

# Minutes

January 29, 2018

4:00 PM

University Faculty Senate  
Shawnee State University

## 1. Call to Order

UFS President Marc Scott called the meeting to order at 4:02 p.m.

## 2. Roll Call

Secretary Jennifer Napper recorded the attendance (as follows):

Linda Hunt, Cathy Bailey, Kejing Liu, Sarah Minter, Mich Nyawalo, Janet Snedegar, Phil Blau, Gene Burns, Cynthia Hermanson, Tom Piontek, Tony Ward, Adam Miller, Isabel Graziani, Dan Johnson, Keenan Perry, Amy Grau, and all officers (Marc Scott, Kyle Vick, Jennifer Napper, Jim Reneau).

**3. Minutes:** Motion to approve minutes was seconded by Tom Piontek. Approved unanimously as submitted.

**4. Agenda:** Motion to approve agenda with addition of Graduate Council Update (9c) was seconded by Phil Blau. No questions or discussion about the agenda, accepted as approved.

**5. Remarks from the UFS President:** Quick note about today's senate meeting: Today we have no curricular proposals to approve, but we do have important updates from a number of committees. We'll be hearing from members of the ad hoc committees we approved last semester. We'll also hear from the Textbook Affordability Working Group and the work they've done to decrease textbook costs at the institution, and I'll be asking for your feedback on using senate funds for faculty awards. Finally, in the Executive Committee report, I'll discuss the warehousing process and how we'll structure our conversation and vote on the warehousing proposals.

At the October faculty senate meeting, I provided some information about the university's budget situation. Enrollment decreases fell below projections resulting in what was thought to be a \$3.5M operating loss for the academic year. At a budget meeting a couple of weeks ago, it was made apparent that our operating losses for this academic year are much more than that, and the current projections call for a nearly \$5M budget shortfall this academic year. From what I can piece together from information provided by administration, our enrollment figures

dipped much further below projections and we had some significant costs this year that over-ran their estimates. President Kurtz has agreed to speak with us today to help us understand some of the details and perhaps take a few questions about the university's budget, our spending strategy, and our path forward.

To address our enrollment declines, the administration advocates recruitment of non-traditional students and online learners. Chris Meade and I spoke with the provost last week, and we're in agreement that the present culture at Shawnee State University will make large-scale migration to online programming quite difficult. We have suggested continuing last year's pilot program for converting face to face classes to online or hybrid courses. We also discussed ways we might incentivize faculty adept at online learning to share what they know with other faculty and mentor them in developing online curricula.

I've also spoken with the Provost, department chairs, and faculty members regarding program warehousing. On Friday of last week, departments impacted by warehousing submitted their arguments for removing their programs from the warehousing list. I voiced some concerns about holding the Program and Curriculum Working Group meeting prior to receiving information from the departments. Despite my reservations, the Provost informed me that he's decided to proceed with warehousing and will submit his recommendations in time for the February EPCC and Senate meetings. During the Executive Committee report, I'll describe how we'll conduct those votes and how the Executive Committee thinks we should structure the conversation. If you have feedback on that process, I'd appreciate your thoughts after the Executive Committee report.

There's some good news I'd like to share with you. Our fall to spring retention numbers are significantly higher than they have been in the past. In 2012, we retained roughly 49% of our baccalaureate degree seeking students, but in 2016 we're retaining 72% of our four-year students. Our students are passing courses at higher rates than they did in the past. In 2008, a little over 77% of students earned a passing grade, but just last semester 86% of our students earned passing grades. In a few weeks, I'll be joining student and administration representatives on a lobbying trip to Columbus, and I'll share that data and stories of the hard work our faculty put in to make many of those improvements possible.

- 6. Treasurer's Report:** Treasurer Jim Reneau reported on expenditures to date. Motion to approve report seconded by Dan Johnson. Approved unanimously as submitted and attached to the minutes.

## **7. Administrative Reports**

### **President Kurtz's report:**

Since 2014 the university has been running at a deficit for two reasons:

- The state changed the funding formula, basing funding on retention rather than the number of students.
- There is a state-wide drop in the number of traditional age students.

At first the goal was for the university to have a balanced budget by 2020 while staying true to the strategic plan. We have reduced expenses but not enough to compensate for loss of students and loss in state share of instruction (SSI). The gap between revenue and expenses has increased over the last couple of years. This year, it is estimated that our operation expenses will be \$3.47 million dollars over budget.

