# Frequently Asked Questions about HB153 and Evaluations, Performance-based Compensation, and Seniority

**Q: What are the roles/responsibilities per HB153 for the State Board of Education?**

**A:** *Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers.*

*In addition, develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code: Accomplished, Proficient, Developing or Ineffective.*

---

**Q: What are the roles/responsibilities per HB153 for the Ohio Department of Education?**

**A:** *To assist school districts in developing evaluation policies under sections 3319.02 and 3319.111 of the Revised Code, the department shall do both of the following: (1)Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use; (2)Provide technical assistance to districts in creating evaluation policies.*

---

**Q: What are the roles/responsibilities per HB153 for participating Race to the Top (RttT) local education agencies (LEAs)?**

**A:** Fully implement standards-based teacher and principal evaluation systems that are aligned to the state and federal criteria by **2013 – 2014 or earlier per RttT approved scopes of work and timelines**.

RttT requires multiple measures to determine teacher and principal effectiveness including student growth as a significant factor. ODE has defined **significant factor as 50% of student academic growth which is aligned to the OTES model and HB153.**

---

**Q: What are the roles/responsibilities per HB153 for traditional public school districts and community schools <u>not receiving</u> RttT funds?**

**A:** *Not later than July 1, 2013, the board of education of each school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on the effective date of this section and shall be included in any renewal or extension of such an agreement.*

*Procedures for the evaluation of principals shall be based on principles comparable to the teacher evaluation policy.*

**Any collective bargaining agreement entered into after September 29, 2011, must include provisions which will allow for the implementation of the board adopted teacher evaluation policy.**

**Community schools are not subject to these sections of the law unless they are participating in RttT.**

---

**Q: Do the provisions in HB 153 on principal and teacher evaluation apply to all traditional public schools/ districts and community schools?**

**A:** *No, community schools are not subject to these sections of the law unless they are participating in RttT.*

---

**Q: What are the timelines for Implementation?**

**A:** **<u>RttT Participating LEAs</u>**

- 2013 – 2014 or earlier per RttT LEAs approved scopes of work and timelines.

**<u>Traditional public schools not receiving RttT funds</u>**

- Approved evaluation policies – Not later than July 1, 2013
- Implementation of evaluation policies – 2013 – 2014 academic school year

---

## Q: What are the requirements for teacher and principal evaluation in HB153?

**A:** **Teacher Evaluation Framework**

- *Provides for multiple evaluation factors, including student academic growth which shall account for fifty percent of each evaluation;*
- *Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;*
- *Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;*
- *Assigns a rating on each evaluation in accordance with division (B) of this section* [See question 1 on page 1of FAQs]*;*
- *Requires each teacher to be provided with a written report of the results of the teacher's evaluation;*
- *Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;*
- *Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers; and*
- *Provides for the allocation of financial resources to support professional development.*

**Principal Evaluation Framework**

*The procedures for the evaluation of principals shall be based on principles comparable to the teacher evaluation policy adopted by the board under section 3319.111 of the Revised Code, but shall be tailored to the duties and responsibilities of principals* [ORC 3319.02] *in the environment in which principals work.*

- Is aligned with the Ohio Standards for Principals adopted under section 3319.61 of the Revised Code;
- Provides for formative assessment of the principal being evaluated which focuses on professional growth and includes self-assessment, goal-setting, observation and evidence;
- Provides for multiple evaluation factors, including student academic growth which shall account for fifty percent of each evaluation;
- Requires a summative evaluation report including a performance rating rubric for the evaluation of skills and knowledge based on the standards, and rating rubrics for communication and professionalism and goal-setting which shall account for fifty percent of each evaluation;
- *Assigns a rating on each evaluation in accordance with division (B) of this section* [See question 1 on page 1of FAQs]; and
- Provides for professional development to accelerate and continue principal growth and provide support to poorly performing principals.

For additional informational on teacher and principal evaluation provisions, visit www.legislature.state.oh.us, search House Bill 153.

