

*Ohio School Counselor Association  
Legislative Report*

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**House Bill 487 – Education MBR**

House Bill 487 is the education portion on the Governor’s Mid-Biennial Review proposal. The House and Senate passed different version of the legislation, so the legislation was sent to a conference committee to work out the differences. The following legislators served as members of the conference committee: Senators Peggy Lehner (R – Kettering), Randy Gardner (R – Bowling Green), and Tom Sawyer (D – Akron) along with Representatives Gerald Stebelton (R – Lancaster), Andy Brenner (R – Powell) and Teresa Fedor (D – Toledo). The conference committee met once on the evening on June 3, 2014 to accept a compromise version.

The next day, the full House accepted the conference report by a vote of 62-30 and the Senate accepted the report 23-9. Those objecting to the bill called it a “mixed bag” with some good and some bad.

A few of the changes are highlighted below and a summary of changes from the Ohio Department of Education is attached. During the House Education Committee’s consideration of the bill, OSCA was able to get an amendment added to require that at least one member of the newly created college credit plus advisory committee be a school counselor. The legislation also requires State Boards of Education to develop a model policy on “career advising” and each district will be required to adopt a policy of career advising.

- The State Board of Education had recommended 10 end of course exams. HB 487 instead requires 7. All students would have to pass tests in algebra, geometry and two levels of English. Students could also either pass tests in science, American history and American government, or pass substitute exams such as Advanced Placement or International Baccalaureate.

Alternately, students could meet the "remediation-free" benchmark on a college admissions test like the ACT or SAT, or earn a recognized industry credential and score well on a job skills assessment. With the use of the college admissions exams as a possible way to qualify for graduation, the final version of HB487 also calls for the state to pay for all 11th grade students to take the tests.

- HB 487 will also allow high schools and universities to negotiate per-credit hour prices for the College Credit Plus Program below the \$40 minimum recommended by the Board of Regents, but only if the chancellor approves such deals. The amendments also set limits on how much private universities can charge students.
- Conference Committee changes also give the chancellor rule-making authority over the College Credit Plus program, rather than the State Board of Education.
- HB 487 also contains a “safe harbor” provision that will delay for one year certain consequences from teacher evaluations and school report cards, based on the new assessments being administered in 2014-2015. This includes the assigning of overall letter grades for schools and districts.

**2014 Elections**

The election in November will decide who leads the State for the next four years. All statewide offices are up for election. Currently, Republicans hold all of these positions and are all eligible to run for another term. The top of the ticket will see Governor John Kasich defending his record and Ed FitzGerald, his challenger, will try to unseat him.

Below is a list of the statewide ballot match-ups and links to the candidates’ websites.

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**Governor**

John Kasich (R) – Current Governor of Ohio  
Mary Taylor – Current Lt. Governor  
<http://www.kasichforohio.com/>

Ed FitzGerald (D) – Current County Executive  
of Cuyahoga County  
Sharen Neuhardt – Attorney  
<http://www.edfitzgeraldforohio.com/>

**Secretary of State**

Jon Husted (R) – Current Secretary of State  
<http://www.hustedforohio.com/>

Nina Turner (D) – Current State Senator  
<http://www.ninaturner.org/>

**Auditor of State**

David Yost (R) – Current Auditor of State  
<http://www.daveyost.com/>

John Patrick Carney (D) – Current State  
Representative  
<http://votecarney.com/splash/>

**Attorney General**

Mike DeWine (R) – Current Attorney General  
<http://www.mikedewine.com/>

David Pepper (D) – Former Hamilton County  
Commissioner  
<http://davidpepper.com/>

**General Assembly**

In addition to the statewide candidates, all 99 seats in the House of Representatives will be on the ballot this November. Along with the odd numbered Senate Districts. Currently, the Republicans hold the majority in both chambers of the General Assembly. With a solid 23-10 majority in the Senate and only half of the seats up this November, the Senate Republican majority is in no risk. In the House, Republican hold a 60-39 majority. All 99 seats are on the ballot this year. However, Republican controlled the process to draw the districts, so it is unlikely that Democrats will gain control of the House.

