



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0100/page 1 of 8

REVISED DEFINITIONS - VOL. 35, NO. 1

DEFINITIONS

Whenever the following items are used in these () bylaws and policies (**✓**) **bylaws, policies and administrative guidelines**, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Agreement

A collectively negotiated contract with a recognized bargaining unit.

Apps and Web Services

Add
Apps/web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network, or client-server applications in which the user interface runs in a web browser. Apps/web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps/web services also are used to facilitate communication to, from and among and between, staff, students, and parents.

Board

The Board of Education.



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0100/page 2 of 8

Bylaw

Rule of the Board for its own governance.

Classified Employee

An employee who provides support to the District's program and whose position does not require a professional license.

Compulsory School Age

A child between six and eighteen years of age or a child under six years of age who has been enrolled in kindergarten unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

District

The School District.

Due Process

The safeguards to which a person is entitled in order to protect his/her rights.

Educational Service Center Superintendent [LOCAL]

The Superintendent of Schools for the _____
Educational Service Center Schools.

Full Board

Authorized number of voting members entitled to govern the District.



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____**SCHOOL DISTRICT**

BYLAWS
0100/page 3 of 8

Information Resources

Add

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

pk

Any **prearranged discussion of the Board's public business by a majority of Board members.**~~gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.~~



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____**SCHOOL DISTRICT**

BYLAWS
0100/page 4 of 8

Parent

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise. When a student is the subject of a power of attorney or caretaker authorization affidavit executed by the student's grandparent(s), the term parents shall also refer to the grandparent designated as the attorney-in-fact under the power of attorney or the grandparent who executed the affidavit.

MAKE ONE (1) CHOICE UNDER OPTION #1 (REGARDING GRANDPARENT RIGHTS UNDER POWER OF ATTORNEY) AND ONE (1) CHOICE UNDER OPTION #2 (REGARDING GRANDPARENT RIGHTS UNDER A CARETAKER AUTHORIZATION AFFIDAVIT)

OPTION #1

- [] Although the grandparent shall have rights and responsibilities with regard to the care, physical custody, and control of the student, including the ability to enroll the student in school, to obtain from the District educational or behavioral information about the student, consent to all school related matters, and consent to medical, psychological, or dental treatment for the student, the power of attorney does not convey legal custody of the grandchild to the grandparent and does not affect the rights of the parent, guardian, or custodian of the student in any future proceeding concerning the custody of the student or allocation of parental rights and responsibilities for the care of the student.

OR

- [] Although the grandparent is authorized to provide consent in all school related matters and to obtain from the school district educational and behavioral information about the student, the power of attorney does not preclude the parent, guardian or custodian of the child from having access to all school records pertinent to the child.



EOA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0100/page 5 of 8

OPTION #2

- [] Likewise, although the grandparent shall have rights and responsibilities with regard to the care, physical custody, and control of the student, including the ability to enroll the student in school, to discuss with the District the student's educational progress, consent to all school related matters, and consent to medical, psychological, or dental treatment for the student, the caretaker authorization affidavit does not convey legal custody of the grandchild to the grandparent and does not affect the rights of the student's parents, guardian or custodian regarding the care, physical custody, and control of the child.

OR

- [] Likewise, although the grandparent is authorized to provide consent in all school related matters and to discuss with the school district the student's educational progress, the caretaker authorization affidavit does not preclude the parent, guardian or custodian of the child from having access to all school records pertinent to the child.

[NOTE: END OF OPTIONS]

R.C. 3313.64, 3109.52, 3109.65

Personal Communication Devices

Add
Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, ~~(-) telephone paging devices~~ (e.g., beepers or pagers), ~~(-)~~ and/or other web-enabled devices of any type.



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0100/page 6 of 8

Policy

A general, written statement by the governing board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board. (See Bylaw 0170)

Principal

The educational leader and head administrator of one (1) or more District schools. In policy and administrative guidelines, implies delegation of designated responsibilities to appropriate members of his/her staff.

Professional Staff Member

An employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the Division of Teacher Education and Licensing.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

Secretary

The chief clerk of the Board of Education.

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____**SCHOOL DISTRICT**

BYLAWS
0100/page 7 of 8

Student

A person who is officially enrolled in a school or program of the District.

Superintendent

The chief executive officer of the School District. In policy, implies delegation of responsibilities to appropriate staff members.

Technology Resources

Added

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Textbook

This word is used to describe the learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

Treasurer

The chief fiscal officer of the District.



NEOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0100/page 8 of 8

Vice-President

The Vice-President of the Board of Education. (See Bylaw 0170)

Voting

A vote at a meeting of the Board of Education. The law requires that Board members must be physically present in order to have their vote officially recorded in the Board minutes. R.C. 3313.18, 3313.20

Citations to Ohio Statute are noted as R.C. (Revised Code). Citations to Rules of the State Board of Education are noted as A.C. (Administrative Code). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____**SCHOOL DISTRICT**

BYLAWS
0160/page 14 of 20

REVISED BYLAW 0167.1 - VOL. 35, NO. 1

0167.1 *Ada* **Use of Electronic Mail/Text Messages**

Ada

Since E-mail **and Text Messages are forms** ~~is a form~~ of communication that could conflict with the Sunshine Law, ~~it~~ **they** will be used only for the purposes of communicating:

- () messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- () possible agenda items between the Superintendent and the Board President;
- () times, dates, and places of regular or special Board meetings;
- () a Board meeting agenda or public record information concerning items on the agenda;
- () requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- () responses to questions posed by members of the public, administrators, or school staff.

