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NEOLA, Inc.

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THANKS
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SPECIAL RELEASE – MAY 2016

OVERVIEW AND COMMENTS

As part of House Bill 64 passed by the Ohio Legislature last summer (June 2015, Revised Code 3319.113 was adopted into law. The statute directed the State Board of Education to develop and approve an evaluation framework for the evaluation of school counselors. R.C. 3319.113 also mandated that Ohio public school districts adopt a school guidance counselor evaluation policy by September 30, 2016 that aligns with the State framework. The policy must be implemented during the 2016 - 2017 school year, and becomes operative at the expiration of any collective bargaining agreement that was in effect prior to September 29, 2015.

The State Board adopted the framework in October of 2015. The Ohio Standards for School Counselors, which sets forth principles of effective counselors, was formally approved by the State Board in November. The State Board subsequently created the Ohio School Counselor Evaluation System ("OSCES") as a model for counselor evaluations.

Under the framework, there are a total of six (6) standards upon which guidance counselors are to be evaluated. Those standards include: 1) comprehensive school counseling program plan; 2) direct services for academic, career and social/emotional development; 3) indirect services including partnerships and referrals; 4) evaluation and data; 5) leadership and advocacy; and 6) professional responsibility, knowledge and growth. School counselors will receive a score in each of the six standards, as well as a seventh element that assesses a counselor's ability to positively impact student outcomes referred to as the student metrics score.

Counselors are to be annually based on the standards and metrics, and are to receive a final rating of "Accomplished," "Skilled," "Developing," or "Ineffective."

Publication of this Special Release is in response the requirements of H.B. 64 and to assist clients in adopting a School Counselor Evaluation Policy. Last week, the Ohio Department of Education posted an OSCES Resource Guide and OSCES Model that address many of the nuances of the new statute and also provide model forms for districts to use. It is recommended that districts review these resources, now available at

<http://education.ohio.gov/Topics/Career-Tech/Career-Connections/School-Counselors/School-Counselor-Standards-and-Evaluation>

during the development of this policy.



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As with OTES, however, a number of questions remain about the new law. For instance, it is unclear whether the OSCES policy must be bargained with unions or whether it may simply be adopted by the board. Unlike under ORC 3319.111, there is statutory requirement that the policy be created in "consultation" with employees.

In addition, there is no formal definition of "school counselor" included in the law. We do know that school counselors must have a license issued by ODE in accordance with requirements listed under O.A.C. 3301- 24-05. ODE has also indicated that school counselors must be engaged in typical counseling duties. However, it may be difficult to determine whether an employee must be evaluated under OSCES or another evaluation policy or procedure if the employee engages in a variety of tasks that may fall outside of traditional school counselor duties throughout the workday.

Further, unlike under OTES there are no statutory deadlines for completion of evaluations. It is recommended that districts utilize the deadlines mandated under OTES for consistency - May 1st for completion of observations and May 10th for delivery of the written evaluation results. Further, it is possible that ODE will require data to be entered into eTPES by a certain deadline. Notice of nonrenewal for school counselors at the end of a limited contract is June 1st.

Finally, the law does require that evaluators conduct at least two thirty minute observations of school counselors as well as periodic informal evaluations. However, evaluators cannot conduct formal and informal observations when school counselors are engaged in confidential counseling activities. Evaluators therefore may be more limited in opportunities to evaluate school counselors.

Policy 3223 is offered as a discussion draft. It is critical that districts utilize this template to create a policy that addresses each district's unique needs.

District-Specific Material

If the District chooses to adopt a new policy or guideline or incorporate District-specific material into an existing policy or guideline other than what has been proposed by NEOLA, then the District agrees to hold NEOLA harmless for those District-specific edits and acknowledges that NEOLA's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, NEOLA retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

- A. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
- B. New materials that the District develops in their entirety and exclusive of NEOLA; and
- C. Revisions or deletions that substantively depart from NEOLA's templates.



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Further, NEOLA does not recommend the use or incorporation of District-specific materials. NEOLA will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. NEOLA reserves the right to, but is not obligated to, advise the District to seek its own legal review of District-specific materials.

If you have questions about any of these Special Release materials, contact your NEOLA Associate.

All production related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing and other questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).



