

Ohio School Counselor Association
Legislative Report

House Bill 487 – Education MBR

House Bill 487, sponsored by Representative Andy Brenner (R – Powell), is the education reform piece of the Governor’s Mid-Biennial Review budget package. The bill is 265 pages.

The bill establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At the requests of OSCA and amendment was added to require that least one member of the 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.

Testimony was given before the House Education Committee by the Ohio Federation of Teachers. In their testimony, they addressed the role of school counselors and the need for more. The committee had several questions regarding school counseling. In response to those questions, OSCA sent a letter to the members of the Committee. We highlighted the need for more school counselors, the appropriate role of school counselors, and the need for an effective evaluation tool.

The legislation passed the House of Representatives on April 9, 2014 by a vote of 61-28. The bill is expected to be considered by the Senate Education Committee, but has not been officially referred. Below is a comprehensive list of provisions in the bill.

I. College Credit Plus (CCP) Program

- Renames the Post-Secondary Enrollment Options (PSEO) program as the College Credit Plus (CCP) program and makes several changes to the program.
- Specifies that the CCP program begins operation with the 2015-2016 school year and requires the Department of Education, State Board of Education, and Chancellor of the Board of Regents to adopt rules, guidelines, and procedures to ensure that the program is fully operational for that school year.
- Requires all public high schools and all public colleges, except the Northeast Ohio Medical University, to participate in the program and subjects all participating nonpublic high schools and participating private colleges to the CCP requirements.
- Permits eligible out-of-state colleges to participate in the CCP program and subjects them to the same requirements, with a few exceptions, and the same funding structure as participating private colleges, if they choose to participate.
- Specifies that CCP will govern arrangements in which a high school student enrolls in a college and, upon successful completion of coursework taken under the program, receives credit from the college, except under specified programs.
- Changes the amount paid to colleges for enrolling high school students to a per credit hour amount based on the formula amount and calculated according to (1) the type of high school and college in which the student is enrolled and (2) how students receive instruction.
- Prescribes specified default payment amounts (calculated according to the factors described above) for payments made by the Department to colleges for students participating in CCP, unless an agreement specifying an alternative payment structure is entered into by the high school and college.
- Eliminates the option for a college to receive reimbursement through an alternative funding agreement with a high school; however, permits a high school and a college to enter into an agreement to establish an alternative payment structure.

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- Eliminates current law prohibiting the charging of students for tuition, textbooks, and fees related to participation in the program and permits a student to be charged for a portion of these costs, unless the student (1) is enrolled in a public college under CCP, (2) is economically disadvantaged, or (3) is enrolled in a nonpublic high school under specified scholarship programs and a private or out-of-state college under CCP.
- Permits, rather than requires, a high school to seek reimbursement from a student or a student's parent for failed courses under the program, unless the student is identified as economically disadvantaged by the Department and was not expelled.
- Requires all students, in order to participate in CCP, to both (1) apply to a college in accordance with the college's established procedures for admission, and (2) meet the college's established standards for admission and for course placement.
- Qualifies students in grades 7 and 8 for participation in the CCP program.
- Specifies that no high school, except in limited circumstances, may prohibit a student enrolled in that school from participating in the CCP program, if the student meets all of the requirements for participation.
- Requires both public and participating nonpublic high schools and public and participating private colleges to (1) promote CCP on the school's or college's website and include details of current CCP agreements, (2) schedule or coordinate an informational session to meet with interested students and parents, and (3) annually collect, report, and track specified data related to the program.
- Requires high schools to both (1) implement a policy for awarding grades and calculating class standing for CCP courses, and (2) ensure the policy is equivalent to the school's policy for Advanced Placement or International Baccalaureate courses.
- Requires public high schools to develop, in consultation with a public partnering college, a 15-credit hour and a 30-credit hour model course pathway and publish the pathways among the school's official list of course offerings for the program.
- Requires public and participating nonpublic high schools to provide specified counseling information to students in grades 6 to 11 and to their parents before the students participate in the program.
- Requires each college to apply established standards and procedures for admission to the college under CCP and for course placement, as well as to (1) consider student data that may be an indicator of college readiness, (2) give priority to its current students for enrollment in courses, and (3) adhere to course capacity limitations.
- Requires colleges to (1) provide one professional development session per school year for high school teachers that are teaching courses under the CCP program and (2) conduct one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher.
- Requires each instructor teaching a course under the CCP program to meet the established credential requirements.
- Requires the Chancellor and the state Superintendent to (1) annually compile specified data related to the program from participating high schools and colleges and post the data on the Board of Regents' and Department of Education's websites, (2) submit a biennial report detailing the program's status to various state officials by December 31 every two years, beginning in 2017, and (3) establish a College Credit Plus advisory committee.

