives \$11.7 billion (+100 million)
- Race to the Top receives \$550 million
- Head Start receives \$8.04 billion (+70 million)