



Ohio Legislative Service Commission

Bill Analysis

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Reps. Stebelton and Butler, Amstutz, Grossman, Hayes, Huffman, McClain, Roegner, Thompson

BILL SUMMARY

- Replaces the current academic performance rating system for school districts, individual buildings of districts, community schools, STEM schools, and college-preparatory boarding schools with a phased-in letter grade system under which districts and schools are assigned grades of "A," "B," "C," "D," or "F" based on 13 measures to reflect the performance profile of each district or school.
- Requires the State Board of Education to develop an alternative academic performance rating system for community schools serving primarily students enrolled in dropout prevention and recovery programs.
- Establishes criteria for closing dropout prevention and recovery community schools based on their academic performance.
- Requires the Department of Education to review additional information included on report cards and submit to the Governor and the General Assembly recommendations for revisions.
- Establishes a new evaluation process for determining which community school sponsors may sponsor additional schools.
- Delays implementation of the new sponsor evaluation system until the 2015-2016 school year.
- Renames the Ohio Accountability Task Force as the Ohio Accountability Advisory Committee and alters its membership and duties.

- Requires the State Board to submit to the General Assembly recommendations for a comprehensive statewide plan to intervene in and improve the performance of persistently poor performing schools and school districts.
- Specifically permits educational service centers to partner in the development of STEM schools.
- Permits an educational service center to sponsor a new start-up community school in any challenged district in the state, instead of just its service territory, so long as it receives approval to do so from the Department of Education.

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CONTENT AND OPERATION

Performance rating system

The bill replaces the current academic performance rating system for school districts, individual buildings of districts, community schools, STEM schools, and college-preparatory boarding schools with a "performance profile" system, under which districts and schools are assigned letter grades of "A," "B," "C," "D," or "F" for overall academic performance and for each of several performance measures. The State Board of Education must adopt the performance criteria for each letter grade and prescribe a method by which the Department of Education will assign each letter grade. The Department must issue annual report cards reflecting the performance profile of each school district, individual school building operated by the district,¹ community school,² STEM school,³ and college-preparatory boarding school⁴ using the performance measures and letter grades prescribed by the bill.

(See also "**Background on current academic performance rating system**" at the back of this analysis.)

The new ratings are phased in over four school years. The bill incrementally increases the number of graded and reported separate performance measures in each of the 2012-2013 through 2014-2015 school years. For the 2012-2013 and 2013-2014 school years, the Department must assign letter grades only to specified individual metrics. The Department must assign an overall grade starting in the 2014-2015 school year and continue to do for each school year thereafter. The bill also requires the Department to incorporate a high school student academic progress measure to be graded as an individual performance measure and included in the overall grade beginning with the report card for the 2015-2016 school year.

Letter grades

The grade for overall performance of a district or school must be assigned by the Department based on specified performance measures and a performance criteria and method for assigning grades prescribed by the State Board. The bill gives the following meanings to each of the letter grades for the metrics and the overall grade:

¹ R.C. 3302.03.

² R.C. 3314.012, not in the bill.

³ R.C. 3326.17, not in the bill.

⁴ R.C. 3328.26, not in the bill.

A – making excellent progress;

B – making above average progress;

C – making average progress;

D – making below average progress;

F – failing to meet minimum progress.⁵

Performance measures

The following table shows the performance measures (except the high school student academic performance measure) prescribed by the new system and the school year or years for which the measure is graded or reported only.

Performance Measure	2012-2013 School Year	2013-2014 School Year	2014-2015 School Year and Thereafter
Annual measurable objectives	Graded	Graded	Graded
Performance index scores	Graded	Graded	Graded
Performance indicators met	Graded	Graded	Graded
Four- and five-year cohort graduation rates	Graded	Graded	Graded
Overall value-added progress dimension	Graded	Graded	Graded
National standardized test for college admission participation rate and average score	Graded	Graded	Graded
Percentage of students determined not to be "college-ready"	Graded	Graded	Graded
Advanced Placement participation rate and test scores	Reported	Graded	Graded
Dual-enrollment program participation rate	Reported	Reported	Graded

⁵ R.C. 3302.03(E).