Compensation, salaries and benefits, are 70% of the university's operating expense. This needs to be reduced by 10% to fall in line with similar institutions.

Growth of healthcare costs is another large expense for the university. The university is self-insured. There were a number of high claims in the last year putting this expense well over budget.

To respond to these financial challenges the administration has put a hard freeze on all position vacancies with a few exceptions:

- if the position is funded through external funding
- the position was already offered
- the position is needed for accreditation
- if the position generates a net positive revenue

The administration is also moving forward with the retirement incentives. The cost is \$425k, with the savings adding up to over \$650k. The administration is also considering offering retirement incentives in the next few years.

In addition, the administration is also pushing to offer more courses and programs online to target nontraditional students.

Comment from Marc Scott: The numbers we received from Elinda Boyles projected we would be operating at \$4.8 million over budget.

Response from President Kurtz: Those numbers are a "worst-case scenario", it's a moving target.

Question from Sarah Minter: Where do visiting faculty stand in regard to the hard freeze on hiring?

Response from President Kurtz: They will have to be considered on a case-by-case basis.

Comment from Jim Reneau: The Business Department has lost about a third of its faculty with the buyouts. Where are the buyouts for the administration?

Response from President Kurtz: There have been positions that have been cut in administration. Cuts aren't the only answer to our budget deficit, they will only go so far. We also need to ramp up our programs with growth potential.

Response from Provost Bauer: Based on comparisons to other schools in the state, we have a lower percentage of administration than most schools.

Comment by Dan Johnson: It's hard to incentivize faculty to develop online courses under the current policy. The administration can take the content of the online course and assign it to anyone. Faculty may not want to give up ownership of the course.

Response by Provost Bauer: Offering online programs requires the university to own the courses so that they can offer them when they need to and even expand the course offerings due to growth.

Question by Dan Johnson: The university can't own course content when it is developed for in-person courses. New faculty have to come up with own lectures and content. What's the difference?

President Kurtz and Provost Bauer's response: Main faculty will be involved with development of the courses and the program. It is also important for accreditation.

Question from audience: How many GEP courses are offered online at this time?

Answer from Provost Bauer: There is a GEP course offered online for each of the GEP categories except composition.

Due to time constraints, the discussion ended here. If anyone has any questions or comments, please email Marc Scott and he will pass them along to President Kurtz or Provost Bauer.

**Provost Bauer's report:**

AQIP systems portfolio is on schedule to be submitted by the deadline at 5pm today.

**8. Announcements from Senate floor:**

- Linda Koening will be holding couple of workshops entitled, “Responding to Students Experiencing Academic Stress” on March 27<sup>th</sup> at 4 p.m. and March 28<sup>th</sup> at 9 a.m. in UC215.
- Faculty Festival of Achievement is February 19-23. Approximately 20 faculty are presenting their work. Please attend and support your colleagues.
- On Saturday the faculty basketball team beat the student team!
- Sarah Minter announced that the deadline to submit speakers for the next academic year’s Distinguished Lecture Series is February 28<sup>th</sup>. Please see the email that was sent out for more information.

## 9. Committee and Director Reports

### a. Executive Committee Reports:

**UFS President Marc Scott:** For the Executive Committee report, I’ll quickly summarize the December Ohio Faculty Council meeting, and then I’m going to ask Mich Nyawalo to provide a quick summary of the January Ohio Faculty Council (OFC) meeting. I’ll then discuss some recent activities from the Senate Executive Committee.

A quick note about the December OFC meeting: there’s a statewide discussion about transfer credits and establishing a guarantee system for accepting transfer courses. Paula Compton, the ODHE Vice Chancellor, spoke with the OFC, and we noted the lack of faculty involvement on some of the committees involved in establishing what they’re calling the Ohio Guaranteed Transfer Pathways. The Vice Chancellor accepted our recommendation and informed us that she’d reach out to the Ohio Faculty Council for faculty members to consult in this effort. I believe the effort worked because I’ll be joining the Provost and the Registrar tomorrow for a workshop on transfer practices.

Kyle and I worked with the Registrar and the Associate Provost to make some changes to Curriculog. We have some bugs to work out in that system, but folks should be receiving emails when they have curricular items to approve, and there should be a pathway to note whether a course is being converted or proposed as an online course, which will divert the proposal to the Distance Learning Committee. Kyle and I have spoken about making more significant changes this summer.