Ada

Under no circumstances shall Board members use E-mail **or Text Messages** to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.



NEOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

BYLAWS
0160/page 20 of 20

REVISED BYLAW 0169.2 - VOL. 35, NO. 1

() with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.

[] The portion of the meeting during which the participation of the public is invited shall be limited to _____, unless extended by a vote of the Board.

R.C. 3313.20

0169.2

Open Meetings/Sunshine Law

The Sunshine Law applies to the Board, and to any committee or subcommittee created by the Board or required by law or rule.

A "meeting" to which the Sunshine Law applies is any prearranged discussion of the public business of the Board, committee or subcommittee by a majority of its members, including, but not limited to, regular and special meetings, work sessions, retreats, planning meetings, and study groups. A series of prearranged meetings attended by a minority of the Board to discuss the public business, without giving proper notice, is a violation of the Sunshine Law. A majority of members may gather at social or other events, but may not discuss public business. **The Sunshine Law prohibits any private prearranged discussion of public business by a majority of Board members regardless of whether the discussion occurs face to face, telephonically, by video conference, or electronically by e-mail, text messages, tweet, or other forms of communication.**

Add

Add

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EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1530/page 1 of 5

REVISED POLICY - VOL. 35, NO. 1

EVALUATION OF PRINCIPALS AND OTHER ADMINISTRATORS

Application

This policy shall apply to all persons employed by the Board of Education in a position requiring licensure as an administrator. This definition excludes school counselors but includes professional pupil services personnel and administrative specialists (or equivalent positions) who spend less than fifty percent (50%) of their time teaching or otherwise working directly in the presence of students.

This policy shall also apply to all persons employed in positions not requiring administrative licensure, but whose job duties enable them to be considered either a "supervisor" or "management level employee" as defined in R.C. 4117.01.

Procedures

General Requirements

The Superintendent shall implement a program of regular evaluation for all administrative personnel which includes the following elements:

- A. The evaluation process shall fairly attempt to measure the administrator's effectiveness in performing the duties set forth in his/her job description.
- B. A written evaluation document shall be produced for each evaluation. Each administrator shall be evaluated at least once annually.
- C. The evaluation shall be conducted by the Superintendent or his/her designee (such designation may be oral or in writing) prior to the Board's consideration of contract renewal or non-renewal, the Superintendent shall review the results of the evaluation process with the Board.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1530/page 2 of 5

Specific Requirements for Building Principals and Assistant Principals

In addition to the above, procedures for the evaluation of District building principals and assistant principals will be based upon comparable standards as set forth in the policy adopted by the Board for the evaluation of teachers pursuant to R.C. 3319.111,

- () which adopts the Ohio Teacher Evaluation System (OTES)

but tailored to address the duties and responsibilities of building principals and assistant principals and the environment in which they work. The Superintendent is authorized to develop administrative guidelines for the procedural and substantive evaluation of building principals and assistant principals consistent with this policy and State law

- () and is further authorized to access the Ohio Principal Evaluation System (OPES) model as a resource in the development and maintenance of an evaluation process which is weighted equally on student growth measures and performance on the standards of the profession for principals and assistant principals.

Evaluation Instruments

The Superintendent may, in his/her discretion, utilize a single evaluation instrument for all administrative positions, instruments particularized for each position, or a combination of both types of instruments.

Evaluation instruments shall be developed and/or utilized by the Superintendent as s/he may determine in his/her best professional judgment and may be modified from time-to-time by the Superintendent in the exercise of such professional judgment. Specific Board approval of the evaluation instruments or modifications to such instruments shall not be required.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1530/page 3 of 5

Basis for Evaluation

Each evaluation shall fairly attempt to measure the administrator's effectiveness in performing the duties of his/her job description.

Evaluations may be based upon the direct formal observations of the administrator, but may also consider informal or incidental observations and other relevant information which is within the knowledge of or brought to the attention of the evaluator. Out-of-school conduct may be considered if such conduct impairs the individual's effectiveness as an administrator or as a role model for students and staff.

Observations and Conferences

A pre-evaluation conference may be conducted if deemed necessary or advisable by the evaluator.

Add | Formal observations may be made of the administrator, either announced or unannounced, but shall not be a required element of the evaluation process **except for principals and assistant principals, who are subject to OPES.** Whether formal observations are **deemed** appropriate to ~~the other administrative positions~~ **positions** shall be determined by the evaluator on a case-by-case basis.