**Treasurer of State**

Josh Mandel (R) – Current Treasurer of State  
<http://joshmandel.com/>

Connie Pillich (D) – Current State  
Representative  
<http://www.conniepillich.com/>

**Supreme Court**

**Race I**

Judi French – Current Justice running for  
retention  
<http://www.justicejudifrench.com/>

John P. O'Donnell – Current Cuyahoga County  
Court of Common Pleas Judge  
<http://www.judgeodonnellforjustice.com/>

**Race II**

Sharon Kennedy – Current Justice  
<http://www.kennedyforohio.com/>

Tom Letson – Current State Representative  
No campaign website found.

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The House will also see the departure of current House Speaker and longtime public servant Bill Batchelder (R – Medina) who is forced to retire due to term limits. The race for his replacement has been playing out behind the scenes for months. Recently, front runners for the position, Representatives Cliff Rosenberger (R – Clarksville) and Ron Amstutz (R – Wooster) publicly announced that they had sat down to “count votes”. Since, Rosenberger had more committed votes, Amstutz has thrown his support behind Rosenberger in an effort to unite the caucus going into the elections. However, there is a faction of the House Republican Caucus who support a third choice for Speaker. Several of the more conservative members of the caucus have publicly given their support to Representative Jim Butler (R – Dayton).

**Student Intern Tax Credit Legislation Signed by Governor**

House Bill 107, sponsored by Representative Nan Baker (R – Westlake), authorizes a tax credit for businesses that employ high school students in career exploration internships equal to 50% of the wages paid to the student intern, up to a \$5,000 grant. Each business is limited to no more than three grants in a calendar year.

The business must employ the student intern, age 16-18 (or enrolled in grades 11 or 12), for at least 20 weeks and for at least 200 hours of paid work and instruction in Ohio. The grant is calculated on the basis of the amount of wages paid to the student intern during the 12 months following approval of the grant application. However, a business is permitted to submit an abbreviated renewal application for the same student intern following receipt of a grant if the student intern continues to meet the eligibility requirements at the time of renewal. No business may receive a grant for more than three career exploration internships in a calendar year.

Businesses must apply for eligibility through the Development Services Agency (DSA). Businesses seeking a career exploration internship grant must apply to DSA before the start of the internship. The application must include a brief description of the internship; the name, address, and telephone number of the business; a signed statement by the student intern describing the student's career aspirations and how the student believes the internship may help achieve them; a signed statement by a principal or school counselor at the student intern's school acknowledging that the employment opportunity qualifies as a career exploration internship and expressing intent to follow-up with and advise the student after completion of the internship; and any other information required by DSA.

The student intern and the principal, school counselor, or other qualified individual who signed the career exploration internship application on behalf of the student must meet at least once in the 30 days following the end of the internship, or in the 13th month following the start of the internship, whichever comes first. The purpose of the meeting is to discuss the student's experiences during the internship, consider the practical applications of those experiences to the student's career aspirations, and establish or confirm goals for the student. If practicable, the meeting is to be in person. Otherwise, the meeting may be conducted over the telephone.

**House Bill 171 – Signed into Law**

Representatives Jeff McClain (R – Upper Sandusky) and Bill Patmon (D – Cleveland) introduced legislation to permit public school students to attend and receive credit for released time courses in religious instruction conducted off school property during regular school hours.

The school board may permit a student to be released from school for religious instruction, as long as:

1. The student's parent or guardian gives written consent for the release;
2. The private entity maintains attendance records and makes them available to the district;
3. Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the private entity, the student's parent or guardian, or the student;
4. The private entity makes provisions for and assumes liability for the student;

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5. No public funds are expended and no public school personnel are involved in providing the religious instruction; and
6. The student assumes responsibility for any missed schoolwork.

A student may not be excused from a "core curriculum subject course" to attend a religious instruction course. The bill permits a school district board to grant up to two units of high school credit to a student for the completion of a released time course in religious instruction.

The legislation passed the House of Representatives on January 15, 2014 by a vote of 78-15 and is now being considered by the Senate Education Committee. On March 12, 2014 Alison Cheney, a school counselor at Union School (grades K-8), gave proponent testimony, stating "Released time dovetails so well with mentoring and has many of the same benefits. Both have an emphasis on building solid relationships with students and adults by spending quality time together." Senate Education Committee member Cliff Hite said, "If we are going to give credit to the students, shouldn't the person teaching the student be certified?" Cheney said that this would have to be addressed. Hite asked whether discipline problems have lessened with the released time program. Cheney said, "We do see attendance improving and some of the discipline problems decreasing."

