



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **S.B. 216**

132nd General Assembly  
(As Introduced)

**Sens.** Huffman, Terhar, Jordan

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## **BILL SUMMARY**

### **Ohio Teacher Evaluation System**

- Requires the Department of Education to revise the state framework for teacher evaluations, based on the recommendations of the Educator Standards Board, and submit a summary of its revisions to the State Board of Education for review.
- Requires the State Board to adopt the revised framework by May 1, 2018, and requires school districts to update its teacher evaluation policies by July 1, 2018.
- Makes several changes to the specifications for the state framework, including eliminating student academic growth as a factor of an evaluation, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans.

### **Educator licensure and employment**

#### **Educator license grade bands**

- Requires the State Board, when issuing resident, professional, senior professional, and lead professional educator licenses, to specify whether the educator is licensed to teach grades kindergarten through eight or grades six through twelve.

#### **Teacher employment for any subject area or grade level**

- Permits a school district superintendent to employ a licensed teacher to teach a subject area or grade level for which the person is not licensed.

### **Educational aide permits and educational paraprofessional licenses**

- Revises the specifications for licenses and permits for educational assistants and requires them only for nonteaching employees working in federally funded programs.
- Provides that nonteaching employees whose services are needed to substitute for educational aides or paraprofessionals are not required to hold an educational aide permit or educational paraprofessional license.
- Specifies that the State Board must automatically issue an educational aide permit or an educational paraprofessional license to an applicant upon successful completion of the criminal records checks required for that permit or license.
- Repeals a provision of current law that requires the State Board to prescribe minimum education, health, and character qualifications for educational aide permits and educational paraprofessional licenses.

### **Nonteaching employee contracts**

- Requires regular nonteaching school employees that are newly hired by noncivil service school districts to be employed for between six and seven years, rather than between two and three years, prior to receiving a continuing contract (tenure).

### **Educator licenses for substitute teaching**

- Requires the State Board to establish new standards and requirements for obtaining an educator license for substitute teaching.
- Prohibits the new standards from (1) requiring an applicant to hold a postsecondary degree in any specified subject area and (2) restricting the number of school days that the holder of the license may work.
- Provides that any license issued under current law that is still in force on the bill's effective date remains in force for the remainder of the term for which it was issued or renewed.

### **Professional development for certain gifted services providers**

- Prohibits the State Board from adopting a rule requiring a licensed educator who is designated as a gifted services provider but does not hold a license or endorsement in gifted education to complete professional development related to gifted education.

## **State achievement assessments**

- Permits public and chartered nonpublic schools to administer the third-, fourth-, and fifth-grade state achievement assessments in a paper format or a combination of online and paper formats.
- Requires the Department of Education to request the American Institutes for Research (AIR) to provide an analysis explaining how questions on each of the state achievement assessments are aligned to the statewide academic content standards.
- Requires the Department to request AIR to provide information and materials for assistance with the state achievement assessments, including providing practice assessments, study guides, and other preparatory materials.

## **Kindergarten readiness assessment**

- Eliminates the kindergarten readiness diagnostic assessment.
- Eliminates inclusion of kindergarteners in identification and intervention for the Third-Grade Reading Guarantee.

## **College Credit Plus**

- Prohibits a student from enrolling in a course at a college campus or online if a comparable course is offered on the campus of the student's secondary school unless the course at the secondary school is full.
- Requires the student and the student's secondary school to each pay for 50% of textbook costs. If the student is home schooled, the student responsible for the entire cost.
- Requires the Department of Education to conduct a study on the results and effectiveness of the College Credit Plus Program.

## **Excessively absent students**

- Specifies that when determining whether a student is "excessively absent" a school district or school must consider only that student's unexcused absences, rather than both excused and unexcused absences as under current law.

## **Special education preschool staffing**

- Requires a ratio of one full-time staff member for every 12, rather than 16, half-day preschool children eligible for special education enrolled in a center-based preschool special education program.



- Requires that a minimum of ten hours of services per week be provided for each child served by a center-based teacher unless otherwise specified in the child's individualized education program.

### **Reading improvement plans**

- Requires a school district, community school, or STEM school in which 80% or fewer of its students attain a passing score on the third-grade English language arts assessment to establish a reading improvement plan supported by reading specialists.

### **Reporting of student performance data on the state report card**

- Increases from ten to 30 the minimum number of students ("N-size") in a group for student performance data to be reported.

