

## **Changes to Education Provisions of SB 316 – As Passed by the Senate May 11, 2012**

### **Community School Sponsor Changes – Performance Rankings/Ratings**

- Changes the criteria for applying the prohibition against a community school sponsor sponsoring additional schools, by replacing the trigger of the sponsor ranking in the lowest 20% on an annual ranking of sponsors by their composite performance index scores with a trigger of the sponsor receiving a rating of "D" or "F" using the bill's system for determining report card ratings. Under the amendment, the Department of Education must use the same performance metrics (state performance indicators, performance index score, adequate yearly progress, and the value-added progress dimension) and rating system to assign a letter grade to each sponsor by evaluating the performance of all of the sponsor's conversion or start-up schools as if they constituted a school district.
- Retains the bill's provision making permanent the current law exempting community schools that primarily serve students with disabilities from counting toward the sponsor's portfolio of schools for purposes of the prohibition. The bill already eliminates the current exemption for schools that primarily serve dropouts.
- Specifies that the Department of Education's Office of Ohio School Sponsorship, which authorizes community schools under provisions enacted in 2011 by H.B. 153, must be included in the annual ratings of community school sponsors, but exempts the Office from the prohibitions against sponsoring additional community schools if it is rated as Academic Watch or Academic Emergency.
- Requires the Department of Education to make legislative recommendations to the Governor and General Assembly by December 31, 2012, for a battery of measures to rank the performance of community school sponsors to determine if they may sponsor additional schools, in addition to the rating prescribed by the bill.
- 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 by their composite performance index scores.

### **Community School Sponsorship**

- Allows the governing board of any educational service center (ESC) to sponsor a start-up community school, regardless of geographic location of the proposed school. (Under current law, since June 30, 2007, ESCs may only sponsor a start-up community school that is located in a county within or contiguous to the ESC's territory. However, ESCs could maintain sponsorship of community schools they had sponsored prior to June 30, 2007.)

### **Direct Authorization of Community Schools- Applications**

- Requires the Office of School Sponsorship within the Department of Education to adopt application and ratings procedures, including application format, deadlines, and contract parameters, for direct authorization of community schools to be used in the 2012-2013 school year and thereafter.
- Changes the direct authorization selection process from chronological to selective.
- Specifies that the Department's decision with respect to an application is final and not subject to appeal.

### **Community School Mandate Panel**

- Creates the Community School Mandate Review Panel of seven community school experts jointly appointed by the Superintendent of Public Instruction, Director of the Governor's Office of 21st Century Education, and Auditor of State.
- Requires the panel to review all Revised Code and Administrative Code sections with which community schools must comply to determine how to reduce unnecessary reporting and compliance with requirements for community schools.
- Requires the panel to report its findings and legislative recommendations, one year after the bill's effective date, to the Department of Education, Governor, and General Assembly, upon which the panel will cease to exist.

### **Community Schools- Definition of Sponsors**

- Revises and updates the definition of "sponsor" for purposes of the community school laws to explicitly include (1) boards of school districts and educational service centers that agree to the conversion of a school or building and (2) "grandfathered" sponsors, which are exempt from having to obtain the Department of Education's approval to sponsor community schools.

### **Combining Community School and District Report Card Data**

- Revises the current law on combining of data of community schools and school districts on the annual state-issued academic performance report cards, by:
  - (1) Requiring the Department of Education to combine with a district's student performance data, the comparable data for all community schools sponsored by the school district, instead of only conversion community schools sponsored by the district as under current law;
  - (2) Eliminating the exception for conversion schools that primarily enroll students between 16 and 22 years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions; and
  - (3) Requiring the Department to include the students attending community schools sponsored by a school district in the district's enrollment count on the district's report card.
- Maintains current law that permits a school district to elect to include with its student performance data the comparable data for any community school located in the district to which the district either leases a building or enters into an agreement whereby the district and the community school endorse each other's programs.

### **Community School Governing Authority Membership**

- Permits a single individual to be a governing authority member of up to five community schools at the same time, but if any of those schools is rated "F" or "D," under the bill's new academic performance rating system, the individual may serve on the governing authorities of additional schools (up to a total of five) only if, and to the extent that, one or more of those "F" or "D" rated schools improves to at least a "C" rating.
- Permits a single governing authority (of the same five individuals) to direct up to five separate community schools, if not more than one of those schools is ranked in the lowest 25% of all public school buildings statewide according to performance index score.

