Senate Bill 229, the bill designed to provide reasonable changes to the Ohio Teacher Evaluation System (OTES), passed unanimously through the Ohio Senate back in December.  Today, a substitute version of the bill was introduced in the House Education Committee that completely overhauled the existing version of the legislation.  The version of SB 229 that [we have been reporting on](http://www.plunderbund.com/2014/03/23/teacher-evaluation-system-changes-still-bogged-down-by-house-education-committee/) is no longer recognizable in the new House version.

The full text of the new SB229 isn’t available in its entirety, but we have obtained a document from the Legislative Service Commission that details the many modifications introduced today.  Honestly, a full discussion of the entire bill will take a few posts to explore fully, but we needed to get some of the early changes out to you immediately and highlight some of the absurdity contained in the new bill.

First and foremost, the House added language that, according the LSC document, “Exempts from collective bargaining all amendments made by the bill to Revised Code provisions regarding educator evaluations.”  This unnecessary step is a direct shot at any local control that districts can exercise with regard to negotiations with teacher unions and is reminiscent of 2011′s Senate Bill 5 tactics at eroding unions in Ohio.  We won’t be able to get a full look at this aspect of the legislation until the full bill is published publicly, but we can be sure that this sets the tone for this entire overhaul and gives us direct insight to the direction the House Education Committee wants to proceed.  We’ll be sure to provide more details about this key turn of events in the bill as more information becomes available.

Next, instead of giving local districts flexibility to reduce the Student Growth Measures component down to 35%, the new bill eliminates that lower bar and maintains the minimum of 50% of a teacher’s evaluation at 50% as it now exists in state law.  This means that value-added measures would remain as a full half of a teacher’s evaluation.  The only exception to this will exist in a yet-to-be-developed framework that would add the option of using student surveys (designed by the Ohio Department of Education) to evaluate a teacher.

The new bill also puts into law some components of the OTES model that have already been created by the Ohio Department of Education and are already in practice:

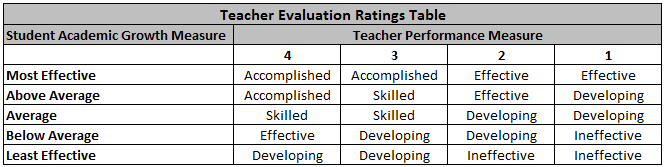
* Establishes 5 ranges of scores for the Student Growth component (most effective, above average, average, below average, least effective)
* Establishes 4 scores for the teacher performance level (1 -4), with 1 being the lowest and 4 being the highest.  This also already exists in the OTES model and the scores are designated by name (Ineffective, Developing, Skilled, Accomplished).

Then, in the first of numerous conflicting parts of this legislation, it adds a **5th** possible performance level rating of “effective” between Skilled and Developing.

To clarify that contradiction in this new bill, it mandates **FOUR** levels for teacher performance in one place, then adds a **FIFTH** level in a different place.

In addition to that oddity, there is more that reveals that the drafters of this new version of SB229 are ignorant of the content.  In the Senate version of the bill, it permitted teachers receiving a rating of Accomplished to only go through the evaluation process once every three years.  The House scrapped that idea, reverting back to the law which specifies that *Accomplished* or *Skilled* teachers must be evaluated every other year, but added a further condition to allow that to happen.  In order for an Accomplished or Skilled teacher to be only evaluated every other year, that teacher must receive a rating of “average” or higher on the Student Growth Measures component.

Here’s why that added condition is ridiculous.  The bill includes a new Final Rating Table that would show where a teacher ends up after their performance level is merged with their student growth measures.

[](http://www.plunderbund.com/wp-content/uploads/2014/03/RATINGTABLE.png)

Again, the added condition states that an *Accomplished* or *Skilled* teacher must receive a rating of “average” or higher on the Student Growth Measures component to qualify to be evaluated every other year.  Look at the chart for the words Accomplished and Skilled.  Now look at the Student Academic Growth Measures ratings on the left.  It is **IMPOSSIBLE** for a teacher to be *Accomplished* or *Skilled* without getting “average” or higher on the student growth component!  The condition that the House has added to this bill is completely redundant and wholly irrelevant!

Another extremely important addition to pay attention to is a piece that essentially mandates that a teacher be fired based on their evaluation (again, removing local decision-making). The bill adds language that “prohibits a school district from assigning students to a teacher who has been rated “ineffective” for two consecutive school years”. For one, this does not permit a district to continue to provide professional development assistance to a teacher who may be misplaced in a grade or subject, but this also opens the door for districts to intentionally assign teachers in areas for which they may be underprepared with the goal of being “forced” to fire the teacher based on the state law and preventing the teacher from seeking future employment as an educator, regardless of any additional education the teacher might pursue.  This is one more example of the legislators working to take over schools by micromanaging the laws impacting local decision-making.

There is a great deal more in this new bill to discuss, but we want to highlight one additional, substantial change to this bill that takes it in an entirely new direction away from simple modifications to the Evaluation system.

“Not later than July 1, 2016, requires the Department [of Education] to develop a standardized framework for assessing student academic growth for grade levels and subjects for which the value-added progress dimension does not apply”.

They are once again talking about statewide standardized assessments for every subject and every grade, K-12.

In addition to that gem, the bill *“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 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…”*

In short, standardized tests in every grade in the four core subject areas will be developed and required to be administered beginning in the 2016-2017 school year.

This addition of standardized tests in all grades and subjects also includes language that would require the Ohio Department of Education to identify outside vendors to produce these tests, meaning that for-profit testing companies stand to profit substantially if this component proceeds unchanged.

This final piece is also not new to Ohio legislation.  Let’s go back again to Senate Bill 5.  We wrote an article about this attempt to bring in standardized tests to all grades and subjects back in June, 2011, when it was a part of Senate Bill 5.  At that time we calculated that such a provision would cost the state over $300 million to implement.  [You can read that article here.](http://www.plunderbund.com/2011/06/04/doing-the-math-batchelder-wants-addl-330-million-for-education/)  We do not see any additional funding provisions attached with the new SB 229 that would meet this financial need.

Friends, SB 229 was a simple bill designed to make reasonable corrections to a newly-implemented evaluation system.  Now, the House is clearly trying to bring back components of Senate Bill 5 in an effort to lord over the state’s public school system.

Are you ready for this fight?

#RememberInNovember