### **School mandate reports**

- Requires the Department of Education to establish, distribute, and monitor a school mandate report for school districts.
- Requires each school district or school to complete and file a school mandate report on an annual basis and provide a written explanation to its board of education if an item within the report was not completed.

### **Title**

- Entitles the bill the "Ohio Public School Deregulation Act."

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## CONTENT AND OPERATION

### Ohio Teacher Evaluation System

The bill shifts the duties regarding the Ohio Teacher Evaluation System (OTES) from the State Board of Education to the Department of Education. Specifically, it requires the Department to (1) revise the state framework for teacher evaluations based on the recommendations<sup>1</sup> of the Educator Standards Board, and (2) submit a summary of its revisions to the State Board for review. The State Board must adopt the revised framework by May 1, 2018, and each district board of education by July 1, 2018, must update its teacher evaluation policies to conform to the updated framework.

The bill also revises the specifications for the state framework.

#### Student academic growth

The bill eliminates the requirement that 50% of a teacher's evaluation consist of student academic growth – specifically, the value-added progress dimension.<sup>2</sup> Instead, the bill requires "high-quality student data" to be used when measuring student performance in an evaluation.<sup>3</sup> Under the bill, "high-quality student data" are derived from student assessment instruments approved by each school district board.<sup>4</sup>

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<sup>1</sup> [http://education.ohio.gov/getattachment/Topics/Teaching/Educator-Standards-Board/OTES-Recommendations-By-ESB\\_Jan2017\\_FINAL.pdf.aspx](http://education.ohio.gov/getattachment/Topics/Teaching/Educator-Standards-Board/OTES-Recommendations-By-ESB_Jan2017_FINAL.pdf.aspx).

<sup>2</sup> R.C. 3319.112(A)(1), (6), and (7).

<sup>3</sup> R.C. 3319.111(B).

<sup>4</sup> R.C. 3319.112(A)(6).



The bill also requires the Department to provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within OTES.<sup>5</sup>

### **Additional features of OTES**

The bill makes the following additional changes to OTES:

(1) The evaluation framework must not use shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;<sup>6</sup> and

(2) The framework must include the development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under federal law.<sup>7</sup>

### **Frequency of evaluations**

Current law requires teachers to be evaluated on an annual basis, but it also permits teachers with positive evaluation ratings to be evaluated once every two years or once every three years, provided certain conditions are met. The bill revises those conditions as follows:

(1) For a teacher to be evaluated once every three years, the teacher must receive an "accomplished" rating and submit a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation. Additionally, the evaluator must determine that the teacher is making progress on that plan.<sup>8</sup>

(2) For a teacher to be evaluated once every two years, the teacher must receive a "skilled" rating and, with the evaluator, develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation. Additionally, the evaluator must determine that the teacher is making progress on that plan.<sup>9</sup>

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<sup>5</sup> R.C. 3319.112(D)(3).

<sup>6</sup> R.C. 3319.112(A)(7).

<sup>7</sup> R.C. 3319.112(A)(8).

<sup>8</sup> R.C. 3319.111(C)(2)(a).

<sup>9</sup> R.C. 3319.111(C)(2)(b).



## **Professional growth plans**

The bill requires district boards to use its professional development standards for guiding professional growth plans and improvement plans resulting from teacher evaluations.<sup>10</sup> Professional growth plans must be discussed with a teacher who was not formally evaluated in a particular school year due to that teacher's positive evaluation rating (see "**Frequency of evaluations**" above).<sup>11</sup>

## **Formal observations of teachers**

Current law requires observations of teachers under OTES, including at least two formal observations.<sup>12</sup> The bill eliminates the current authority for the State Board to require only one formal observation of a teacher who received an "accomplished" rating on their most recent evaluation and who completed an approved project demonstrating the teacher's continued growth and practice at the "accomplished" level.<sup>13</sup>

## **Alternative framework – repealed**

The bill repeals the alternative framework for the evaluation of teachers under OTES. That framework requires the teacher performance measure to account for 50% of each evaluation, the student academic growth measure to account for 35% of each evaluation, and 15% must be one or any combination of student surveys, teacher self-evaluations, peer review evaluations, and student portfolios.<sup>14</sup>

## **Miscellaneous duties**

Current law requires the State Board to consult with experts, teachers and principals, and stakeholder groups. The bill shifts this responsibility to the Department. It also requires that the Department consult with the Educator Standards Board when revising the standards and criteria that distinguish between performance levels for teachers and principals for the purpose of assigning evaluation ratings.<sup>15</sup>

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<sup>10</sup> R.C. 3319.075(H).