Senator Hite added to amendments to the bill in committee. One will grant immunity from a civil action for damages to a school district, member of a school district board of education, or school district employee for injury allegedly arising during a student's transportation to or from a place of instruction when private transportation is used under a released time policy. The second says qualifications for a release-time instructor must be similar to that of other teachers within the district.

The Senate Education committee reported out the bill on May 22, 2014, with Senator Eric Kearney (D – Cincinnati) being the sole "no" vote. HB 171 went out to pass the full Senate on June 3, 2014 by a vote of 24-9.

The Governor signed the bill into law on June 12, 2014.

**School Patrol Legislation Amended into House Bill 487**

House Bill 215, sponsored by Representative Anthony DeVitis (R – Uniontown) allows school districts to use current or retired law enforcement officers to provide school patrol services. The legislation was passed by the House of Representatives on December 4, 2013 by a vote of 63-27. It was referred to the Senate Finance Committee. However, the legislation was ultimately amended into the Education MBR, HB 487.

Provisions include:

- Permits a public or nonpublic school to enter into an agreement with a current or retired law enforcement officer to provide volunteer patrol services.
- Requires the sheriff of each county to maintain a list of qualified current and retired law enforcement officers who wish to provide volunteer patrol services.
- Requires a retired law enforcement officer who wishes to provide volunteer patrol services to undergo a criminal records check, at the officer's own expense, every five years.
- Provides a qualified immunity from liability in a civil action for damages for a school district or its board of education, a public or nonpublic governing authority or its members, and any volunteer for injury, death, or loss to person or property allegedly arising from the volunteer's performance of services.
- Provides a nonrefundable personal income tax credit for a current or retired law enforcement officer who volunteers to patrol school premises in the amount of \$2 for each hour or part of an hour that services are provided, not to exceed \$500 in any taxable year exclusive of any permitted carry over amounts.

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**High School Graduation Requirements**

House Bill 193, sponsored by State Representative Andrew Brenner (R –Delaware), revises the diploma requirements for students enrolled in public and chartered nonpublic high schools, including the state administered assessments for all grades. House Bill 193 passed the Ohio House of Representatives on January 22, 2014 by a vote of 88 - 1 and is now being considered by the Senate Education Committee. During sponsor testimony on March 12, 2014, Committee Chair Peggy Lehner commented that “This is a substantially large piece of legislation and will take some time for consideration.”

This legislation would require students to meet one of the following conditions beginning with students entering ninth grade on or after July 1, 2015:

1. Score at "remediation-free" levels in English, math, and reading on nationally standardized assessments;
2. Score at "remediation-free" levels on the end-of-course examinations in English and math;
3. Attain a cumulative passing score on the end-of-course examinations; or
4. Attain a passing score on a nationally recognized job skills assessment or obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.

House Bill 193 provides that the State Board of Education may not create or require any additional assessment for granting any type of high school diploma other than as prescribed by the bill. The bill allows school districts and schools to include remediation-free or workforce-ready endorsements on a student's diploma.

The bill provides the replacement of the Ohio Graduation Tests (OGT) with the college and work-ready assessment system as follows:

1. Beginning in the 2014-2015 school year, for students who have not yet entered the ninth grade by July 1, 2014, and for students in grades nine through twelve who wish to earn course credit by examination, and
2. Beginning in the 2015-2016 school year, for students who enter the ninth grade for the first time on or after July 1, 2015.

The bill requires the end-of-course examinations included in the college and work-ready assessment system be in five subject areas: science, American history, American government, math, specifically algebra II or its equivalent, and English language arts III. The bill authorizes the Ohio Department of Education to offer an additional end-of-course examination, in each of mathematics and English language arts, provided the Department has sufficient funds to develop and furnish additional examinations. House Bill 193 also requires the end-of-course examinations in American history and American government to be administered beginning with the 2014-2015 school year, despite the other three end-of-course examinations being generally administered beginning in the following school year. The bill requires the State Board to compile a list of equivalent assessments that districts and schools may administer instead of the prescribed end-of-course examinations.