### **Community School Student 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 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.
- Specifies that all of the following are a valid proof of residency:
  - (1) A deed, mortgage, lease, current home owner's or renter's insurance declarations page, or current real property tax bill;
  - (2) A utility bill or receipt of utility installation issued within 90 days of enrollment;
  - (3) A valid vehicle registration;
  - (4) A copy of the most recent tax return or W-2 form;
  - (5) A voter registration card that is dated not more than two years earlier than the date of enrollment;
  - (6) A paycheck or paystub issued within 90 days of the date of enrollment that includes the residential parent or legal custodian's address;
  - (7) The most current available bank statement that includes the residential parent or legal custodian's address;
  - (8) Any official document, as defined by the Superintendent of Public Instruction, issued by an agency of the federal, state, or county government dated within 90 days of enrollment, including documents issued by the Social Security Administration, the Bureau of Workers' Compensation, or a county department of job and family services.
- Specifies that when a student loses permanent housing and becomes a homeless child or when a homeless child changes temporary living arrangements, one of the following applies:
  - (1) If the student was enrolled in a community school prior to becoming homeless, the student's school district remains the same;
  - (2) If the student enrolls in a community school after becoming homeless, the student is entitled to attend school in the school district in which the student currently resides.
- Requires school district boards of education to accept the following documents, in addition to the above documents, when verifying a homeless student's residence status:
  - (1) A notarized statement containing the address of the location where the student is residing signed by the student's residential parent or legal guardian;
  - (2) A notarized statement signed by the owner or lessee of a property in which a student is residing.
- Specifies that the Superintendent of Public Instruction must determine the district in which the student is entitled to attend in the event of a disagreement.
- Prohibits the Department from withholding payments to a community school based on a challenge by a school district concerning the community school's enrollment and student residency reports.

### **Community School New Sponsor Entity**

- Authorizes a nonprofit organization whose membership consists solely of community school sponsors to sponsor community schools itself.

### **Community Schools Contract on the Internet**

- Requires the Department to make available on its web site a copy of every community school contract filed with the Superintendent of Public Instruction.

### **Single-Gender Community Schools**

- Allows the governing authority of a community (charter) school to establish a single-gender school without establishing a comparable school for the other gender.

### **Disposal of School District Property**

- Requires that any unused property that a school district must lease or sell to a community school or proposed community school be used only for community school operations.
- Includes public college-preparatory boarding schools, in addition to community schools, in the right of first refusal for real property (that exceeds \$10,000 in value) that a school district chooses to sell.
- Requires school districts to offer unused real property for sale or lease to college-preparatory boarding schools located in the district, in addition to community schools located in the district, as under current law, and community schools transferring into the district, under the bill.

### **Teacher Retesting and Professional Development**

- Repeals current law, enacted in 2011 by H.B. 153, requiring each teacher of a core subject area in a building that is ranked in the lowest 10% of all public school buildings according to performance index score to retake all exams needed for licensure in the teacher's subject area and grade level.
- Requires instead that when a teacher employed by a school district, or by a community (charter) school or STEM school that receives federal Race to the Top funds, is rated "ineffective" on an evaluation for the first time, the employer must develop a professional improvement plan for the teacher.
- Specifies that if the teacher is rated "ineffective" on the next evaluation after development of the plan, the teacher must complete at least 12 hours of professional development at the teacher's expense. The professional development, which is in addition to any other professional development required by the employer or for licensure, must be pre-approved by the teacher's principal or supervisor and be completed prior to the teacher's next evaluation.
- Permits an employer, at its own expense, to require a teacher to take one or more exams of content knowledge selected by the Department of Education, in addition to completing the professional development.
- Permits an employer to terminate a teacher if the teacher (1) does not complete the professional development or content knowledge exam, (2) receives an "ineffective" rating on the teacher's next evaluation after the professional development, or (3) fails the exam.