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NEW POLICY – SPECIAL UPDATE – MAY 2016

STANDARD - BASED SCHOOL COUNSELOR 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 school counselors employed by the Board"]

The Board of Education is responsible for a standards-based school counselor evaluation policy which conforms to the framework for the evaluation of school counselors as approved by the State Board of Education and aligns with the "Standards for School Counselors" as set forth in State law.

[] The Board of Education adopts the Ohio School Counselor Evaluation System (OSCES) as approved by the State Board of Education.

The Board believes school counselors play a critical role in supporting student learning and success and maintaining a positive school environment. The standards based system of school counselor evaluations is designed to provide meaningful and consistent feedback to support counselor professional growth and inform employment decisions.

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 school counselors.
[Drafting Note: Consultation is not included as a requirement in statute or ODE framework, but is consistent with provisions of OTES.]

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

() represented by the _____,

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



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[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 selected student metrics are combined with the counselor performance ratings resulting from performance assessments on the standards 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 school counselor evaluation procedures, including performance on all six (6) areas identified by the standards and the ability to produce positive outcomes using student metrics selected by the Board. School counselors will receive a score in each of the six standards and the student metrics, which shall be weighted equally (1/7 of the final summative score).

"Evaluation Framework" – means the standards-based framework adopted by the State Board of Education for the evaluation of school counselors in accordance with R.C. 3319.113.

"Evaluation Instruments" – refers to the forms used by the school counselor's evaluator as developed locally.

"Evaluation Procedure" – the procedural requirements set forth in this policy are intended to provide specificity to the statutory obligations established under R.C. 3319.113 and to conform to the framework for the evaluation of school counselors developed under R.C. 3319.113.

"Evaluation Rating" – means the final summative evaluation level that is assigned to a school counselor pursuant to terms of this policy. The evaluation rating is assigned at the conclusion of the evaluation cycle when the school counselor performance rating is combined with the results of student metrics. Each completed evaluation will result in the assignment of one (1) of the following evaluation ratings to Accomplished, Skilled, Developing, or Ineffective.

"High Performing School Counselor" - is a school counselor who earns a summative rating of "Accomplished" or "Skilled" on his/her most recent evaluations.



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"School Counselor Performance" - is the assessment of a school counselor's performance on each of the six State-adopted standards, resulting in a performance rating. As an evaluation factor, the school counselor performance dimension is based on direct observations of a counselor's practice by a credentialed evaluator. Performance results are reported as a performance rating that may be coded as "1" indicating lowest performance to "4" indicating highest performance.

"Student Metrics" - the locally determined measure(s) that assess a school counselor's ability to produce positive student outcomes.

Standards-Based School Counselor Evaluation

School Counselor evaluations will utilize multiple factors, with the intent of providing meaningful feedback to each school counselor and assigning an effectiveness rating based upon school counselor performance and the counselor's assessment on selected student metrics.

- 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) in accordance with requirements mandated by ODE. The Board will utilize the ODE's guidelines for reporting this information.



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Assessment of School Counselor Performance

School Counselor performance will be evaluated during formal observations and periodic informal observations. Such performance will be assessed through a holistic process by trained and credentialed evaluators based upon the following *Ohio Standards for School Counselors*:

- A. Comprehensive School Counseling Program Plan;
- B. Direct Services for Academic, Career and Social/Emotional Development;
- C. Direct Services for Academic, Career and Social/Emotional Development;
- D. Evaluation and Data;
- E. Leadership and Advocacy; and
- F. Professional Responsibility, Knowledge and Growth.

Formal and Informal Observations

- A. School Counselors shall be evaluated based on at least two (2) formal observations of at least thirty (30) minutes each and informal observations each school year.



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- B. A high performing school counselor will be evaluated less frequently as follows.
1. A school counselor who receives a rating of "Accomplished" on his/her most recent evaluation may be evaluated every three (3) years, as long as the counselor's metrics for student outcomes for the most recent year for which data is available, is "skilled" or higher. If the determination is made to evaluate every three (3) years, the counselor will nevertheless be provided with at least one (1) observation and conference in any year that such counselor is not formally evaluated.
 2. A school counselor who receives a rating of "Skilled" on his/her most recent evaluation may be evaluated every other year, as long as the counselor's metrics for student outcomes for the most recent year for which data is available, is "skilled" or higher. If the determination is made to evaluate every other year, the counselor will nevertheless be provided with at least one (1) observation and conference in any year that such counselor is not formally evaluated.