Dean Milliken kindly noted that the curriculum initiation policy approved last year in the Senate failed to include continuing contract faculty. The Executive

Committee is in agreement that revising that policy should be uncontroversial, and we'll add that item to the February Senate agenda.

The Executive Committee also discussed the fact that we'll need to hold elections, and we'll likely call for an election committee in February or March. Terms for the UFS President, Treasurer, and Senator-at-Large will expire at the end of this semester, and the terms for roughly half of the Senate seats will also expire.

At our last Executive Committee meeting, we also discussed using Senate funds for faculty Awards. We'll talk about that later in this meeting, but I wanted to get you all thinking a little bit about that. We have roughly \$750 we could safely spend, and we're considering establishing an award for a research open to all faculty, a teaching award specifically for junior faculty, and possibly establishing a service award open for all faculty. If you have opinions about how we might allocate those funds, please make sure to share them later in this meeting.

As I noted during my earlier comments, EPCC and the Senate will take up the provost's recommendations for program warehousing in the February or March meetings. After discussion with the Executive Committee, we suggest a process by which the provost submits Curriculog proposals for each program recommended for warehousing. I'll send a note to faculty to inform them that a proposal has been submitted and I'll request that faculty respond with comments through Curriculog or by responding to my email. At the EPCC and Senate meetings, Kyle and I will summarize the rationale for warehousing the program and the information provided to the Working Group and submitted in the open hearing. We'll ask if there are additional comments or corrections, and we'll then put the proposal to a vote. Should the Senate reject a proposal, we're asking that the Provost inform us of his intentions with respect to that proposal before the next Senate meeting.

**January Ohio Faculty Council (OFC) report from Mitch Nyawalo:** There were two main topics that were discussed at the January meeting. One item discussed was the Affordability and Efficiency Report. Each institution has different needs and priorities, so the state does not want to use these as a point of comparison between institutions. It was acknowledged that this report mostly focuses on reducing cost with no reference to quality. It was mentioned that the report was just template so individual institutions could include quality assessment in this report.

Senate Bill 216 was the other main topic discussed at the meeting. This bill would broaden the grade bands (from PreK-3, 4-9, and 7-12 to just k-8 and 7-12) for which teachers are licensed. This bill would also require college credit plus students to take classes from their high school and not attend a university. The OFC will be

launching a lobbying effort against it and the bill is generally thought to not have much support.

**b. Ad Hoc Committee Updates:**

**i. College Credit Plus:** report from Andy Napper as read into the minutes.

UFS created an ad hoc committee to clarify SSU's College Credit Plus (CCP) policies at its September 25, 2017 meeting. The committee's members are:

- Jennifer Pauley (committee chair, English and Humanities)
- Andy Napper (Natural Sciences)
- John Whitaker (Mathematical Sciences)
- Maggie Lehman (School of Education), and
- Kassiani Kotsidou (Engineering Technologies)

The committee has drafted a process for the initiation of high-school dual-enrollment CCP classes with Shawnee State, as well as renewals thereof in future years.

We also plan to produce a process for the faculty mentoring relationship between SSU and the dual-enrollment high school teacher, as well as a third process that deals with the assessment of these courses.

The committee has met three times during fall semester and is organizing a meeting schedule for the spring.

The committee chair has sought feedback and clarifications of our current CCP procedure from the College Credit Plus advisor (Brittany Corsaro), and the Director of Advising & Academic Resources at SSU (Glenna Heckler-Todt).

We plan to submit our proposals for consideration to EPCC before the end of this semester.

**ii. Grade appeals to academic deans:** report from Erik Larson as read into the minutes.

Committee Makeup:

- Erik Larson, co-chair
- Jen Scott, co-chair

- Gene Burns
- Sarah Clausing
- Steve Doster
- Ryan Schiesser, SGA Rep

First met 11/14/17 – received our charge from UFS – to develop a policy for grade appeals to the deans.

Since then we've met two additional times,

- Investigated other institutions policies
- Investigated AAUP (American Association of University Professors) guidelines
- Developed our own policy

Our policy is modeled off of a combination of our findings.