### **Teacher Evaluations**

- Specifies that substitute teachers are not subject to the requirement to undergo annual teacher evaluations.
- Adds language explicitly allowing teacher evaluations to be conducted by persons designated in a peer review agreement entered into by a school district and its teachers. (The bill allows evaluators to be designated in any agreement entered into by a district, and eliminates a provision of current law that specifically mentions peer review agreements.)

- Excludes the following students when calculating student academic growth for the purpose of teacher evaluations:
  - (1) Students with 60 or more excused or unexcused absences for the school year; and
  - (2) Students who are "habitual truants." (Under current law, an habitual truant has unexcused absences of 5 or more consecutive days, 7 or more days in a month, or 12 or more days in a school year.)

#### **Data on Graduates of Teacher Preparation Programs**

- Extends the date, from December 31, 2012, to December 31, 2014, by which the Chancellor of the Board of Regents must commence annually reporting the number and percentage of all graduates of the teacher preparation program who were rated at each of the performance levels (accomplished, proficient, developing, and ineffective) on evaluations conducted by their employers in the previous school year.
- Replaces the bill's requirement that school districts (and community schools and STEM schools that receive federal Race to the Top funds) annually report to the Department of Education the names and evaluation ratings of their teachers, with a requirement that districts and schools 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 State Board of Education to establish EMIS guidelines for this 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:
  - (1) From April 30 to June 1, in the case of teachers; and
  - (2) From March 31 to June 1, in the case of assistant superintendents, principals, assistant principals, business managers, supervisors, and other administrators. (To correspond with these changes, the amendment also extends from April 30 to June 1 the deadline by which a school district employee must be notified of nonrenewal in order for the employee to qualify for unemployment benefits.)
- Does not affect the date for notice of nonrenewal for superintendents and treasurers which under continuing law is March 1.
- 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.

#### **School District and Building Academic Performance Ratings**

- Removes the provisions of the bill that would, beginning with the current 2011-2012 school year, replace the current academic performance rating systems for school districts, individual buildings of districts, community schools, and STEM schools with a system under which districts, schools, and buildings are assigned letter grades of "A," "B," "C," "D," or "F" on a multi-point scale of values to be prescribed by the Department of Education.
- Instead, establishes a task force to make legislative recommendations, by October 1, 2012, for a new rating and report card system, to be first used for the 2012-2013 school year, and under

which each district, building, and school would be assigned a letter grade of "A," "B," "C," "D," or "F" for its overall performance, based on its performance on a variety of metrics. The task force is made up of the Governor's Director of 21st Century Education (chair), the Superintendent of Public Instruction, The President of the State Board of Education, and one legislative member appointed by each of the Senate President, the Speaker of the House, and the Senate and House minority leaders.

- Requires the task force to consult with one or more nonprofit organizations that have been responsible for developing policy recommendations for a similar letter grade rating system for schools implemented in other states.
- Requires the Department of Education, by January 31, 2013, to estimate the rating each district or school would have been assigned for the 2011-2012 school year under the task force's recommended letter grade rating system if that system were in effect for that school year.

#### **Joint Vocational School District and Career-Technical Planning District Report Cards**

- Adds career-technical planning districts (CTPD) to the bill's requirement for a separate report card for joint vocational school districts (JVSD).
- Deletes the December 31, 2012, deadline for development of the report card, but retains the requirement that the first one be issued by September 1, 2013, for the 2012-2013 school year.

#### **Performance Indicators for Dropout Prevention and Recovery Programs**

- Specifies that the performance indicators for dropout prevention and recovery programs, which the bill requires the State Board of Education to adopt by March 31, 2013, are to be used to rate entire district buildings or entire community schools in which a majority of the students are enrolled in the district's or school's dropout program.

#### **Dropout Prevention and Recovery Program Exemptions**

- Reinstates the exemption from closure until the date that district and building report cards are issued using the bill's new performance indicators for dropout programs. (The bill requires the State Board of Education, by March 31, 2013, to adopt academic performance indicators specifically for dropout prevention and recovery programs operated by school districts and community schools for use in rating them on the annual report cards.)
- Reinstates the exemption from being included in community school performance ratings until the date that district and building report cards are issued using the bill's new performance indicators for dropout programs.