II. Advanced Standing Programs

- Renames "dual-enrollment program" as "advanced standing program."
- Modifies programs that qualify as advanced standing to specifically include International Baccalaureate diploma courses, along with the College Credit Plus Program (currently PSEO), Advanced Placement courses, and Early College High School (ECHS) programs.

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- Requires specified information on Advanced Placement and International Baccalaureate diploma courses and exams to be provided to students in grades 8 through 11, including (1) the awarding of credit by colleges, (2) the availability of courses, waivers for tuition and fees, and no-cost options, and (3) the benefits of earning college credit through such courses.
- Changes a reference from "Early College High School" to "Early College High School Program" and specifically defines the program and the students it serves (students who are underrepresented in completing post-secondary education, economically disadvantaged students, or students whose parents did not earn a college degree).
- Makes any agreement between a school district or community school and an associated college, which governs an ECHS program, subject to the requirements of CCP, unless specified criteria are met.

III. Other Education Provisions

Career-technical education

- Specifies that each city, local, and exempted village school district must provide career-technical education to students enrolled in grades 7 through 12.
- Requires the Department of Education to waive the requirement to provide career-technical education to students enrolled in grades seven and eight, if a district's board of education adopts a resolution specifying its intent not to provide career-technical education to students enrolled in those grades for a particular school year and submits that resolution to the Department by September 30th of that school year.
- Beginning in the 2015-2016 school year, increases the minimum enrollment for in grades seven through twelve (from 1,500 students in grades nine through twelve as under current law).

Student career advising

- Beginning in the 2016-2017 school year, requires each city, local, exempted village, and joint vocational school district, each community school, and each STEM school to adopt a policy on career advising that specifies how a district will perform certain related activities and to update that policy at least once every two years.
- Beginning in the 2016-2017 school year, requires each district, community school, and STEM school to (1) identify students who are at risk of dropping out of school using a research-based, locally based method and (2) develop a "student success plan" for each of those students that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.
- Requires a district or school, prior to developing a student success plan for a student identified as at risk of dropping out of school, to invite the student's parent, guardian, or custodian to assist in developing the plan.
- Requires the Department of Education to develop and post on its website, not later than December 1, 2014, model policies on career advising and model student success plans.

Diagnostic assessments

- Permits kindergarten diagnostic assessment data to be included on the annual report cards issued for schools and school districts.
- Specifies that the results of the language and reading diagnostic assessment must be reported to the Department of Education and are not subject to an existing parental option not to report that data.
- Specifies that a transfer student who transfers prior to the administration of diagnostic assessments take those assessments at the scheduled administration dates.
- Exempts students with "significant cognitive disabilities," as defined by the Department, from taking diagnostic assessments.

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- Permits a school district or school that received an "A" or "B" for performance index score or for overall value-added progress dimension on the report card for the prior school year may administer different diagnostic assessments than those prescribed by the Department.

Volunteer patrol of school premises; income tax credit

- Includes the provisions of House Bill 215.

Kasich's MBR Split Into a Number of Bills

The Governor's Mid-Biennial Review (MBR) legislation, House Bill 472, was introduced and contained increases in severance taxes, cigarette taxes, and the CAT tax to fund decreases in the state income tax. The bill began hearings in the House Ways and Means Committee on March 12, 2014, however, the House has since split the bill into 13 separate proposals: House Bill 483 – 493, House Bill 369 and House Bill 375.

The following tax related provisions are included in House Bill 472, which remains in the House Ways and Means Committee:

- Reduces the state income tax across all income levels by 8.5 percent over the next three years. Once enacted, Ohio's top marginal income tax rate will be 4.88% percent in 2016. The Governor's goal has been to get all rates below 5%
- Increases Ohio's earned income tax credit from 5 % to 15% of the federal credit;
- Increases the personal income tax exemption for Ohioans earning less than \$40,000 and for Ohioans earning \$40,000 to \$80,000;
- Increase cigarette taxes by 60 cents over two years, increases tax on "other tobacco products", and include a tax on "e-cigarettes";
- Increasing the Commercial Activity Tax (CAT) from .26 percent to .30 percent.
- Proposes a severance tax on oil and gas drilling, earmarking 20% of the severance tax revenue for local governments in shale oil and gas producing regions of the state.