<sup>11</sup> R.C. 3319.111(C)(3).

<sup>12</sup> R.C. 3319.112(A)(3).

<sup>13</sup> R.C. 3319.111(E)(2), stricken by the bill.

<sup>14</sup> Repealed R.C. 3319.114.

<sup>15</sup> R.C. 3319.112(C).



Finally, the bill requires the Department to provide guidance to districts on how student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components may be used as part of the evaluation process.<sup>16</sup>

### **Educator license grade bands**

The bill requires the State Board, when issuing resident, professional, senior professional, and lead professional educator licenses, to specify whether the educator is licensed to teach grades kindergarten through eight or grades six through twelve.<sup>17</sup> Current statutory law does not require educator licenses to be issued for particular grade bands. However, the State Board's rules specify that licenses be issued for "Early Childhood" (grades pre-kindergarten through three), "Middle Childhood" (grades four through nine in named curriculum areas), and "Adolescence through Adult" (grades seven through twelve in named curriculum areas).<sup>18</sup>

This requirement does not apply to the issuance of any additional educator licenses that the State Board may choose to provide, which are generally for specialized student needs, subject areas, or support services.<sup>19</sup>

### **Teacher employment for any subject area or grade level**

The bill permits a school district superintendent to employ a licensed teacher to teach a subject area or grade level for which the person is not licensed.<sup>20</sup>

### **Educational aide permits and educational paraprofessional licenses**

#### **Individuals required to hold a permit or license**

The bill makes changes to educational aide permits and educational paraprofessional licenses for educational assistants. First, the bill changes the definition of "educational assistant" so that it is only a nonteaching employee who works in a federally funded program in a school district and assists a teacher. Because the educational aide permits and paraprofessional licenses are for educational assistants, the provision regulating these permits and licenses appear only to apply to those who work in a district in a federally funded program.<sup>21</sup> Current law requires any

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<sup>16</sup> R.C. 3319.112(D)(4).

<sup>17</sup> R.C. 3319.22(A)(1).

<sup>18</sup> Ohio Administrative Code (O.A.C.) 3301-24-05.

<sup>19</sup> R.C. 3319.22(A)(2).

<sup>20</sup> R.C. 3319.361.

<sup>21</sup> R.C. 3319.088, first paragraph.





nonteaching employee, whether working in a federally funded program or not, to have a permit or license in order to directly assist a teacher in a school district.

Next, the bill removes the provision of current law that specifies what must be included in the minimum qualifications of an educational aide or paraprofessional. The eliminated language requires minimum qualifications of education, health, and character for applicants. Further, the eliminated language requires special training or educational courses designed to qualify a person to be an aide or paraprofessional.<sup>22</sup>

The bill, then, requires the State Board to issue educational aide permits and educational paraprofessional licenses for educational assistants to applicants who merely complete the criminal records check required for that permit or license and have not been convicted of any disqualifying offenses.

Under the bill, nonteaching employees whose services are needed to substitute for educational assistants are not required to hold an educational aide permit or educational paraprofessional license. This exception is in addition to the existing law exemption from licensure for nonteaching employees whose functions are solely secretarial- or clerical and for student teachers.<sup>23</sup>

### **Nonteaching employee contracts**

The bill requires regular nonteaching school employees who are newly hired by noncivil service school districts to be employed for between six and seven years, rather than between two and three years, prior to receiving a continuing contract (tenure).<sup>24</sup> Current law, maintained by the bill, requires these employees to have two limited contracts, one for a period of not more than one year and one for a period of two years. The bill requires these employees to have two additional limited contracts for a period of two years each before receiving a continuing contract.

### **Educator licenses for substitute teaching**

The bill requires the State Board to adopt rules establishing the standards and requirements for obtaining an educator license for substitute teaching. These rules must not require an applicant to hold a postsecondary degree in any specified subject area. They also must not restrict the number of school days that the holder of the license may

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<sup>22</sup> R.C. 3319.088(A).

<sup>23</sup> R.C. 3319.088(D).

<sup>24</sup> R.C. 3319.081.



work.<sup>25</sup> The State Board must begin issuing educator licenses for substitute teaching under these rules on July 1, 2018.<sup>26</sup>

The bill's requirements replace a provision of current law (repealed by the bill) that requires the State Board to issue educator licenses for substitute teaching that are valid for one year, five years, and any other length of time up to five years as determined by the State Board.<sup>27</sup> The bill specifies that any license that is issued or renewed under this current provision and is still in force on the bill's effective date must remain in force for the remainder of the term for which it was issued or renewed. At the end of that term, the license holder is subject to the bill's requirements for licensure.<sup>28</sup>

Under the bill, the repeal of the current law provision regarding educator licenses for substitute teaching takes effect on the bill's effective date, but the issuance of licenses under the new requirements begins on July 1, 2018. If the bill's effective date occurs prior to July 1, 2018, it is unclear if or how new licenses will be issued during the time period between those two dates.