Add | Following any formal observations and/or gathering of other evaluative data, and before finalizing any evaluation report, the evaluator shall arrange a post-evaluation conference at which the results of the evaluation process are discussed with the administrator. To the extent that any weaknesses or deficiencies have been identified in the evaluation process, the evaluator shall offer suggestions for improvement. Identified weaknesses and suggestions for improvement shall be identified in the evaluation report, but shall not be a required element of any evaluation. **However, for principals and assistant principals, the requirements of OPES shall apply in determining the need for growth and/or improvement plans.**



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1530/page 4 of 5

A final written evaluation report shall be produced in a manner deemed appropriate by the evaluator, in consultation with the administrator. This evaluation report may be combined with the evaluation instruments, or may be a separate document. The evaluation report shall be signed and dated by the administrator and the evaluator at the conclusion of the post-evaluation conference. The signature of the administrator shall not necessarily indicate that s/he agrees with the evaluator's comments or conclusions, but only that s/he has been made aware of such comments or conclusions. A copy of the evaluation report shall be provided to the administrator.

The final evaluation report for an administrator in the last year of his/her contract shall include the Superintendent's intended recommendation to the Board concerning the renewal or non-renewal of the contract.

Number and Timing of Evaluations

A. **Administrator Not in Final Year of Contract**

An administrator not in the final year of his/her contract shall be evaluated at least once during the school year. A written copy of the evaluation report shall be provided to the administrator no later than the end of the administrator's contract year as defined by the administrator's annual salary notice.

B. **Administrator in Final Year of Contract**

An administrator whose contract is due to expire at the conclusion of the current school year shall have at least one (1) preliminary evaluation and one (1) final evaluation during such year. A written copy of the preliminary evaluation report shall be provided to the administrator at least sixty (60) days prior to any Board action on the renewal or non-renewal of the contract. A written copy of the final evaluation report shall be provided to the administrator at least five (5) days prior to any Board action on the renewal or non-renewal of the contract.



NEOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1530/page 5 of 5

Meeting with Board

Each administrator shall be provided the opportunity to meet with the Board in executive session prior to the Board's action on his/her contract. In this meeting, the Board shall discuss its reasons for considering the renewal or non-renewal of the contract. The administrator may be accompanied by a representative of his/her choosing at the meeting. However, no witnesses or other persons may appear with or on behalf of the administrator without the express permission of the Board.

Written notice of the right to have such a meeting with the Board shall be provided in accordance with law to each administrator whose contract is expiring at the conclusion of the current school year.

Written Rebuttal

The administrator may, at any time following the receipt of an evaluation report, submit a written rebuttal, not to exceed three (3) pages in length, which shall be promptly attached to the evaluation report and any copies of the evaluation report which are retained in the District's records or submitted to the Board for its consideration.

Legal Effect

This policy and the procedures contained herein shall not create a legal expectancy of continued employment or a property interest in continued employment, and shall not be deemed a part of any individual administrator's contract or otherwise a contractual obligation of the Board.

To the extent that any of the procedures contained herein exceed the requirements of Ohio law, such procedures shall not be construed as a pre-condition to contract non-renewal and shall not prevent the Board from proceeding with a contract non-renewal which otherwise satisfies the minimum requirements of Ohio law.

R.C. 3319.02, 3319.111, 3319.112, 4117.01



NEOLA of OHIO TEMPLATES

BOARD OF EDUCATION

SCHOOL DISTRICT

ADMINISTRATION

1619/page 1 of 1

NEW POLICY - VOL. 35, NO. 1

GROUP HEALTH PLANS

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

☒ [OPTION #1]

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

☒ Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional () monthly () quarterly compensation equal to % of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer. **[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service].**

[END OF OPTION #1]

☒ [OPTION #2]

The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act.

[END OF OPTION #2]



EOLA of OHIO
TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1619.01/page 1 of 3

REVISED POLICY - VOL. 35, NO. 1

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- () Medical Plan
- () Prescription Drug Plan
- () Dental Plan
- () Vision Plan
- () Employee Assistance Plan
- () Long-term Care Plan (not long-term disability)
- () Health Flexible Spending Accounts (FSA)
- () Other; specify _____

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints Treasure to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1619.01/page 2 of 3

Add
~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints _____ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~
The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints Treasurer to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board, upon request. ~~The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

[] ~~Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official.~~



NEOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

ADMINISTRATION
1619.01/page 3 of 3

✓ The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

45 C.F.R. 164.530

45 C.F.R. 164.308

~~29 C.F.R. Part 1635~~

~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~

42 U.S.C. 1320d-5(a)(1)

45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)

45 C.F.R. 164.530

45 C.F.R. 164.308

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NEOLA of OHIO
TEMPLATES

BOARD OF EDUCATION

SCHOOL DISTRICT

ADMINISTRATION
1619.03/page 1 of 1

NEW POLICY - VOL. 35, NO. 1

PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 USC 218B
26 USC 4980H

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EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
SCHOOL DISTRICT

PROGRAM
2460/page 1 of 2

REVISED POLICY - VOL. 35, NO. 1

SPECIAL EDUCATION

Ad The Board of Education is committed to providing a free appropriate public education (**FAPE**) to children with disabilities identified in accordance with applicable State and Federal laws, rules, and regulations. **This includes students who are confined to community corrections facilities or juvenile detention centers. The District shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs (IEPs) and in accordance with the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, including Child Find and Evaluation requirements. Students with disabilities who are in adult county jails shall continue to receive FAPE during incarceration subject to their continued eligibility for services and subject to exceptions related to security and safety.**

[SELECT EITHER OPTION #1 OR OPTION #2]

Option #1 [NOTE: Choose this Option if the District is adopting the Special Education Model Policies and Procedures.]

