

## Guidance on Safe Harbor

As Ohio transitions to new state tests, safe harbor gives schools, teachers and students time to adjust to the new tests. In most cases, there will no longer be consequences tied to the results of the state tests given in the 2014-2015 school year. The consequences of state tests usually impact the following school year. Therefore, a safe harbor on tests given in the 2014-2015 school year will affect consequences in the 2015-2016 school year.

As part of safe harbor, the 2015 Ohio School Report Card (which is based on 2014-2015 test results) will not have an overall letter grade or letter grades for the six groupings of measures called components. All other results and letter grades will be reported on the 2015 Ohio School Report Card, just like previous years. The following sections outline how safe harbor impacts school districts, teachers and students.

### Safe harbor for school districts:

School districts can become eligible for certain programs or interventions based on their report card performance. Safe harbor for school districts means there will not be changes in the 2015-2016 school year based on the tests given this year for the following programs or interventions:

- Academic Distress Commissions: These commissions are formed to help improve the poorest performing school districts in the state. Commissions are formed after three consecutive years of poor results on the report card. Safe harbor means that the 2015 report card will not be used as part of the three years. It will not count as a gap in the consecutive years. The 2015 report card will simply not factor in at all.
- Challenged School District Designation: When a school district is designated as a “challenged” school district, it allows new community schools to open in the district. Safe harbor for these designations means no new school districts will be designated as challenged school districts based on the 2015 report card. Instead, school districts with this designation will continue to hold the designation through the 2015-2016 school year.
- Community School Closure: Community schools receive the same type of report card as traditional public schools. Community schools that are not performing as expected can be closed in two different ways. First, the community school’s sponsor (the entity responsible for the community school) can close the school if it believes the school is underperforming. Most community schools are closed in this manner. The second way community schools can be closed is by meeting certain criteria on the

report card. Safe harbor means that the 2015 report card will not be used to judge whether a community school should be automatically closed using the method in law. It will not count as a gap year that resets the school's performance. The 2015 report card will simply not factor into the automatic closure. Safe harbor does not affect a sponsor's ability to close a charter school on its own. Sponsors may still consider the grades from the 2015 report card in their decisions.

- Columbus Parent Trigger Pilot Project: The parent trigger pilot applies to any school in the Columbus City School District that also is in the bottom five percent of achievement statewide. Parents at one of these schools can vote to take over the school and implement a new turnaround model. Safe harbor for the pilot means that no new schools will be eligible for the pilot program in the 2015-2016 school year based on the 2015 report card.
- Educational Choice Scholarship Program: Low-income students and students attending persistently poor performing school buildings can become eligible for vouchers to pay the cost of attending private schools. Safe harbor means that no new school buildings will be included in the program for the 2016-2017 school year. However, buildings that were eligible in the 2015-2016 school year will continue to be eligible in the 2016-2017 school year. Results from the tests given in the 2014-2015 school year will not be used moving forward. Students in all school buildings and school districts will still be eligible for scholarships based on their families' income levels.
- School Restructuring: When traditional public schools receive low report card grades, there are several laws that require them to restructure or even close. Safe harbor means that no new school buildings will be required to restructure because of state law based on the 2015 report card. However, there are restructuring requirements included in federal law that are not covered by safe harbor. This portion of safe harbor will likely only affect a few schools.

### **Safe harbor for teachers:**

Student growth makes up a significant portion of a teacher's evaluation. State tests are one of the ways to calculate this student growth. Because of the transition to new state tests, House Bill 487 created an opportunity for a safe harbor for teachers. Safe harbor for teachers allows school districts and teachers' unions to enter a memorandum of understanding to not include student growth calculated from state tests when making decisions regarding dismissal, retention, tenure or compensation.

Teachers covered by safe harbor will still receive a student growth score and an overall, summative rating. However, the score and rating may not be used for the

employment decisions previously mentioned. It is up to the school district and teachers' union, through the memorandum of understanding, to determine how the remaining components will be used for those employment decisions.

The rating of a teacher covered by safe harbor still can be used to trigger professional development and improvement plan requirements. If their performance is high enough, these teachers also can be placed on a modified evaluation schedule in future years.

School districts and teachers' unions are not required to take advantage of safe harbor. Furthermore, this safe harbor would not apply to teachers exclusively using vendor tests or other local student growth measures. Roughly 80 percent of teachers did not use state tests for their student growth measures last year.

If a teacher uses state tests for the student growth portion of the evaluation, the growth data used is from the previous year. This is because the law requires evaluations to be completed before the end of the school year. The results from state tests are not returned to teachers until the summer after the school year. This means that teachers with safe harbor will be exempt from some consequences in the 2015-2016 school year based on state test results from the 2014-2015 school year. For more information on recent changes to the teacher evaluation system, please visit the department's [website](#).

### **Safe harbor for students:**

After creating a safe harbor for school districts and teachers, the General Assembly passed House Bill 7 that outlines several ways students may not be impacted by the 2014-2015 state tests.

Schools may not use the results from the tests given during the 2014-2015 school year in any decision to grant credit to a student. The law also ensures that a student's score report from these tests is only released to the school district, the student and the student's family. Finally, schools may not use the results from the tests given during the 2014-2015 school year as a factor to promote or deny a student's promotion to a higher grade level.

The only exception to this safe harbor provision is the Third Grade Reading Guarantee. Students still will be required to reach the promotion score on the state's reading test or an alternative test if they are not exempt from retention. It should be noted that the third grade reading test this year is the Ohio Achievement Assessment, the same as last year. It will transition to the new test in the 2015-2016 school year. For more information on the Third Grade Reading Guarantee, please visit the department's [website](#).

Safe harbor does not apply to graduation requirements. The Ohio Graduation Tests are not part of the testing transition and this year's sophomores, juniors and seniors still must pass these tests to graduate. This year's freshmen and below are taking end-of-course tests to earn graduation points. A student's performance on these tests will impact a student's graduation. However, safe harbor allows any student to retake any end-of-course test at a future date. Furthermore, students have other opportunities to earn graduation points on other tests and have access to two other graduation options in order to earn a high school diploma. For more information on graduation requirements, please visit the department's [website](#).

State law requires a student using a voucher to attend a nonpublic school to take state tests in order to continue using the voucher. However, safe harbor for students means that students will be able to renew their scholarships even if they do not take the state test in the 2014-2015 school year. Students still must meet all remaining renewal eligibility criteria to receive awards for the 2015-2016 school year. Sophomores, juniors and seniors who attend nonpublic high schools still must pass the Ohio Graduation Tests to graduate; however, participation in the test will not be considered a requirement for the renewal of scholarships. Additionally, school districts will not lose funding for students who do not take the state tests in the 2014-2015 school year.