### **Professional development for certain gifted services providers**

The bill prohibits the State Board from adopting an administrative rule that requires a licensed educator who is a designated provider of gifted services, but does not hold a license or endorsement specifically in gifted education, to complete professional development related to gifted education.<sup>29</sup>

Under the current rules of the State Board regarding the qualifications of gifted services personnel, a designated provider of gifted services with a license in general education must participate in 30 hours of professional development related to gifted education from an educator licensed or endorsed in gifted education during the first and second year, and must participate in additional hours each year thereafter, as determined by the district or school.<sup>30</sup>

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<sup>25</sup> R.C. 3319.226(B).

<sup>26</sup> R.C. 3319.226(A).

<sup>27</sup> R.C. 3319.226, repealed.

<sup>28</sup> R.C. 3319.226(C).

<sup>29</sup> R.C. 3324.12.

<sup>30</sup> O.A.C. 3301-51-15(D)(8)(b)



## **State achievement assessments**

### **Paper and online administration of certain state assessments**

The bill authorizes public and chartered nonpublic schools to administer in a paper format any state achievement assessment that is administered in the third, fourth, or fifth grade. Those assessments are the third-, fourth-, and fifth-grade English language arts and math assessments, fourth-grade social studies assessment, and fifth-grade science assessment.

The bill also permits a district or school to administer any of those assessments in any combination of online and paper formats, and to administer them in a particular format on a student-by-student basis. Finally, it expressly states that a district or school may not be required to administer any of those assessments in an online format.<sup>31</sup>

### **Analysis and assistance**

The bill requires the Department of Education to request the American Institutes for Research (AIR) to provide an analysis explaining how questions on each of the state achievement assessments are aligned to the statewide academic content standards. The analysis must be provided to all school districts and schools for all grade levels for which assessments are prescribed. The analysis must be produced beginning with the 2018-2019 school year and for each school year thereafter.<sup>32</sup>

Additionally, the Department must request AIR to provide information and materials to school districts and schools for assistance with the state achievement assessments, including practice assessments, study guides, and other preparatory materials. The information and materials must be distributed to districts and schools beginning with the 2018-2019 school year and each school year thereafter.<sup>33</sup>

### **Kindergarten readiness diagnostic assessment eliminated**

Under current law, each school district, community school, and STEM school is required to administer certain diagnostic assessments at the appropriate grade level to specified students. For grades kindergarten through two, the prescribed diagnostic assessments are in reading, writing, and mathematics, and for grade three, the prescribed diagnostic assessments are in reading and writing. These assessments are

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<sup>31</sup> R.C. 3301.0711(I)(4).

<sup>32</sup> R.C. 3301.078(C).

<sup>33</sup> R.C. 3301.078(D).



used to determine which students need to receive additional services in order to attain grade level performance.<sup>34</sup>

The bill eliminates the kindergarten administration of those assessments.<sup>35</sup>

### **Effect on the Third-Grade Reading Guarantee**

The Third-Grade Reading Guarantee uses the kindergarten readiness assessment (KRA) to determine if a kindergartner needs intensive remediation in reading. With the elimination of the KRA, the bill also eliminates the requirements that districts and schools do the following in relation to the Guarantee:

- (1) Identify kindergarten students who read below grade level;
- (2) Notify parents and guardians of kindergartners if their child is reading below grade level;
- (3) Provide intensive reading services; and
- (4) Develop a reading improvement and monitoring plan for the kindergarten student.<sup>36</sup>

These identification and service requirements of the Third-Grade Reading Guarantee remain unchanged for grades one through three.

(Under the Third-Grade Reading Guarantee districts and schools generally may not promote to fourth grade a student scoring in the range designated by the State Board on the third-grade English language arts (reading) achievement assessment, but makes exceptions for students in specific circumstances. The related identification and service provisions described above are used to assist underperforming students to reach reading grade level prior to taking the third grade achievement assessment.)