Broadly our policy looks like the following:

1. Student appeals a grade to instructor within 2 weeks into following major term
2. Instructor responds, if student is displeased moves to program chair (as applicable)
3. Program chair responds, if student is displeased moves to department chair (cannot force change)
4. Department chair responds, if student is displeased moves to the academic dean (cannot force change)
5. Student prepares a form and report for the dean and submits
6. Dean reviews appeal. If the dean decides the appeal is a complaint about faculty, policies outlined in the CBA (Article 18) are followed. If the appeal lacks merit, the Dean dismisses the appeal; if the appeal has merit the Dean assigns a committee:
  - i. Committee is three faculty members (and the dean if they choose)
  - ii. Committee reviews all material, holds a hearing with instructor and student (if possible) and rules
  - iii. Ruling is returned to the dean who acts on ruling
    1. Dean asks instructor to change grade, if they are unwilling the dean asks the registrar to change the grade
7. Student cannot appeal if they are displeased by the committees ruling

All of the steps are timed to ensure the appeal is wrapped up by the end of the semester.



We've talked with 2 deans so far about this policy and they are on-board, we will be meeting with the last dean, ombudsperson, and provost this week to get their feedback on the proposed policy.

There is still some fine scale tweaking that we have to do, but we expect the majority of the final policy to look something like that.

Plan to have our final proposed policy to UFS by early March.

Dean Kacir commented that he feels the faculty committee should be a recommending body with the dean making the final decision.

Kyle Vick commented: Would it be possible to make it so that if the faculty committee decides that the grade should be changed, then the dean is obliged to change the grade. However, if the faculty committee decides the grade should not be changed, then the dean would have discretion to overturn this decision.

**c. Graduate Council Update (added to the agenda):** report from Debra Scurlock, which was read by Marc Scott into the minutes.

Information about the graduate programs at SSU.

- Master of Education
  - Curriculum and Instruction
  - Intervention Specialist (as add-on licensure program and not a specific degree).
- Master of Science in Mathematical Sciences
- Master of Occupational Therapy

These are our current graduate programs.

Up- and coming graduate programs.

- OTD- post professional online degree for those who are already occupational therapists but want to advance their degree. We have started this process and hope to have our first fully online class start fall of 2019. In 2027, all occupational therapists will be at the Doctoral level.
- Currently looking at adding graduate courses (18 hours) in English to go along with the Education degree so already licensed teachers are eligible to teach college credit plus courses.
- Currently, Athletic Training (AT) is on a “teach-out” as this degree is going to the master’s level and it has been decided that SSU would

not pursue this avenue. However, there have been meetings with Marshall Un. and OU about articulation agreements to start AT students here and finish at one of the other universities. Additionally, Exercise Science is looking at developing an online Masters of Exercise Science in the near future.

## **10. Unfinished Business:**

### **a. Resolution on State Sales Tax Exemption for Textbooks:**

Marc Scott moved that we vote to postpone discussion of this item. Phil Blau seconded this motion.

Question from Gene Burns: When is the state making the decision?

Answer from Kyle: The Ohio Faculty Council is deciding at its February meeting and it will be voted on by the state legislature in March.

Motion carried with no oppositions and 1 abstention.

## **11. New Business**

### **a. Report from the Textbook Affordability Working Group:** Jen Napper reported.

The BOT approved the Barnes & Noble Inclusive Access (or First Day) Program in the December meeting. This will be a pilot program beginning in Fall 2018. The idea behind this program is that Barnes & Noble will negotiate the lowest (below market) cost for all of the materials for a course to be provided the first day of class. The cost of these materials will be paid for through a course fee. The idea is that the student will have everything they need on the first day of class. This is voluntary, students can “opt out” and faculty are free to choose whatever materials they see fit for their courses. We’d like to try and target multi-section courses like PSYC1101, BUIS1010, etc... If you are interested, please let a member of the committee know (Janet Stewart, Jennifer Napper, Linda Hunt, Sean Dunne, Isabel Graziani, Melissa Rucker, and Alberto Poxes).

The committee is also planning to offer open textbook workshops to provide interested faculty with more information about what kinds of open access materials are available. Dates and times to be announced.

The committee will be sending out a survey to students and faculty very soon. The information provided in the survey will help the committee assess what faculty are currently doing to decrease the cost of course materials and help us

determine what further steps we could be taking to save students money. Those that complete the survey will be entered to win one of two gift cards.

Early adoption helps increase the potential of savings to the student, so please adopt early. Adoption through Faculty Enlight is quick and easy. You can access Faculty Enlight by clicking on the faculty resources link on the Bookstore's webpage.