In order to satisfy the requirements of the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* ("Ohio Operating Standards"), the Board of Education adopts the model policies and procedures promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA"), the regulations implementing the IDEIA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

[END OF OPTION #1]



NEOLA of OHIO
TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROGRAM
2460/page 2 of 2

Option #2 [NOTE: Choose this Option if the District is writing its own Special Education Policies and Procedures.]

In order to satisfy the requirements of the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities*, the Board developed the following policies and procedures regarding the education of children with disabilities:
_____ [reference all policies and procedures].

[] The Board further adopts the following method as the one it will use to determine the existence of a specific learning disability: _____. The Superintendent is directed to develop written procedures for the implementation of this method.

[NOTE: END OF OPTION #2]

Copies of () Model Policies and Procedures () relevant policies and procedures are available at the office of the Board of Education.

R.C. 3323.05, 3323.051, 3323.08
A.C. 3301-51-01 et seq., 3301-51-02(F)
IDEIA, 20 U.S.C. 1400 et seq.
34 C.F.R. Part 300

Discussion
Only



EOLA of OHIO
TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 1 of 19

REVISED POLICY - VOL. 35, NO. 1

STANDARDS-BASED TEACHER EVALUATION

[DRAFTING NOTE: This is only a policy "template" and requires numerous and important local choices prior to finalization and for any subsequent revisions. In addition, the final policy including subsequent revisions must be adopted "in consultation with teachers employed by the Board"]

The Board of Education is responsible for a standards-based teacher evaluation policy which conforms to the framework for evaluation of teachers as approved by the State Board of Education and aligns with the "Standards for the Teaching Profession" as set forth in State law.

[] The Board adopts the Ohio Teacher Evaluation System ("OTES") model as approved by the State Board of Education.

The Board believes in the importance of ongoing assessment and meaningful feedback as a powerful vehicle to support improved teaching performance and student growth, as well as promotion and retention decisions for teachers.

This policy shall be implemented as set forth herein and shall be included in the collective bargaining agreement with the _____, and in all extensions and renewals thereof.

This policy has been developed in consultation with teachers employed by the Board.

The Board authorizes the Superintendent to establish and maintain an ongoing _____ **[insert name of local evaluation committee]**, with continuing participation by District teachers

() represented by the _____,

for the express purpose of recommending necessary changes to the Board for the appropriate revision of the policy.

*



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 2 of 19

Definitions

"OTES" - Stands for the Ohio Teacher Evaluation System as adopted by the Ohio State Board of Education in 2011, or as otherwise modified by the State Board of Education.

"Teacher" - For purposes of this policy, "teacher" means licensed instructors who spend at least fifty percent (50%) of his/her time providing content-related student instruction and who is working under one (1) of the following:

- A. A license issued under R.C. 3319.22, 3319.26, 3319.222 or 3319.226; or
- B. A permanent certificate issued under R.C. 3319.222 as it existed prior to September, 2003; or
- C. A permanent certificate issued under R.C. 3319.222 as it existed prior to September, 2006; or
- D. A permit issued under R.C. 3319.301.

Substitute teachers and teachers not meeting this definition are not subject to evaluation under this policy. Full time bargaining unit members who do not meet the definition will be evaluated utilizing the evaluation procedures of the collective bargaining agreement in effect between the Board and the _____.

The Superintendent, Treasurer, () Business Manager and any "other administrator" as defined by R.C. 3319.02 are not subject to evaluation under this policy.

"Credentialed Evaluator" - For purposes of this policy, each teacher subject to evaluation will be evaluated by a person who:

- A. meets the eligibility requirements under R.C. 3319.111(D); and
- B. holds a credential established by the Ohio Department of Education (ODE) for teacher evaluation; and
- C. has completed State-sponsored evaluation training and has passed an online credentialing assessment.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 3 of 19

[CHOOSE ONE]

- ☐ The Board will approve and maintain a list of credentialed evaluators as necessary to effectively implement this policy.
- ☐ The Board shall authorize the Superintendent/designee to approve and maintain a list of credentialed evaluators as necessary to effectively implement this policy.

[END OF OPTION]

"Core Subject Area" – means reading and English language arts, mathematics, science, foreign language, government, economics, fine arts, history and geography.

"Student Growth" – for the purpose of the District's evaluation policy, student growth is defined as the change in student achievement for an individual student between two (2) or more points in time.

"Student Learning Objectives" ("SLOs") - include goals identified by a teacher or group of teachers that identify expected learning outcomes or growth targets for a group of students over a period of time.

"Shared Attribution Measures" – student growth measures that can be attributed to a group.

"Value-Added" – refers to the EVAAS Value-Added methodology provided by SAS, Inc., which provides a measure of student progress at the District and school level based on each student's scores on State-issued standardized assessments.