### **College Credit Plus**

#### **Comparable course delivery**

The bill prohibits a student participating in the College Credit Plus (CCP) Program from enrolling in a course at a college campus or online if a comparable course is offered on the campus of the participant's secondary school unless the course at the

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<sup>34</sup> R.C. 3301.079(D).

<sup>35</sup> R.C. 3301.079(D), 3301.0714(B)(10)(n), 3301.0715, 3301.163, 3301.52, 3302.03(B)(1)(g) and (C)(1)(g), 3302.13, 3310.03, 3313.413, 3313.608, and 3314.35.

<sup>36</sup> R.C. 3313.608.



secondary school exceeds the maximum student capacity for that course. If a course is full, the secondary school may grant approval for a student to enroll in a comparable course on a college campus, another location operated by the college, or online.<sup>37</sup>

### **Textbooks**

Beginning with the 2018-2019 school year, the bill changes the way textbooks are paid for each student who participates under 'Option B' of CCP. For participants enrolled in a public, nonpublic, or chartered nonpublic school, the participant must pay for 50% of the costs of all required textbooks, and the secondary school must pay for the other 50%. However, if a participant is economically disadvantaged, according to rules adopted by the Department of Education, the participant's secondary school must pay 100% of the required textbook costs.<sup>38</sup>

The bill requires home-instructed participants enrolled in the CCP Program to be responsible for the cost of required textbooks.<sup>39</sup>

Under current law, the provision of, and payment for, textbooks is governed by the main funding statute for the CCP Program. Therefore, like the structure for CCP payments by the Department, the entity responsible for textbook payments and whether participants may be charged for textbooks varies depending upon the type of high school and college and whether the high school and college are operating under the default payment structure or an agreement specifying an alternative payment structure. Generally, participants are not charged any amount for textbooks unless the secondary school and the college have entered into an alternative payment structure.<sup>40</sup>

### **Study on results and cost-effectiveness**

The bill requires the Department of Education to conduct a study on the results and cost-effectiveness of the CCP Program and submit its findings not later than one year after the bill's effective date to the Governor, Chancellor of Higher Education, each member of the General Assembly, and the superintendent of each school district and educational service center. The study must include the cost-effectiveness for secondary schools and participants and whether participants in the Program save money on college tuition and reduce the amount of time to degree completion.<sup>41</sup>

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<sup>37</sup> R.C. 3365.03(D).

<sup>38</sup> R.C. 3365.07 and 3365.072(A) and (B).

<sup>39</sup> R.C. 3365.072(C).

<sup>40</sup> R.C. 3365.07.

<sup>41</sup> Section 3.

## Background on CCP

The CCP Program allows high school students to enroll in nonsectarian college courses to receive high school and college credit. CCP courses may be taken at any state institution of higher education or participating private or out-of-state college or university. Each student may choose to participate under 'Option A' (the student is responsible for all costs related to participation) or 'Option B' (the state, through the Department of Education, pays the college on the student's behalf). If participating under 'Option B,' the amount of state payments depends upon several factors, including the type of high school and college in which the participant is enrolled, how the participant receives instruction, and whether the high school and college are operating under the default payment structure or an agreement specifying an alternative payment structure.

## Excessively absent students

Under the bill, when a student's *unexcused absences* exceed 38 or more hours in one school month or 65 or more hours in a school year, that student is considered "excessively absent from school."<sup>42</sup> This differs from current law, which specifies that a school district or school must consider a student's *excused and unexcused absences* when determining whether a student is excessively absent from school. Under continuing law, when a student becomes excessively absent from school, the district or school must notify the student's parent, guardian, or custodian of those absences, in writing, within seven days of the most recent triggering absence.<sup>43</sup> At that time, the school district (1) must provide the student with an intervention plan, as defined by the school district's or school's required policy on addressing and ameliorating student absences,<sup>44</sup> and (2) may use any other appropriate intervention strategies contained in the policy.<sup>45</sup>

## Background on student attendance

Ohio law requires all children between the ages of 6 and 18 years old to attend a public or private school that meets the minimum education standards prescribed by the State Board. In addition, any child under six years old who has enrolled in kindergarten must attend school unless formally withdrawn.<sup>46</sup> Except in cases where a child has been properly excused from attendance, including excused for homeschooling, the child's

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<sup>42</sup> R.C. 3321.191(C)(1).

<sup>43</sup> R.C. 3321.191(C)(1).

<sup>44</sup> R.C. 3321.191(B)(1).

<sup>45</sup> R.C. 3321.191(B)(2) through (6) and (C)(1), second sentence.