**b. Senate funding for teaching, service, and research awards.** Motion to fund three awards:

- The Shannon Lawson Award for service
- A teaching award for junior faculty
- A research award

The awards will be funded by splitting the remaining UFS funds, not to exceed \$250, based on the budget at the end of spring semester. The money is to be allocated by the executive committee. This motion was seconded by Tom Piontek and passed unanimously.

**c. SEA/UFS Party:** There was discussion on the date. Settled on February 23 at 6 or 7 p.m. An email will be going out with announcement soon.

**12. Adjournment:** Motion to adjourn meeting was seconded by Cathy Bailey at 5:28 p.m.

**Shawnee State University  
University Faculty Senate  
Treasurer's Report**

**As Of:** 2018-01-29  
**Budget Period:** 2017-18  
**Budget Accounts:** 10-1010-30-10046-\*

Object	Description	FY Budget	Committed	Obligated	Other Consumption	Expenditures	Consumption	Budget Balance	Expended %
61007	Misc Supplies		100.00				100.00	-100.00	
62101	Travel	900.00		97.37		194.74	292.11	607.89	21.6%
62110	Mileage					97.37	97.37	-97.37	
64104	Rental		300.00				300.00	-300.00	
66199	Miscellaneous	787.50						787.50	
<b>Total</b>		<b>900.00</b>	<b>100.00</b>	<b>97.37</b>		<b>292.11</b>	<b>789.48</b>	<b>898.02</b>	<b>0.2%</b>

**Notes:**

**Respectfully Submitted**  
**James M. Reneau – Treasurer UFS**

**RESOLUTION F21-17**

**APPROVAL OF SHAWNEE STATE UNIVERSITY  
TEXTBOOK PROGRAM**

WHEREAS, the University's Barnes & Noble Bookstore offers a program, referred to as Inclusive Access (or First Day), that provides an affordable delivery method for selected instructional materials to students; and

WHEREAS, digital materials, books or interactive components such as access codes are delivered to students on the first day of class at a cost below market price; and

WHEREAS, the program meets applicable U. S. Department of Education regulations for the use of Title IV funds; and

WHEREAS, this effort is part of the University's strategy to reduce textbook costs and to be responsive to statewide affordability and efficiency mandates; and

WHEREAS, the Inclusive Access program is voluntary allowing students to opt out and does not infringe on faculty members' selection of textbooks;

THEREFORE, BE IT RESOLVED the Shawnee State University Board of Trustees approves the Barnes & Noble Inclusive Access program, beginning fall 2018.

(December 15, 2017)

SENATE BILL 216: PUBLIC SCHOOL DEREGULATION ACT

Whereas, The Ohio Faculty Council represents the faculty at all of the four-year public universities in the State of Ohio;

Whereas, Senate Bill 216 sponsored by Senator Huffman in the 132<sup>nd</sup> Ohio General Assembly proposes: 1) the broadening of the grade bands (from PreK-3, 4-9, and 7-12 to just K-8 and 7-12) for which elementary teachers are licensed, and 2) requiring College Credit Plus students to take classes at high schools rather than universities and a study of the efficacy of College Credit Plus;

Whereas, changing the licensing bands would require a significant re-working of the teacher education curriculum by Ohio's public institutions of higher education in what would be an expensive and time-consuming process;

Whereas, the existing teacher education curriculum is based on an extensive knowledge-base and pedagogical research that supports the proposition that the existing licensing bands should result in the most effective instruction for Ohio's students;

Whereas, high school teachers generally have not been trained to teach college courses and do not have the same educational backgrounds and research requirements that make college faculty experts in their fields;

Whereas, instructor credentials are a central factor in the accreditation of institutions that offer college credit courses and that many private and out-of-state institutions question the transferability of courses taught in a high school environment by high school teachers;

Whereas, it would be premature to prohibit a student from enrolling in a course at a college 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 until after the Ohio Department of Education has conducted the proposed study on the results and effectiveness of the College Credit Plus Program as it is currently implemented; now, therefore, be it

*Resolved*, The Ohio Faculty Council opposes the changing of licensing bands for elementary school educators until faculty at Ohio's public institutions of higher education have been able to carefully assess the curricular implications and feasibility of such a change; and let it further be

*Resolved*, The Ohio Faculty Council supports the conducting of a study into the effectiveness of the College Credit Plus Program but opposes requiring College Credit Plus students to take classes at high schools rather than universities at least until the current implementation of the College Credit Plus Program is evaluated.