"Vendor Assessment" – student assessments approved by the Ohio Department of Education (ODE) that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification exams, or end-of-course examinations for grade level and subjects for which the Value-Added measure does not apply.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 4 of 19

[Drafting Note: Districts may wish to consider further definitions, including but not limited to those listed below:]

"Evaluation Cycle" – is the period of time for the completion of the evaluation procedure. The evaluation cycle is completed when student growth measures resulting from assessments that were administered in the previous school year are combined with the teacher performance ratings resulting from performance assessments that are conducted for the current school year to assign a summative evaluation rating.

[] "Evaluation Factors" – refers to the multiple measures that are required by law to be used in the teacher evaluation procedure. The two (2) factors, which are weighted equally, are student growth measures at fifty percent (50%) and teacher performance at fifty percent (50%).

[] "Evaluation Factors" – refers to the multiple measures that are required by law to be used in the teacher evaluation procedure. The Board utilizes the alternative framework, which includes the teacher performance measure, student growth measures, and one (1) or a combination of alternative measures.

The teacher performance measure shall account for at least fifty percent (50%) of each teacher's rating and the student academic growth measure shall account for at least thirty-five percent (35%) of the rating. The remaining fifteen percent (15%) shall be one (1), or any combination, of the following:

- A. students surveys
- B. teacher self-evaluations
- C. peer review evaluation;
- D. student portfolios;
- E. any other component determined by the Board in consultation with District teachers. ~~**[NOTE: This alternative may include the option to increase the value of teacher performance or student academic growth measures and/or combinations of both.]**~~

[END OF OPTION]



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION

SCHOOL DISTRICT

PROFESSIONAL STAFF
3220/page 5 of 19

"Evaluation Framework" – means the document created and approved by the Ohio Department of Education (ODE) in accordance with R.C. 3319.111(A) that establishes the standards-based framework for the evaluation of teachers developed under R.C. 3319.112.

"Evaluation Instruments" – refers to the forms ~~used by the teacher's evaluator. Those forms, developed by the ODE, are located in the Appendix to this policy.~~
[Drafting note: You may choose to identify where these forms reside, i.e. in an appendix to the policy, in an evaluation handbook, etc.]

"Evaluation Procedure" – the procedural requirements set forth in this policy are intended to provide specificity to the statutory obligations established under R.C. 3319.111 and R.C. 3319.112 and to conform to the framework for the evaluation of teachers developed under R.C. 3319.112.

"Evaluation Rating" – means the final summative evaluation level that is assigned to a teacher pursuant to terms of this policy. The evaluation rating is assigned at the conclusion of the evaluation cycle when the evaluation factors are combined.

Each completed evaluation will result in the assignment of one (1) of the following evaluation ratings: Accomplished, Skilled, Developing, or Ineffective.

"Teacher Performance" – is the assessment of a teacher's performance, resulting in a performance rating. As an evaluation factor, the teacher performance dimension is based on direct observations of a teacher's practice (including materials and other instructional artifacts) and walkthroughs that are performed by a credentialed evaluator. Teacher performance results are reported as a teacher performance rating that may be coded as "1" indicating lowest performance to "4" indicating highest performance.

"Teacher-Student Data Linkage" (TSDL) – refers to the process of connecting the teacher(s) of record (based upon above definition) to a student and/or defined group of students' achievement scores for the purpose of attributing student growth to that teacher.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 6 of 19

Standards-Based Teacher Evaluation

Teacher evaluations will utilize multiple factors, with the intent of providing meaningful feedback to each teacher and assigning an effectiveness rating based upon teacher performance, student growth, and other locally determined criteria.

Each teacher evaluation will result in an effectiveness rating of:

- A. Accomplished;
- B. Skilled;
- C. Developing; or
- D. Ineffective.

The specific standards and criteria for distinguishing between these ratings/levels of performance shall be the same as those developed by the State Board of Education, which are incorporated herein by reference.

The Superintendent shall annually cause to be filed a report to the Ohio Department of Education (ODE) the number of teachers for whom an evaluation was conducted as well as the number of teachers assigned each rating as set forth above, aggregated by teacher preparation programs from which and the years in which the teachers graduated. The Board will utilize the ODE's guidelines for reporting this information.

- [] The Board may elect not to evaluate a teacher who was on leave from the School District for fifty percent (50%) or more of the school year and/or submitted notice of retirement that was accepted by the Board no later than December 1st of the year the teacher was scheduled to be evaluated.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 7 of 19

Assessment of Teacher Performance

Teacher performance will be evaluated during formal observations and periodic informal observations also known as "classroom walkthroughs." Such performance, which will comprise at least fifty-percent (50%) of a teacher's effectiveness rating, will be assessed through a holistic process by trained and credentialed evaluators based upon the following *Ohio Standards for the Teaching Profession*:

- A. understanding student learning and development and respecting the diversity of the students they teach;
- B. understanding the content area for which they have instructional responsibility;
- C. understanding and using varied assessment to inform instruction, evaluate and ensure student learning;
- D. planning and delivering effective instruction that advances individual student learning;
- E. creating learning environments that promote high levels of learning and student achievement;
- F. collaborating and communicating with students, parents, other educators, District administrators and the community to support student learning; and
- G. assuming responsibility for professional growth, performance and involvement.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION

SCHOOL DISTRICT

PROFESSIONAL STAFF
3220/page 8 of 19

Formal Observation and Classroom Walkthrough Sequence

A. All instructors who meet the definition of "teacher" under R.C. 3319.111 and this policy shall be evaluated based on at least two (2) formal observations of at least thirty (30) minutes each and periodic classroom walkthroughs each school year.