Evaluations will be completed by () May 1st () _____ and each school counselor 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.

- [] Each school counselor evaluated under this policy shall annually complete a "Self-Assessment" utilizing the Self-Assessment Summary Tool approved by the Board.



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Formal Observation Procedure

The observations will not be conducted when school counselors are engaged in counseling activities with students that require confidentiality.

[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.

[Drafting Note: the ODE framework permits both announced and unannounced observations. Pre and post conferences are considered "best practice" but are not required.]

Informal Observation/Walkthrough Procedure

The observations will not be conducted when school counselors are engaged in counseling activities with students that require confidentiality.

An informal observation is a formative assessment process that focuses on one (1) or more of the components included in the State-adopted standards.

An informal observation should be of sufficient duration to allow the evaluator to assess the focus of the observation.

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Data gathered from the observation must be placed on the form designated in the Appendix. Feedback from observations shall be provided electronically within _____ days. The school counselor and/or evaluator may request a face to face meeting to discuss observations relative to the identified focus of the informal observation.

- A. Informal observations shall not unreasonably disrupt and/or interrupt the work day.
- B. A final debriefing and completed form must be shared with the employee within a reasonable amount of time.

Assessment of Student Metrics

The Board will select student metrics that will be utilized for school counselor evaluations in the areas of academics, career, and social emotional development. Any modifications to the metrics that will be used in school counselor evaluations will be adopted before the start of the school year. **[Drafting Note: In order to obtain an "Accomplished" rating in this area, a school counselor must have a top score in all three (3) categories. Therefore, metrics should be included in all three (3) areas for such a rating. A counselor may obtain a score in just one (1) area, however, to receive a summative score.]**

Data from these approved measures of student growth will be scored on four (4) levels, with a score of "1" being the lowest and "4" being the highest.

Final Evaluation Procedures

Each school counselor's performance rating for each of the six (6) standards will be combined with the assessment of student metrics to produce the final summative.

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



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Professional Growth Plans and Professional Improvement Plans

Based upon the results of the annual evaluations conducted in accordance with this policy, each school counselor must develop either a professional growth plan or professional improvement plan as follows:

- A. School counselors with a final summative rating of "Accomplished" will develop a professional growth plan.
- B. School counselors with a final summative rating of "Skilled" will develop a professional growth plan collaboratively with their evaluator.
- C. School counselors with a final summative rating of "Developing" will develop a professional growth plan collaboratively with their evaluator. A building administrator must approve the professional growth plan.
- D. School counselors with a final summative rating of "Ineffective" will develop an improvement plan with their evaluator. A building administrator must approve the improvement plan.

Professional growth and improvement plans must be completed by _____ each school year. The Board retains the discretion to place a school counselor on an improvement plan at any time based on deficiencies in any individual component of the evaluation system.

Board Professional Development Plan

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



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Retention and Promotion Decisions/Removal of Poorly Performing School counselors

The evaluations produced will serve to inform the Board on employment decisions, i.e., retention, promotion of school counselors, renewal of employment contracts, and the removal/nonrenewal of poorly performing school counselors.

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 decision on contract suspensions, except in the instance of comparable evaluations. The decision to nonrenew or terminate the contract of a poorly performing school counselor may be informed by the evaluation(s) conducted under this policy. However, decisions to nonrenew or terminate an employment contract are not limited by the existence of this policy.

"Promotion"- as used in this context is of limited utility given the fact that school counselors covered by this policy are not currently employed in any discernible hierarchy. Nevertheless, when making decisions relative to such matters as determining employee assignments, the Board will consider school counselor performance as indicated by evaluations.

"Poorly Performing School Counselors"- refers to school counselors 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.

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



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Removal of Poorly Performing School Counselors

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

- A. receipt of an "Ineffective" rating by a school counselor;
- B. _____
- () _____
- _____

OR [Recommended]

- [] Removal of poorly performing school counselors 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 _____.

Nothing in this policy will be deemed to prevent the Board from exercising its rights to nonrenew, terminate, or suspend a school counselor 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 employees on a limited contract that are evaluated under this policy. The Board reserves the right to nonrenew a school counselor evaluated under this policy in accordance with R.C. 3319.11 notwithstanding the school counselor's final summative rating.

R.C. 3319.02, 3319.11, 3319.113, R.C. 3319.16
A.C. 3301-24-05
H.B. 64