House Bill 472 was split-up in the following bills:

- HB369 (Sprague) - Mental health/drug addiction components – Passed the Ohio House of Representatives 70 – 20 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB375 (Huffman) - Severance tax - House Ways and Means Committee
- HB472 (McClain) - Tax reform - House Ways and Means Committee
- HB483 (Amstutz) - Appropriation changes and policy changes - Passed the Ohio House of Representatives 57 – 33 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB484 (Rosenberger-Brown) - Higher education reform - Passed the Ohio House of Representatives 90 – 0 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB485 (Smith-Johnson) - Creation of the Office of Human Services Innovation. Now includes HB 314, HB 366, HB 341, and HB 352 - Passed the Ohio House of Representatives 62 - 28 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB486 (Baker-Stebelton) - Workforce development reforms - Passed the Ohio House of Representatives 87 - 0 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB487 (Brenner) - Education reform. Passed the Ohio House of Representatives 61 - 28 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB488 (Dovilla-Landis) - Veterans issues - Passed the Ohio House of Representatives 91 - 0 on April 10, 2014; yet to be referred to a committee in Ohio Senate.

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- HB489 (Blair) - Lease-leaseback provision - House State and Local Government Committee.
- HB490 (Hall-Thompson) - ODNR/ODAg/EPA reforms - House Agriculture and Natural Resources Committee
- HB491 (Buchy-Blessing) - Lottery/casino changes - House Policy and Legislative Oversight Committee
- HB492 (Scherer) - Tax corrective changes - Passed the Ohio House of Representatives 91 - 0 on April 10, 2014; yet to be referred to a committee in Ohio Senate.
- HB493 (Sears-Henne) - BWC reforms - Passed the Ohio House of Representatives 87 - 4 on April 10, 2014; yet to be referred to a committee in Ohio Senate.

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

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."

Governor Signs House Bill 232

House Bill 232, sponsored by State Representatives Barbara Sears (R – Maumee) and Zach Milkovich (D – Akron), makes several changes and updates to the laws governing the Counselor, Social Worker and Marriage and Family Therapist Board and its licensees. The Governor signed the Act on April 10, 2014 and the Act will be effective in 90 days.

The legislation passed the Ohio House of Representatives on November 6, 2013 by a vote of 74-23. The legislation was then considered in the Senate Medicaid, Health and Human Services Committee. The bill was amended and reported out on April 2, 2014 and passed the Ohio Senate floor the same day by a vote of 31 – 0. Also on April 2, 2014, the Ohio House of Representatives concurred with the changes to the bill made in the Ohio Senate.

When the bill was before the House Health Committee, Victoria Kress testified in support of the legislation on behalf of the Ohio Counseling Association. In her testimony, Victoria said: "OCA supports the provision that will require counseling programs in Ohio to have accreditation by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) by January, 2018. Ohio is a state that has a long history of having high standards related to counseling licensure laws. These laws serve to ensure consumers of counseling services are provided with services rendered by well-qualified counselors. This change to the statute will continue this tradition." Testimony was submitted on behalf of Victoria in the Ohio Senate.

House Bill 232 does the following:

- Clarifies that professional counselors and professional clinical counselors are licensed professional counselors and licensed professional clinical counselors;
- To be eligible for a licensed professional clinical counselor license an individual must hold a graduate degree in counseling from an accredited educational institution. To meet this requirement in Ohio after January 1, 2018, a graduate degree in counseling must be obtained from a mental health counseling program, clinical rehabilitation counseling program, or an addiction counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP);

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- The bill provides that all of the following meet the existing requirement that an applicant complete specified counselor training: (1) a clinical mental health counseling program accredited by CACREP, (2) until January 1, 2018, a mental health counseling program accredited by CACREP, (3) a graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, clinical rehabilitation counseling program, or an addiction counseling program accredited by CACREP, and (4) any other accredited counseling programs accepted by the Board in accordance with rules the Board adopts.
- The bill requires the Board to adopt rules for voluntary registration of (1) master's level counselor trainees enrolled in practice and internships, (2) master's level social worker trainees enrolled in fieldwork, practice, and internships, and (3) master's level marriage and family therapist trainees enrolled in practice and internships.
- The bill generally prohibits an employee in the service of the state, including a public employee eligible for collective bargaining, from engaging in the practice of professional counseling, social work, or marriage and family therapy without a valid license issued by the State Counselor, Social Worker, and Marriage and Family Therapist Board unless the employee has two years of service on the bill's effective date;
- Revises makeup of the licensure board: four counselors, four mft's, four social workers, and three public members. Counselor members are to include at least one individual who has received a doctoral degree in counseling from an accredited educational institution recognized by the Board and holds a graduate level teaching position in a counselor education program.
- Sets forth the confidentiality provisions that apply to records of Board investigations.
- Expands to all professionals licensed or registered by the Board provisions of law regarding reports of abuse or neglect that apply to other professionals regulated by the Board.
- Exempts professionals licensed by the Board from the duty to disclose privileged information between the professional and a client that is related to a felony or knowledge of death.
- Permits professionals licensed by the Board to provide services through certain business entities formed in combination with other health care professionals.
- Expands the professionals who are granted civil immunity when providing volunteer health care services to include athletic trainers, chemical dependency counselors, and alcohol and other drug prevention specialists.