The bill prohibits the online administration of the elementary- and secondary-level achievement assessments prior to the 2015-2016 school year; requires the Department of Education to conduct a survey of the capacity and readiness of each school district for the online administration of the elementary- and secondary-level achievement assessments and issue a report of the survey and an implementation plan to address problems not later than 90 days after the bill's effective date.

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**Revisions to Teacher Evaluations Amended into House Bill 362**

State Senator Randy Gardner (R – Bowling Green), sponsor of Senate Bill 229, revises how a teacher's evaluation will be done. Senate Bill 229 was substituted and reported out of the Senate Education Committee December 2, 2013 and passed the Ohio Senate December 4, 2013 by a vote of 33 – 0. The bill has been referred to the House Education Committee and was given a sponsor hearing on February 10, 2014.

At a hearing March 26, 2014, the House Education Committee accepted a substitute version of the bill that made many changes to the legislation. Many of the witnesses who were in attendance to testify as proponents of the Senate passed version expressed disappointment that they were not given an opportunity to review the changes before providing testimony.

The differences between the House and Senate resulted in SB 229 stalling in House Committee. Leaders in the two chambers worked to come up with a compromise. That compromise was inserted into a separate piece of legislation, House Bill 362, which authorizes the STEM Committee to grant a designation of STEM school equivalent to a community school or chartered nonpublic school and made other revisions to the law regarding STEM schools.

Please note that teacher evaluation requirements do not apply to school counselors.

The teacher evaluation language amended into the bill will:

- Permit a school district or school to evaluate any teacher who received a rating of "accomplished" on the teacher's most recent evaluation once every three years, so long as the teacher's student academic growth measure is "average" or higher.
- Permit a school district or school to evaluate any teacher who received a rating of "skilled" on the teacher's most recent evaluation once every two years, so long as the teacher's student academic growth measure is "average" or higher.
- Provide that in any year a teacher is not formally evaluated, as a result of receiving a "skilled" or "accomplished" rating on that teacher's most recent evaluation, that teacher must still receive an observation and a conference.
- Beginning with the 2014-2015 school year, authorizes a district or school to choose not to evaluate a teacher who was on leave from the school district for 50% or more of the school year or has submitted a notice of retirement that was accepted not later than December 1 of the school year.
- Require a district or school that chooses to use the alternative framework for the 2014-2015 school year to calculate ratings based on (1) the teacher performance measure (42.5% of the evaluation), (2) the student academic growth measure (42.5% of the evaluation), and (3) one component selected by the district or school from among student surveys, teacher self-evaluations, peer review evaluations, or student portfolios (15% of the evaluation).
- Require a district or school that chooses to use the alternative framework for the 2015-2016 school year, and for each school year thereafter, to calculate ratings based on (1) the teacher performance measure (42.5% to 50% of the evaluation), (2) the student academic growth measure (42.5% to 50% of the evaluation), and (3) one component selected by the district or school from among student surveys, teacher self-evaluations, peer review evaluations, or student portfolios (the remaining percentage of the evaluation).
- Require the Department of Education to compile a list of approved instruments for districts and schools to use when evaluating student surveys, teacher self-evaluations, peer review evaluations, and student portfolios.
- Require each district or school to choose one approved instrument from the Department's list to evaluate the applicable component selected by that district or school.

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Of the seemingly arbitrary percentages, Senator Gardner said "I think it's fair to say publicly that was not my request," "Sometimes compromise yields interesting numbers."

Sen. Tom Sawyer (D-Akron), the top Democrat on the committee, lodged no formal protest to the amendment but said he's still concerned that some of the instruments factored in to the evaluations were never intended for the purpose they're being used for today. "I don't have any objections, per se. I think it's probably more appropriate to view this as a compromise of necessity rather than one of thought," he said.

Gardner noted the bill still achieves the goal of helping districts spend less time and energy evaluating veteran teachers so they can concentrate on newer, less experienced hires. But, he said, it also ensures more engagement with veteran teachers than in current law, citing the requirement for a conference, observation or other interaction even in years without a formal evaluation.

House Bill 362, with the evaluation language was signed by the Governor on June 12, 2014.

**How to Contact Your Lobbyists**

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