## **Testimony on Senate Bill 216**

Ohio House of Representatives Ways and Means Committee  
Senator Peggy Lehner, Chair

Dr. Beth Quitslund,  
Vice Chair, Ohio Faculty Council

Chair Lehner, Vice Chair Huffman, Ranking Member Sykes, and Committee members, my name is Beth Quitslund and I am an Associate Professor of English at Ohio University. I also have the honor of serving as the Vice Chair of the Ohio Faculty Council, which represents the faculty at all of the four-year public universities in the State of Ohio. Thank you for allowing me to appear before you today to give a university faculty perspective on Senate Bill 216.

The Ohio Faculty Council represents instructors, scholars, and researchers in higher education, and the majority of our students come through Ohio's public K-12 system. We recognize the importance of making our education dollars go as far as possible. We are also keenly interested in ensuring that Ohio's public institutions deliver as high a quality of education as possible to all our students—those in colleges and universities as well as those in the K-12 system. University faculty deeply respect, and indeed rely on, the expertise of K-12 teachers and district superintendents

There are two specific aspects of Senate Bill 216 that we feel have direct implications for university faculty and the public institutions of higher education in Ohio. It is these aspects of the bill that I would like to address today.

At our January 19 meeting, the Ohio Faculty Council adopted a resolution (attached) that outlines our concerns regarding: 1) the broadening of the current licensure bands for K-12 teachers, and 2) the requirement that students take College Credit Plus courses at their student high school (rather than a college or university campus).

Among the ranks of faculty at Ohio's institutions of higher education are many highly regarded leaders in the field of pedagogical research. They have made it clear to us that best practices are more consistent the current licensing bands than those that are proposed in Senate Bill 216. Given the stakes for Ohio in general and our students in particular, it is imperative that teacher training reflect the state of the art in educational research. Yet, faculty experts in our colleges of education do not seem to have been consulted about this proposed change. In addition, the licensure banding for regular instruction must correspond with that for special education in order to have appropriate intervention for students with special needs.

For universities, moreover, restructuring licensure requirements for K-12 teachers would also mean a costly and time-consuming process of reworking significant aspects of the curriculum in our colleges of education. These are not costs that the bill currently provides for, which means that the four-year institutions—most of which are already on austerity budgets—will have to reallocate resources to a process that many of the faculty in affected programs oppose.

The requirement for College Credit Plus courses to be taken, if possible, on the high school campus threatens to dilute the program into, as a high school teacher I know put it, entirely AP courses without an AP exam. High school teachers who offer College Credit Plus courses must, indeed, meet the accreditation standards of the institution offering the credits, and many of them are very talented. College faculty, however, generally have specific training and expertise for college-level instruction. That includes research expertise in their fields that can provide a transformative experience for their students, including well-prepared high school students participating in College Credit Plus. Indeed, there have been legislative efforts in this session of the General Assembly to encourage college faculty to teach undergraduates, and many of us find introductory and General Education courses satisfying precisely because we can bring the excitement of our fields to students who are not already specializing in them. I am sure that you also appreciate that there are profound differences between high school and college/university campuses and that there is a value to students inherent in those differences. If College Credit Plus students are truly taking college courses, then those opportunities should be available to them.

As with licensure banding, it is important that regulations around College Credit Plus have adequate data to support them. Anecdotally, my own colleagues at Ohio University's regional campuses are finding themselves challenged to serve students who took introductory college classes in their high schools but are underprepared to succeed in subsequent classes on the college campus. But I do not know whether those anecdotes reflect a pattern of watered-down high-school-based College Credit Plus courses, or only the fact that my colleagues are predisposed to notice when such students do poorly in intermediate classes. I cannot know without some study of outcome attainments in various forms of College Credit Plus. The Ohio Department of Higher Education is, in fact, preparing to do such a study. To legislate further at this time on how College Credit Plus courses should be administered seems premature and potentially counterproductive for the students that we are hoping to help.



Chair Lehner and committee, thank you again for the opportunity to share the views of university faculty on Senate Bill 216. I would welcome any questions that you might have for me, or regarding the position of the Ohio Faculty Council.



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Holly Cantrell Gilman and other LSC staff

### **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.