B. Teachers on a limited contract who are under consideration for renewal/nonrenewal shall receive at least three (3) formal observations in addition to periodic classroom walkthroughs () unless the Superintendent waives the third observation.

[] A teacher

() who has been granted a continuing contract by the Board and

who receives a rating of "Accomplished" on his/her most recent evaluation may be evaluated every three (3) years, as long as the teacher's academic growth measure for the most recent year for which data is available, is average or higher. If the determination is made to evaluate every three (3) years, the teacher will nevertheless be provided with at least one (1) observation and post conference in any year that such teacher is not formally evaluated.

[] The Board may evaluate each teacher

() who has been granted a continuing contract by the Board and

who received a rating of Skilled on the teacher's most recent evaluation once every two (2) years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 9 of 19

[] A teacher

() who has been granted a continuing contract by the Board and

who receives a rating of "Accomplished" on his/her most recent evaluation and who is scheduled to be evaluated may request that in place of one (1) of the required observations, the teacher instead may complete a project. The Superintendent/designee shall approve or deny the teacher's request in his/her sole discretion.

Pursuant to this policy and Board resolution, the Board shall approve a list of projects recommended by the Superintendent/designee that demonstrate a teacher's continued growth and practice at the accomplished level for accomplished teachers who wish to complete a project in lieu of one (1) formal observation.

Evaluations will be completed by May 1st and each teacher will be provided a written report of the results of his/her evaluation by May 10th. Written notice of nonrenewal will be provided by June 1st.

In evaluating teacher performance in these areas, the Board shall utilize the measures set forth by the Ohio Department of Education's OTES "Teacher Performance Evaluation Rubric" for instructional planning, instruction and assessment, and professionalism, ~~set forth herein in the Appendix.~~ **[Drafting note: you may choose to identify where these measures reside, i.e. in an appendix to the policy, in an evaluation handbook, etc.]**

Each teacher evaluated under this policy shall annually complete a "Self-Assessment" utilizing the Self Assessment Summary Tool set forth herein as "Teacher Evaluation Form."



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
SCHOOL DISTRICT

PROFESSIONAL STAFF
3220/page 10 of 19

Formal Observation Procedure

[CHOOSE ONE]

- () The first formal observation shall be preceded by a conference between the evaluator and the employee prior to the observation in order for the employee to explain plans and objectives for the classroom situation to be observed. The second observation will be unannounced.
- () All formal observations shall be preceded by a conference between the evaluator and the employee prior to the observation in order for the employee to explain plans and objectives for the classroom situation to be observed.

[END OF OPTION]

- B. A post-observation conference shall be held after each formal observation.

Informal Observation/Classroom Walkthrough Procedure

A walkthrough is a formative assessment process that focuses on one (1) or more of the following components and results in brief written notes or a summary:

- A. evidence of planning
- B. lesson delivery
- C. differentiation
- D. resources
- E. classroom environment
- F. student engagement
- G. assessment, or
- H. any other component of the standards and rubrics approved for teacher evaluation



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 11 of 19

A walkthrough shall consist of at least ____ consecutive minutes, but not more than ____ consecutive minutes in duration. The walkthrough should be of sufficient duration to allow the evaluator to assess the focus of the walkthrough.

Data gathered from the walkthrough must be placed on the **appropriate designated** form. **[Drafting note: you may choose to identify where this form resides, i.e. in an appendix to the policy, in an evaluation handbook, etc.]** ~~designated in the Appendix. Feedback from walkthroughs shall be provided electronically within _____ of the walkthrough. The teacher and or administrator may request a face to face meeting to discuss observations relative to the identified focus of the walkthrough.~~

Written feedback from walkthroughs shall be provided after the walkthrough. The teacher and/or administrator may request a face to face meeting to discuss observations relative to the identified focus of the walkthrough.

- A. Classroom walkthroughs shall not unreasonably disrupt and/or interrupt the learning environment.
- B. A final debriefing and completed form must be shared with the employee within a reasonable amount of time.