<sup>46</sup> R.C. 3321.01, 3321.04, and 3321.07, none in the bill.



parent, guardian, or custodian must see that the child attends school. School districts, community schools, and STEM schools must maintain attendance records and take actions to enforce the compulsory attendance laws. If intervention strategies taken by the school district or school do not remedy a child's truancy, the child may be adjudicated an unruly or delinquent child by a juvenile court for "habitual" truancy.<sup>47</sup> The child's parent may face civil or criminal sanctions for failure to send the child to school.<sup>48</sup> A child is an "habitual truant" when absent without legitimate excuse for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.<sup>49</sup>

H.B. 410 of the 131st General Assembly, effective April 6, 2017, revised the law regarding procedures districts and schools must take to address absences and truancy, including the requirement for prior notice and intervention strategies amended by the bill. For a complete description of the provisions of H.B. 410 see the LSC Final Analysis at <https://www.legislature.ohio.gov/download?key=6350&format=pdf>.

### **Special education preschool staffing**

The bill requires the State Board's rules regarding staffing ratios for preschool children with disabilities to require one full-time staff member for every 12 (rather than 16 as under current law) preschool children enrolled in a center-based preschool special education program. It maintains the current law requirement that the rules require one full-time staff member for every eight full-day preschool children enrolled in such a program.<sup>50</sup> Law unchanged by the bill requires that this ratio be maintained at all times for a program with a center-based teacher and that a second adult be present when there are nine or more children, including nondisabled children, enrolled in a class session.<sup>51</sup>

The bill also requires that a minimum of ten hours of services per week be provided for each child served by a center-based teacher unless otherwise specified in the child's individualized education program.<sup>52</sup>

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<sup>47</sup> R.C. 2151.23 and 2151.27, neither in the bill.

<sup>48</sup> See, R.C. 2919.24 and 3321.38(D), neither in the bill.

<sup>49</sup> R.C. 2151.011(A)(18), not in the bill.

<sup>50</sup> R.C. 3323.022(A).

<sup>51</sup> R.C. 3323.022(B).

<sup>52</sup> R.C. 3323.022(C).





## Reading improvement plans

Beginning with the 2017-2018 school year, the bill requires a school district, community school, or STEM school in which less than 80% of its students attain proficient scores on the third-grade English language arts assessment to establish a reading improvement plan supported by reading specialists. Prior to implementation, a reading improvement plan must be approved by the district's board of education or school's governing authority or body.<sup>53</sup>

A separate section of current law, not changed by the bill, already requires a school district or community school that fails to meet a specified level of achievement on reading-related measures, as reported on the past two consecutive state report cards, to submit a reading achievement improvement plan to the Department of Education. Specifically, that requirement applies if, for those report cards, both (1) the district or school received a grade of "D" or "F" on the literacy progress measure, and (2) less than 60% of its students who took the third-grade English language arts assessment attained at least a proficient score.<sup>54</sup>

## Reporting of student performance data on the state report card

For purposes of the state report cards for school districts and schools, in order to avoid statistically unreliable data and to avoid the identification of individual students, current law prohibits the Department of Education from reporting student performance data for any group that has less than ten students. This minimum number is often called the "N-size." The bill changes that minimum number to 30 students. The result is that no performance data for a specific student group will be reported if fewer than 30 students are in that group for a school or school district.<sup>55</sup>

## School mandate reports

The bill requires the Department of Education to establish a school mandate report for school districts, which shall be distributed and monitored by the Department. The report must contain the following items:

- (1) Staff training on the use of physical restraint or seclusion on students;
- (2) Staff training on harassment, intimidation, or bullying;

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<sup>53</sup> R.C. 3301.0715(F). This provision applies to community schools and STEM schools through reference to it in separate sections of continuing law. Those sections are R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill.

<sup>54</sup> R.C. 3302.13, not in the bill.

<sup>55</sup> R.C. 3302.03(F).





(3) Staff training on the use of cardiopulmonary resuscitation and automated external defibrillators;

(4) The establishment of a wellness committee;

(5) The establishment and review of school emergency management plans; and

(6) The reporting of compliance with nutritional standards.

Prior to the end of each school year, each district or school must complete and file a school mandate report that specifies whether the district or school has or has not complied with the requirements contained within each item. A district or school that specifies it has not complied with the requirements of an item must submit to the school district board, within 30 days, a written explanation and a written plan of action for accurately and efficiently addressing the problem.<sup>56</sup>

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## HISTORY

ACTION	DATE
Introduced	10-10-17

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<sup>56</sup> R.C. 3301.68.