## Q: Is information on teacher and principal evaluation available to school districts?

**A:** Yes. Visit this link.

**Ohio Teacher Evaluation System (OTES):** In April, the Capacity Committee of the State Board of Education received a first draft of the full teacher evaluation system mode. The document has been shared with various stakeholders and will continue to be refined based on feedback and further review. A final draft is expected to be submitted to the State Board of Education (SBOE) for its review in September, 2011. **The April OTES draft in the link provided is intended for information purposes only pending formal adoption by the State Board of Education. LEAs should NOT implement the draft OTES model at this time**. As the full state model will continue to be updated, check the link regularly for the latest versions. Updates will be provided by ODE when available.

**Ohio Principal Evaluation System (OPES):** The OPES document is being updated and will be posted for continued use at the start of the 2011-12 school year.

## Section 2: Performance-Based Compensation

*House Bill 153 language in italics*

Performance-based compensation is becoming a part of the state-wide conversation in Ohio and nationally as a major component of educational reform. The information below will clarify who is required to engage in this work. If this work is not included in RttT districts' and RttT community schools' approved scopes of work, consider completing the process to amend the approved scope of work to include performance-based compensation. RttT State funds are available to RttT districts and RttT community schools to support this work.

---

### Q: What are the requirements for performance-based compensation as outlined in HB153?

**A:** **<u>Performance-Based Compensation</u> (Section 3317.141 of the Revised Code)**

- *The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.*
- *For purposes of the schedule, a board shall measure a teacher's performance by considering all of the following:*
  - *The level of license issued under section 3319.22 of the Revised Code that the teacher holds;*
  - *Whether the teachers is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; and*
  - *Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code.*
- *The schedule shall provide for annual adjustments based on performance evaluations conducted under section 3319.111 of the Revised Code.*
  - *The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as proficient.*
- *The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of ESEA. . ., teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board.*

For additional informational on Performance-based compensation provisions, visit www.legislature.state.oh.us, search House Bill 153.

---

## Q: What are the roles/responsibilities per HB153 for participating RttT LEAs?

**A:** **RttT LEAs** *shall comply with section 3317.141* [performance-based compensation] *in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13* [minimum salary schedule for teachers] *and 3317.14 of the Revised Code.*

**Therefore:**

- If performance-based compensation is a component of the RttT LEAs scope of work, follow the timeline outlined in the approved scope of work. State RttT funds are available to support this process and start up costs for implementation of a performance-based compensation system. Performance-based compensation is included in the State Scope of Work and more information will be provided to LEAs at the start of the 2011-12 school year.

  RttT LEAs **that are interested** in partnering with ODE to examine performance-based compensation systems, develop guiding principles for high quality performance-based compensation systems, and design and implement performance-based compensation systems which will include access to State RttT funds **need to complete a brief questionnaire via the link by August 26, 2011.**

- If performance-based compensation is **NOT** a component of the approved LEA scope of work, RttT LEAs are **NOT** required to implement the performance-based compensation requirements in Section 3317.141 of the Revised Code but are strongly encouraged to engage in this work.

---

## Q: What are the roles/responsibilities per HB153 for traditional public schools not receiving RttT funds?

**A:** *The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or sections 3317.13* [minimum salary schedule for teachers] *and 3317.14 of the Revised Code.*

**Therefore:**

- Traditional public schools not receiving RttT funds **may** choose to implement performance-based compensation per 3317.141 or maintain the minimum salary schedule for teachers per 3317.13 of the Revised Code.

**Q: What does HB153 language say about reductions in staffing or rehiring?**

**A:** *The board shall not give preference to any teacher based on seniority, except when making a decision between teachers who have comparable evaluations.*

*Seniority shall not be the basis for rehiring a teacher, except when making a decision between teachers who have comparable evaluations.*

---

**Q: What is the timeline for implementing the seniority provisions in HB153?**

**A:** *The requirements of this section, as it exists on and after the effective date of this amendment, prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after that effective date.*

**Any collective bargaining agreement entered into after September 29, 2011, must include provisions which will allow for decisions regarding staffing and rehiring of teachers based on the results of the evaluation.**

---