Assessment of Student Growth

In determining student growth measures, the Board adopts the Ohio Department of Education's Ohio Teacher Evaluation System (OTES), which calculates student growth by assessing achievement for an individual student occurring between two (2) points in time. It is important to note that a student who has forty-five (45) or more absences for the school year will not be included in the determination of student academic growth.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 12 of 19

In general, the Board will utilize the following categories to determine this aspect of a teacher's evaluation, depending upon the instructor involved:

- A1. Teachers instructing in value-added subjects exclusively;
- A2. Teachers instructing in value-added courses, but not exclusively¹;

OR

- B. Teachers instructing in areas with Ohio Department of Education approved vendor assessments with teacher-level data available; or
- C. Teachers instructing in areas where no teacher-level value-added or approved vendor assessment available.²

Where value-added methodologies exist for A1 and A2 teachers, the Board will utilize them in the evaluation process, ~~to the extent set forth in the Appendix of the "District Student Growth Measurement Index."~~ Teachers instructing in value-added courses, but not exclusively, will utilize teacher value-added and locally determined measures proportionate to the teacher's schedule.

¹For these teachers, value added will be used for the student academic growth factor in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable. Teachers with multiple subjects that have value-added data will be issued reports for a composite of reading and math; for other assessments (approved vendor and local measures), the assessment data measures should be representative of the teacher's schedule.

²If used, only one (1) "shared attribution" measure can be utilized per instructor.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 13 of 19

When an approved Ohio Department of Education vendor assessment is utilized in the measurement of student growth, it will be included in the evaluation process for "B" teachers. ~~to the extent set forth in the Appendix of the "District Student Growth Measurement Index."~~

When neither teacher-level value-added data nor Ohio Department of Education-approved assessments are available, the District shall use locally-determined Student Growth Measures for District teachers. ~~as set forth in the Appendix of the "District Student Growth Measurement Index."~~ Student Growth Measures may be comprised of SLOs, shared attribution, and/or non-Value-Added vendor data.

An SLO must be based upon the following criteria: Baseline and Trend Data, Student Population, Interval of Instruction, Standards and Content, Assessment(s), Growth Targets, and Rationale for Growth Targets. When new SLO's are developed or revised, the process will include consultation with teachers employed by the Board. ~~The Board's process for creating and revising SLO's is set forth in the Appendix of the "District OTES Student Growth Measures Manual."~~

Data from these approved measures of student growth will be scored on five (5) levels in accordance with the Ohio Department of Education/OTES:

- (5) Most Effective
- (4) Above Average
- (3) Average
- (2) Approaching Average
- (1) Least Effective



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 14 of 19

Final Evaluation Procedures

Each teacher's performance rating will be combined with the assessment of student growth measures () and any other locally determined alternative measures to produce the summative evaluation rating, based upon the criteria developed by the Ohio Department of Education.

The evaluator shall provide that each evaluation is submitted to the teacher for his/her acknowledgement by written receipt. If signed, by the teacher, the receipt is to be sent to the Superintendent as soon as received.

Student Growth Measures (SGM)/Student Learning Objectives (SLO)

When utilizing vendor assessments to construct SGMs, all related materials shall be purchased by the Board and all affected staff shall be trained on utilization and other considerations by _____ **[insert date]**.

When utilizing SLOs to construct SGMs, the teacher shall submit the completed SLO template for approval of the SLO no later than _____ **[insert date]**.

- A. The _____ **[insert name of appropriate committee]** shall review all submitted SLOs by _____ **[insert date]**.
- B. Any SLO that is rejected by the _____ **[insert name of appropriate committee]** or the Superintendent shall be returned to the teacher/group with specific designation of deficiencies by _____ **[insert date]** with ____ days for the resubmittal of the corrected SLO.

Teachers shall administer the final assessment to determine student growth as defined in the approved SGMs.

Prior to submitting the SGM results to the designated evaluator, the teacher may request that the _____ **[insert name of appropriate committee]** review the results for the sole purpose of verifying accuracy.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 15 of 19

The District may use shared attribution SGM scores as determined in consultation with the _____ **[insert name of appropriate committee]**.

- [] Job sharing arrangements: The percentage of SGM scores applicable to teachers in an approved job sharing arrangement shall be mutually agreed upon by the individual teachers in the job sharing arrangement and the Building Principal.
- [] Co-teaching arrangements: Teachers who have an approved co-teaching arrangement shall have a percentage of the SGM score for the individual teachers in the co-teaching arrangement based on the time each has spent with the student(s).

Professional Growth Plans and Professional Improvement Plans

Based upon the results of the annual teacher evaluation, each teacher must develop either a professional growth plan or professional improvement plan as follows:

- A. Teachers whose ~~performance~~ **final summative** rating ~~indicates above expected levels of student growth is~~ **"accomplished"** will develop a professional growth plan and may choose their credentialed evaluator from those available to the Board for that purpose, utilizing the components set forth in the "Teacher Evaluation Form."
- B. Teachers whose **final summative** ~~performance~~ rating indicates ~~expected levels of student growth is~~ **"skilled"** will develop a professional growth plan collaboratively with his/her credentialed evaluator and will have input on his/her evaluator for the next evaluation cycle, utilizing the components set forth in the "Teacher Evaluation Form."
- C. Teachers whose final summative rating is **"developing"** will develop a professional growth plan with their credentialed evaluator. The administration will assign the evaluator for the subsequent evaluation cycle and approved the professional growth plan, utilizing the components set forth in the "Teacher Evaluation Form."



