



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Holly Cantrell Gilman

### **H.B. 540**

132nd General Assembly  
(As Introduced)

Reps. Gavarone and Manning

---

### **BILL SUMMARY**

- Requires the Department of Education to revise the state framework for teacher and administrator evaluations, based on the recommendations of the Educator Standards Board, and to 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, 2019, and requires school districts to update their teacher evaluation policies by July 1, 2019.
- Makes several changes to the specifications for the revised framework, including eliminating the requirement that student academic growth count for half of an evaluation, prohibiting the use of student learning objectives, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans.
- Eliminates the alternative evaluation framework.
- Requires that the Cleveland Municipal School District board of education and teachers' labor organization jointly decide by July 1, 2018, whether to update the district's evaluation framework to conform to the revised framework or to continue its current framework.
- Specifies that the revised framework does not take effect until the 2019-2020 school year and establishes a one-year pilot program for the 2018-2019 school year in order to guide implementation.
- Repeals a current law provision that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered.

---

## CONTENT AND OPERATION

### Ohio Teacher Evaluation System (OTES) – state framework

The bill revises the law regarding the Ohio Teacher Evaluation System (OTES). Specifically, it requires the Department of Education to (1) revise the state framework based on the recommendations<sup>1</sup> of the Educator Standards Board, and (2) submit a summary of its revisions to the State Board of Education for review. The State Board must adopt the "revised framework" by May 1, 2019, and each school district board of education by July 1, 2019, must update its teacher and administrator evaluation policies to conform to the revised framework. For the 2017-2018 and 2018-2019 school years, the bill states that evaluations must be conducted under the "current framework." The revised framework takes effect beginning with the 2019-2020 school year.<sup>2</sup> In the meantime, the bill establishes a one-year pilot program for the 2018-2019 school year in order to guide implementation of the revised framework (see "**One-year pilot program for updated state framework**" below).

As discussed in further detail below, the bill revises the framework specifications.

#### Student academic growth

The bill eliminates the requirement that 50% of an evaluation consist of student academic growth – whether that growth is measured by the value-added progress dimension or, for teachers for which the value-added progress dimension does not apply, the administration of assessments that measure mastery of course content.<sup>3</sup> Instead, the bill requires the revised framework to include at least two measures of "high quality student data" to provide evidence of student learning attributable to the teacher being evaluated. The bill requires that one of those two measures must be the value-added progress dimension, when applicable to the grade level or subject area taught by a teacher.<sup>4</sup>

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 the

---

<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> Section 4.

<sup>3</sup> R.C. 3319.112(A)(1), (6), and (7).

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



framework.<sup>5</sup> Finally, the bill requires the Department to define "high quality student data."<sup>6</sup>

While the bill eliminates the requirement that a school district must administer assessments from a list developed by the Department when evaluating teachers of certain grade levels and subjects for which value-added is not applicable, the bill maintains the requirement that the Department develop that list.<sup>7</sup>

### **Additional features of the state framework**

The bill makes the following additional changes to the framework:

(1) Prohibits use of shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;<sup>8</sup>

(2) Prohibits use of student learning objectives;<sup>9</sup> and

(3) Requires development of a professional growth plan or improvement plan for the teacher that is (a) based on the results of the evaluation and (b) aligned to any school district or building improvement plan required for the teacher's district or building under federal law.<sup>10</sup>

Finally, the bill adds that "high quality student data" may be used as evidence in any component of the evaluation related to the following:

(1) Knowledge of the students to whom the teacher provides instruction;

(2) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;

(3) Assessment of student learning;

(4) The teacher's use of assessment data; and

---

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

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

<sup>7</sup> R.C. 3319.111(B) and 3319.112(B)(2).

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

<sup>9</sup> R.C. 3319.112(A)(11).

<sup>10</sup> R.C. 3319.112(A)(8).

(5) Professional responsibility and growth.<sup>11</sup>

### **Alternative framework – repealed**

The bill repeals the alternative framework for the evaluation of teachers. 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>12</sup>

### **Miscellaneous duties**

The bill requires the Department of Education 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>13</sup>

In addition, the bill requires the Department to consult with experts, teachers, principals, and stakeholders when revising the standards and criteria that distinguish between performance levels for teachers and principals for the purpose of assigning evaluation ratings. It also requires that the Department consult with the Educator Standards Board when revising those same standards and criteria.<sup>14</sup>

The Educator Standards Board develops and recommends statewide standards for teachers, principals, superintendents, school counselors, treasurers, and business managers. It also develops and recommends standards for educator license renewal, professional development, and school leadership academies. It is comprised of teachers, administrators, school board representatives, higher education representatives, and parents appointed by the State Board, plus certain ex officio members.<sup>15</sup>

### **Evaluation of "skilled" or "accomplished" teachers**

The bill specifies that professional growth plans or improvement plans must be a factor of the revised state framework. The bill also requires district boards to use their professional development standards for guiding professional growth plans and

---

<sup>11</sup> R.C. 3319.112(A)(6)(a) to (e).