#### **Direct Billing for Educational Service Center Services**

- Permits an educational service center 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 (generally the district where the child's parent resides), 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" (student count for state operating funding).

#### **Ed Choice Eligibility**

- Requires the State Board of Education to adopt rules establishing procedures for awarding EdChoice scholarships to students already attending a nonpublic school when the school

receives its charter. Requires that scholarships be awarded to eligible students beginning in the following school year.

- Requires the State Board's procedures to provide special application periods for students enrolled at the time the school's charter is granted, if necessary, and to provide notice to the students' resident school districts.
- Qualifies a student who is already enrolled in the nonpublic school when it receives its charter for a scholarship if either:
  - (1) The student currently would be assigned to a school district building whose students qualify for EdChoice, provided that the student either (a) has always been enrolled in that particular nonpublic school, or (b) 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
  - (2) At the end of the last school year before the student enrolled in the nonpublic school, the student either (a) was enrolled in a school district building whose students qualified for EdChoice or (b) was enrolled in a community school but otherwise would have been assigned to such a school district building.

(That is, a student is ineligible if the student was enrolled in another nonpublic school immediately prior to enrolling in the student's current school. Under current law, students already attending a nonpublic school are ineligible to apply for Ed Choice.)
- Requires the Department of Education to hold a second EdChoice application period for the 2012-2013 school year for students who were enrolled in a nonpublic school that received its charter during the 2011-2012 school year. Specifies that during the 2012-2013 school year, the scholarships may be used only to pay tuition at the nonpublic school in which the student was enrolled in the 2011-2012 school year.

#### **Autism Scholarship and Jon Peterson Special Needs Scholarship Programs**

- 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 individualized education program (IEP), the district send by letter or electronic means a notice to the child's parent (meaning natural or adoptive parent, guardian, other individual acting in the place of a natural or adoptive parent, or surrogate parent (as appointed under federal law)) about the scholarship programs.
- Specifies that 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.
- Specifies that the notice 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.

#### **College-Preparatory Boarding School Governance**

- Allows the appointing person or body (the Governor, college-preparatory boarding school operator, or any other appointing entity authorized by the board of trustees under its bylaws) 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.

### Third Grade Reading Guarantee

- Replaces the bill's revisions to the third-grade reading guarantee with provisions that do the following:
  - (1) Beginning in the 2013-2014 school year (when this year's first-graders will be entering third grade), prohibits promotion to fourth grade of a student scoring in the "limited" (i.e., the lowest) range on the third-grade reading achievement assessment, with the following exceptions:
    - (a) 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;
    - (b) Special education students whose IEPs exempt them from retention under the third-grade guarantee, or whose IEPs or 504 Plans show that they have received intensive remediation in reading for more than two years but still demonstrate a deficiency in reading;
    - (c) Students who, as determined by their principals, either (a) demonstrate an acceptable level of performance on an alternative reading assessment, or (b) demonstrate through a student portfolio mastery of the state English language arts standards for third grade; and
    - (d) Students who received intensive remediation in reading for at least two 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.
  - (2) Beginning in the 2012-2013 school year, requires each school district, community, or STEM school to administer the state-developed diagnostic assessments in English language arts, or a comparable tool approved by the Department of Education, to all students in grades K to 3 by September 30 of each school year to identify students reading below grade level.
  - (3) Requires a district, community school, or STEM school to do the following for each student identified as reading below grade level:
    - (a) Notify the parent or guardian of the identification, the current services being provided to the student, proposed supplemental instructional services, and potential retention if the student attains a "limited" score on the reading achievement assessment in the third grade.
    - (b) Provide intensive reading instruction immediately following identification of a reading deficiency.
  - (4) Beginning in the 2012-2013 school year, requires a district, community school, or STEM school to do the following for each student who is retained: (a) provide intensive remediation services, until the student is able to read at grade level, that address the student's areas of deficiencies, including at least 90 minutes of uninterrupted reading instruction and other strategies, which may include small group instruction, reduced teacher-student ratios, more frequent progress monitoring, tutoring or mentoring, transition classes, extended school day, week, or year, and summer reading camps; (b) establish a policy for mid-year promotion of a student who demonstrates that the student is reading at or above grade level; (c) provide each student with a high-performing teacher.