Repeal of Zero Tolerance Policy

Under current education law, school districts are required to have a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy. The school districts are also required to establish strategies to address behavior that range from prevention to intervention. Senate Bill 167, sponsored by State Senator Charleta Tavares (D – Columbus), removes this requirement and, instead, requires each school district to eliminate its current zero tolerance policy and expressly prohibits a district from readopting that policy or adopting a new one.

The bill also requires each school district to adopt a policy that allows for many factors to be considered prior to the suspension or expulsion of a student. That policy must establish alternative strategies, including prevention, intervention, restorative justice, peer mediation, and counseling, to address discipline for student behavioral problems and to address harassment, intimidation, and bullying.

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The bill states in the temporary law section that zero tolerance policies often punish a student with a behavioral problem twice by both expelling that student and preventing that student's education during the expulsion. The legislative intent of this bill and the Ohio General Assembly is to provide support for students with behavioral problems and to ensure that such students remain in school.

During sponsor testimony, Senator Tavares told the Senate Education Committee that a number of states including Delaware, Florida, Georgia, North Carolina, Rhode Island and Colorado are amending their zero tolerance policies. According to Senator Tavares, under Senate Bill 167, the only circumstances under which expulsion remains mandatory are "those that involve a student who is found to have brought a firearm to school or possessed a firearm at school, in accordance with federal law, the Gun-Free School Act of 1994."

Sara Williams, President of OSCA was contacted by Sarah Biehl, the Policy Director of the Children's Defense Fund-Ohio to see if OSCA would support this legislation. Two hearings have been held in January. Additionally, Representative Roland Winburn (D – Dayton) has introduced companion legislation, House Bill 441.

Senator Peggy Lehner (R – Kettering), Chair of the Senate Education Committee, hosted an interested party meeting on the legislation on February 14, 2014. Amanda Sines attended on OSCA's behalf. Also represented were Superintendents, school psychologists, OEA, civil rights activists, OSBA, and many other groups. The meeting was fairly lengthy and most people in attendance were in agreement on the issue of zero tolerance policies.

Talking points focused on: Zero tolerance has not worked and creates unintended consequences; early intervention is more effective than punishments; zero tolerance policies have resulted in racial disparities. Most of the early intervention conversation was very consistent with ASCA's policy on discipline.

Senator Lehner made remarks that indicated that she does not believe that repealing zero-tolerance is the silver bullet at this point and that there is a feeling among her colleagues that repealing such a policy could make it seem like they tolerate violent and other inappropriate student behavior.

Someone in the meeting mentioned that Governor Kasich has a taskforce working on recommendations and one such recommendation could be to repeal zero-tolerance policies. Senator Lehner mentioned that if that is in fact the case, it could give her and her caucus some political "cover" to move forward with SB 167.

She plans to have this group meet again after the Governor's recommendations are released. Lehner also envisioned the group working on recommendations regarding early interventions and mental health services for children. She referenced the Study Committee she chaired many months ago with Senator LaRose and acknowledged that these types of issues are difficult to tackle.

Student Expulsion Policies

At the interested party meeting held on February 14, 2014 regarding zero-tolerance policies, the group also discussed House Bill 334, sponsored by Representatives Bill Hayes (R – Granville) and Jay Hottinger (R – Newark) and the companion legislation Senate Bill 239, sponsored by Senator Tim Schaffer (R – Lancaster).

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HB 334 and SB 239 were introduced in response to a student issue brought to the sponsors by a superintendent of a Licking County school district. The bill in general permits school boards of education to establish policies that authorize the district's superintendent to expel a student for not more than 180 school days for actions that pose "imminent and severe endangerment to the health and safety" of other students or school employees. One condition for the student's reinstatement to the school included in the bill is an assessment to be done by a psychiatrist, psychologist, or school psychologist.