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
SCHOOL DISTRICT

PROFESSIONAL STAFF
3220/page 16 of 19

- C.D. Teachers whose **final summative** performance rating indicates below expected levels of student growth **is "ineffective"** will develop a professional improvement plan with their credentialed evaluator. The administration will assign the evaluator for the subsequent evaluation cycle and approve the professional improvement plan, utilizing the components set forth in **the** "Teacher Evaluation Form."

Core Subject Teachers - Testing for Content Knowledge

Beginning with the 2015-2016 school year, core subject area teachers must register for and complete all written examinations of content knowledge selected by the Ohio Department of Education if the teacher has received an effectiveness rating of "Ineffective" on his/her annual evaluation for two (2) of the three (3) most recent school years.

If a teacher passes the examination set forth above and provides proof of that passage to the Board, the teacher will be required, at the teacher's expense, to complete professional development that is targeted to the deficiencies identified in the teacher's evaluations conducted under this policy.

The following may be grounds for termination of a teacher pursuant to R.C. 3319.16:

- A. failing to complete all required written examinations under this section;
- B. a failing score on a written examination(s) taken pursuant to this section;
- C. a rating of "ineffective" on the teacher's next evaluation after passing all written examinations pursuant to this section and after completion of the required professional development; or
- D. failure of a teacher to complete the required professional development.

Any teacher passing the examination set forth above will not be required to take the examination again for three (3) years, regardless of the teacher's evaluation ratings or the performance index score ranking of the building in which the teacher teaches.

No teacher shall be responsible for the cost of taking an examination set forth above.



EOLA of OHIO TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 17 of 19

Board Professional Development Plan

In accordance with the Ohio State Board of Education's State-wide evaluation framework, the Board has adopted a specific plan for the allocation of financial resources to support the professional development of teachers covered by this policy. The plan will be reviewed annually.

Retention and Promotion Decisions/Removal of Poorly Performing Teachers

It is the purpose of this Standards-Based Teacher Evaluation Policy to improve the quality of instruction, enhance student learning and strengthen professional competence through meaningful feedback and targeted professional development. In addition, the evaluations produced will serve to inform the Board on employment decisions, i.e., retention, promotion of teachers, renewal of teaching contracts, and the removal/nonrenewal of poorly performing teachers.

Definitions:

"Retention" - for purposes of this policy refers to employment decisions on the question of whether or not to suspend a contract pursuant to a reduction in force, nonrenew a limited or extended limited contract, or terminate employment for good and just cause. In the case of a reduction in force, seniority will not be considered when making decisions on contract suspensions, except in the instance of comparable evaluations. The decision to nonrenew or terminate the contract of a poorly performing teacher may be informed by the evaluation(s) conducted under this policy. However, decisions to nonrenew or terminate a teaching contract are not limited by the existence of this policy.

"Promotion" - as used in this context is of limited utility given the fact that teachers covered by this policy are not currently employed in any discernible hierarchy. Nevertheless, when making decisions relative to such matters as determining department or grade level chairpersons, selections to curricular or strategic planning bodies, or teaching assignments, the Board will consider teacher performance as indicated by evaluations.

"Poorly Performing Teachers" - refers to teachers identified through the evaluation process set forth in this policy who demonstrate an inability and/or unwillingness to meet the reasonable expectations of this standards-based evaluation system.



EOLA of OHIO

TEMPLATES

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 18 of 19

"Comparable Evaluations" - since seniority may not be the basis for teacher retention or other employment decisions, except when deciding between teachers who have comparable evaluations, this refers to teachers within the categories of "Ineffective," "Developing," "Skilled," and "Accomplished."

Removal of Poorly Performing Teachers

Poorly performing teachers may be removed, upon recommendation of the Superintendent, either through nonrenewal or termination, when the following has been demonstrated:

- A. failure of a core subject area teacher required to take a written examination to pass such examination;
- B. failure of core subject area teacher required to take a written examination to complete required professional development;
- C. failure of core subject area teacher to complete all required written examinations;
- D. receipt of an "Ineffective" rating by a core subject area teacher in the evaluation following passage of a written examination and completion of required professional development;

() _____

() _____

OR [Recommended]

[] Removal of poorly performing teachers will be in accordance with the nonrenewal and termination statutes of the Ohio Revised Code

- () and/or the relevant provisions of the collective bargaining agreement in effect between the Board and the _____.



NEOLA of OHIO TEMPLATES

BOARD OF EDUCATION

_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF

3220/page 19 of 19

Nothing in this policy will be deemed to prevent the Board from exercising its rights to nonrenew, terminate, or suspend a teaching contract as provided by law and the terms of the collective bargaining agreement in effect between it and the _____. The evaluation system and procedures set forth in this policy shall not create an expectation of continued employment for teachers on a limited contract that are evaluated under this policy. The Board reserves the right to nonrenew a teacher evaluated under this policy in accordance with R.C. 3319.11 notwithstanding the teacher's summative rating.

R.C. 3319.02, 3319.11, 3319.111, 3319.112, 3319.114, 3319.22, 3319.222

R.C. 3319.226, 3319.26, 3319.58, 3333.0411

A.C. 3301-35-03(A)

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H.B. 64 (2015)

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