The district or school may offer the student the option to obtain the remediation from a provider other than the district or school.

- (5) Requires a district, community school, or STEM school to develop a reading improvement and monitoring plan for each student in grades K to 3 who is reading below grade level. The plan must (a) identify the student's specific reading deficiencies; (b) describe the additional instructional services and support that will be provided to remediate the student's deficiencies; (c) include opportunities for parental involvement in those services and support; (d) specify a process for monitoring the student's receipt of the services and support; (e) create a reading curriculum that provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension; scientifically based assessment; and analysis of student reading progress; and (f) state that the student may be retained in third grade for attaining a limited score on the third grade reading achievement assessment.
  - (6) Beginning in the 2013-2014 school year, requires that students who have a reading improvement and monitoring plan and are entering third grade be assigned to a teacher who either has passed a "rigorous test of principles of scientifically based reading instruction" approved by the State Board of Education or has a reading endorsement on the teacher's license.
  - (7) Requires each district, community school, or STEM school to report annually to the Department of Education on its implementation and compliance with the requirements of the third grade guarantee.
  - (8) Eliminates the requirement that the remediation provided to students who are reading below grade level include instruction in phonetics, and specifies instead that the instruction must be targeted at the student's reading deficiencies;
  - (9) Eliminates the requirement that summer remediation be provided in a school or community center and not on an at-home basis; and
  - (10) Requires all intervention and remediation services required under the reading guarantee to include "intensive, explicit, and systematic instruction."
- Requires school districts to submit the results of K-3 diagnostic assessments in English language arts and math to the Department of Education.
  - Allows the Department to issue a report on the data collected.

### **Third Grade Reading Guarantee- Reading Intervention Grants**

- Establishes Fund 7018 (Lottery Profits Education Reserve Fund) appropriation item 200686, Third Grade Reading Guarantee, with a FY 2013 appropriation of \$13 million. Requires this appropriation item to be used 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.
- Requires the Superintendent of Public Instruction to administer and award the grants pursuant to procedures and a competitive process that the Superintendent establishes, subject to certain specified criteria.

### **Report on Funding for the Third Grade Reading Guarantee**

- Requires the Superintendent of Public Instruction and the Governor's Director of 21st Century Education to report to the Governor and the General Assembly, by December 31, 2012, on the ability of the Department of Education to reprioritize state and federal funds appropriated or allocated to the Department, 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.

#### **Legislative Recommendation Regarding Reading Readiness**

- Requires the Department of Education and the Governor's Director of 21st Century Education, in consultation with the State Board of Education, the Early Childhood Advisory Council, the Early Education and Development Committee, and education stakeholders, by March 31, 2013, to develop and submit to the Governor and the General Assembly legislative recommendations regarding reading readiness for individuals from birth through the third grade.

#### **Coursework Credits Required for Graduation**

- Specifies that the study of history and government other than American history and American government may count toward the two units of social studies required in grades 9 through 12 for graduation from high school.

#### **Reporting Data of Young Children**

- Removes a reference to "personally identifiable" information in regard to directors of state agencies using the data verification code for a child younger than compulsory school age (generally younger than six years old) to submit data about that child to the Department of Education through the Education Management Information System (EMIS).

#### **BMI Screening**

- Removes the bill's acknowledgement of the Governor's veto from H.B. 153 of the repeal of the body mass index screening program and instead amends the law to make schools' implementation of the body mass index (BMI) screenings optional.

#### **Multiple STEM Schools under the Same Governing Body**

- 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:
  - (1) 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;
  - (2) The group's governing body may employ a single treasurer for the entire group of schools;
  - (3) The governing body may employ a single individual to be the chief administrative officer of two or more schools;
  - (4) The department must calculate state operating funds for each STEM school within the group separately and pay those funds directly to each school; and
  - (5) 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.
- Retains the provision of current law that requires the Department to combine data regarding the academic performance of each STEM school student with comparable data from the student's resident school district for the purpose of calculating the performance of the district as a whole on that district's report card issued.
- 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. (H.B. 153, in 2011, authorized the Commission, with Controlling Board approval, to provide funding to a STEM school that is not governed by a single school district board, and required the STEM school to secure at least 50% of the total cost from non-state sources.)