<sup>12</sup> Repealed R.C. 3319.114.

<sup>13</sup> R.C. 3319.112(D)(4).

<sup>14</sup> R.C. 3319.112(B)(1) and (C).

<sup>15</sup> R.C. 3319.60, 3319.61, 3319.611, 3319.612, and 3319.63, none in the bill.

improvement plans resulting from teacher evaluations.<sup>16</sup> Under the bill, the professional growth plan replaces the academic growth measure in determining how often a "skilled" or "accomplished" teacher must be evaluated. The bill also makes changes to how often an "accomplished" teacher must be observed.

### **Frequency of evaluations**

Under current law teachers must be evaluated on an annual basis. However, a teacher that receives a rating of "skilled" or "accomplished" may be evaluated once every two or three years respectively, provided that the teacher's academic growth measure is "average" or higher. The bill replaces the academic growth measure condition with the following:

(1) An "accomplished" teacher may be evaluated once every three years if the teacher submits a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.<sup>17</sup>

(2) A "skilled" teacher may be evaluated once every two years if the teacher and the evaluator jointly develop a professional growth plan 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>18</sup>

### **Frequency of observations**

Continuing law requires that during any year a teacher is evaluated an evaluator must conduct at least two formal observations for at least 30 minutes each time.<sup>19</sup> The bill retains this requirement, but eliminates an exception authorizing a district board to require only one formal observation of a teacher being evaluated if the teacher: (1) received an "accomplished" rating on the teacher's most recent evaluation and (2) completed an approved project demonstrating the teacher's continued growth and practice at the "accomplished" level.<sup>20</sup> Accordingly, during any year that any teacher is being evaluated, regardless of rating, an evaluator must conduct two formal observations of that teacher.

---

<sup>16</sup> R.C. 3319.075.

<sup>17</sup> R.C. 3319.111(C)(2)(a).

<sup>18</sup> R.C. 3319.111(C)(2)(b).

<sup>19</sup> R.C. 3319.112(A)(3).

<sup>20</sup> R.C. 3319.111(E)(2), removed by the bill.

During any year a teacher is not being evaluated due to the teacher's receipt of an "accomplished," or "skilled" rating, continuing law requires an evaluator to conduct at least one observation of, and hold at least one conference with, that teacher. The bill specifies that the conference must include a discussion of the teacher's progress on the teacher's professional growth plan.<sup>21</sup>

## **Cleveland Municipal School District**

In 2012, the 129th General Assembly enacted H.B. 525 which, among other provisions, created separate teacher and administrator evaluation procedures exclusively for the Cleveland Municipal School District (CMSD). Differences between the statewide framework and CMSD's framework include changes in the content, frequency, timing, and use of evaluations.

The bill requires CMSD's board of education and the teachers' labor organization to jointly decide by July 1, 2018, whether to update the district's evaluation framework to conform to the revised state framework or to continue evaluating teachers and administrators in accordance with the current CMSD framework.<sup>22</sup>

The bill also explicitly states that nothing in the provisions regarding teacher or administrator evaluations for CMSD are to be construed to limit the district's ability to implement evaluation procedures that exceed those contained in the state framework.<sup>23</sup>

## **One-year pilot program for updated state framework**

The bill requires the Department of Education to establish a pilot program for the 2018-2019 school year in order to guide implementation of the revised state framework. The Department must issue a request for school districts to volunteer to participate in the pilot program, except that the bill authorizes the Department to designate districts to participate as necessary to ensure a participant pool of adequate size and diversity.<sup>24</sup>

The Department must provide professional development and technical assistance to teachers and evaluators in participating school districts prior to their use of the revised framework. It also must collect feedback from participating districts, teachers, and evaluators on the implementation of the framework, and use that feedback to make adjustments to the framework and to improve professional

---

<sup>21</sup> R.C. 3319.111(C)(3).

<sup>22</sup> R.C. 3311.80 and 3311.84.

<sup>23</sup> R.C. 3311.80(I) and 3311.84(G).

<sup>24</sup> Section 3(A).

development. Finally, the Department must work with stakeholder groups in conducting the pilot program.<sup>25</sup>

### **Retesting public teachers of core subject areas – repealed**

The bill repeals a provision of law that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered, such as low teacher ratings or low school building academic performance rankings.<sup>26</sup>

Core subject areas consist of reading and English language arts, mathematics, science, foreign language, government, economics, fine arts, history, and geography.

---

## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-06-18

H0540-I-132.docx/ts

---

<sup>25</sup> Section 3(B) and (C).

<sup>26</sup> Repealed R.C. 3319.58.