Many in attendance at the meeting expressed opposition to these bills. They stated that it is unwise to pass legislation that effects the entire state to address a circumstance in one district dealing with one student. It could cause unintended consequence much like the ones seen because of zero-tolerance polities. Also stated was the fear that removing students from school only exacerbates the underlying problems of these at risk students.

HB 334 passed the House of Representatives on March 29, 2014 by a vote of 70-27. There was attempt to make the bill an emergency, so it would go into effect immediately following passage. However, that effort was not successful. Both HB 334 and SB 239 are being considered by the Senate Education committee.

Statewide School Seclusion Policy

Senators Mike Skindell (D – Lakewood) and Peggy Lehner (R – Kettering) have introduced legislation regarding school seclusion and restraint policies. The legislation will be considered by the Senate Education Committee.

Senate Bill 266 would require the State Board of Education to adopt rules that establish a policy and standards for the implementation of positive behavior intervention supports and the use of physical restraint or seclusion on students. Additionally, each school district's board of education would be required to comply with the policy and standards adopted by the state board.

The State Board developed and implemented these policies in 2013, however they currently only apply to public schools. SB 266 would expand the applicability of the rules to other schools like charters and STEM schools.

Opiate Addiction Education in Health Curriculum Legislation Passes House

House Bill 367, co-sponsored by Representative Denise Driehaus (D – Cincinnati) and Robert Sprague (R – Findlay) would require each school district to include instruction in prescription opioid abuse prevention in the district's health curriculum. Additionally, the bill would require the Governor's Cabinet Opiate Action Team (GCOAT) to develop recommendations for instruction in prescription opioid abuse prevention and submit the recommendations to the Department of Education no later than July 1, 2014. Once GCOAT submits the recommendation, the Department would need to publish them on its web site.

The bill was introduced as a part of package of nearly a dozen bill addressing Ohio's opiate epidemic. HB 367 passed the House of Representatives on March 12, 2014 by a vote of 95-1 and has been referred to the Senate Education Committee for consideration.

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School Patrol Legislation Clears the House

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 will now be considered by the Senate Finance Committee.

Specifically, HB 215, as passed by the House:

- 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.

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:

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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.

Revisions to Teacher Evaluations Passes Ohio Senate

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.

As passed by the Senate, the bill specifies the factors that may make up an evaluation, and modifies the percentage attributable to student academic growth. The bill requires that student academic growth account for 35% of each teacher's performance evaluation, rather than 50% as is required by current law, but permits a school district or school to attribute an additional percentage, up to 15%, of each evaluation to student academic growth. The bill prescribes that the remaining percentage of each evaluation not attributed to student academic growth may include a combination of formal observations, student surveys, and any other factors a school district board of education determines necessary and appropriate.

The bill permits 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; and permits 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.

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Senate Bill 229 provides 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; permits a school district or school to require student surveys, teacher self-evaluations, or any other method of review determined necessary to ensure continued success of an accomplished or skilled teacher; and permits a school district or school to require any teacher who received a rating of "ineffective" on the teacher's most recent evaluation to prepare and implement an improvement plan.

The House substitute bill restores the student growth measure to 50 percent, with two possible ways to alter that. And made the following additional changes in the sub-bill:

- Ways student surveys can be incorporated in the evaluation.
- Identifying ranges for scoring the student academic growth measure and for teacher performance level.
- Adding another performance level rating of "effective" between "skilled" and "developing," "thus creating five educator performance levels."
- Requiring the State Board of Education to develop an alternative framework for teacher evaluations that include 40 percent for student academic growth measure; 40 percent for teacher performance measure; and 20 percent for student surveys.
- Requiring at least one formal observation of a teacher by an evaluator be unannounced.
- Imposing a condition of reducing the number of evaluations "accomplished" or "skilled" teachers receive.
- Spelling out steps to take to address poorly performing teachers.
- "Beginning on July 1, 2016, requires each school district board of education to administer an assessment to students in each of grades K-12 to determine a teacher's student academic growth in English language arts, mathematics, social studies, and science. Assessments must be selected by the Department of Education and based on value-added progress dimension or department-approved assessments based on vendor-developed student growth measures. Assessments may include diagnostic assessments and achievement assessments already required under law."
- Spelling out how to get an evaluator credential, including requiring certain administrators to complete an evaluator training program.
- Requiring the state board to develop a framework to evaluate principals and assistant principals.
- Exempting all provisions regarding educator evaluations from collective bargaining.
- Specifying that the "value-added progress dimension rating for the 2014-2015 school year will not be used when making decisions regarding teacher dismissal, retention, tenure or compensation."

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