Performance Measure	2012-2013 School Year	2013-2014 School Year	2014-2015 School Year and Thereafter
Value-added progress dimension disaggregated for certain student subgroups (gifted students, children with disabilities, and lowest performance quintile)	Reported	Graded	Graded
Kindergarten through third grade literacy rate	None	Graded	Graded
College and career-ready assessment exam	None	Reported	Graded

As noted above, the high school student academic progress measure must be graded and included in the overall grade beginning with the 2015-2016 school year.

Though the State Board must adopt performance criteria for each letter grade and prescribe methods by which the Department assigns each grade, the bill also prescribed some criteria for certain measures. Each measure and the bill's prescribed grading criteria and methods are described below.

Annual measurable objectives (AMO). AMO is a new measure to determine if a district or building is making "adequate yearly progress" (AYP) in closing achievement gaps between students of different subgroups.⁶ (Adequate yearly progress subgroups include: economically disadvantaged students, major racial/ethnic groups, students with disabilities, and limited English proficient students.)

The use of AMO has been approved by the U.S. Department of Education in a waiver from certain provisions of the No Child Left Behind Act (NCLB) granted to the state in the spring of 2012. NCLB generally requires schools and districts to meet AYP for all subgroups every year. AYP is a measure of performance used to determine whether a particular school or district is meeting the goals of NCLB. Instead, AMO measures the reduction of performance gaps within subgroups as opposed to meeting or not meeting annual performance targets.

Performance index score. Performance index score is a measure used under the current report card system. To assign a numeric score, the Department assigns weights to student assessment scores from zero, for a student that does not take a test, to a

⁶ R.C. 3302.03(A)(1)(a), (B)(1)(a), and (C)(1)(a).

maximum score of 120, using progressively larger weights as the level of skill attained on the assessments increases.⁷ In adopting benchmarks for assigning grades for this measure, the bill requires the State Board to designate 92% or higher for an "A."⁸ The Department must add an additional weight at the next higher scoring level for students who have been permitted to pass over a grade or subject under an acceleration policy⁹ and who have scored proficient or higher on an assessment.¹⁰

Performance indicators met. Under current law, the State Board establishes performance indicators for use on the current performance rating system.¹¹ For the 2010-2011 report cards, these performance indicators consisted of performance on state achievement assessments (including the Ohio Graduation Tests), graduation rate, and attendance rate. Under the bill, the State Board continues to be responsible for establishing these indicators, and indicators are just one of the performance measures used in developing the overall letter grade and performance profile. In adopting benchmarks for assigning letter grades for the performance indicator measure, the bill requires the State Board to designate 92% or higher for a letter grade of "A."¹²

Four- and five-year cohort graduation rates. As noted above, the four-year graduation rate is a performance indicator measure for the current report cards. The bill makes the graduation rate a separate and independent performance measure. The four-year cohort graduation rate is the percentage of students currently enrolled in a district or building who entered ninth grade for the first time four years prior to the current school year and who earned a high school diploma by the completion of the current school year. The five-year cohort graduation rate (which is a new measure) is the percentage of students who graduate after entering the ninth grade five years earlier.¹³

Under the bill, a district or school must have a four- or five-year cohort graduation rate of 90% or higher in order to receive an "A" for this performance measure.¹⁴

⁷ R.C. 3302.01(A).

⁸ R.C. 3302.03(A)(1)(b), (B)(1)(b), and (C)(1)(b).

⁹ R.C. 3324.10, not in the bill.

¹⁰ R.C. 3302.01(A).

¹¹ R.C. 3302.02.

¹² R.C. 3302.03(A)(1)(c), (B)(1)(c), and (C)(1)(c).

¹³ R.C. 3302.01(G).

¹⁴ R.C. 3302.03(A)(1)(d), (B)(1)(d), and (C)(1)(d).

Overall score on the value-added progress dimension. The value-added progress dimension, too, is used under the current rating system. It is a measure of academic gain for a student or group of students over a specific period of time that is calculated using data from student achievement assessments. It tracks the amount of a student's academic growth attributable to a particular district or building.¹⁵ To show growth from one year to the next, the dimension tracks student scores on state assessments in subjects and grade levels for which there are assessments for the prior year. Those tests are the reading and math assessments for grades four through eight. The bill allows, but does not require, the Department to use at least two years of value-data, as available, to determine this measure.

The bill also prescribes a grading system for the value-added progress dimension as follows:

(1) For a grade of "A," a district or building must have a score that is at least two standard deviations above the mean score.

(2) For a grade of "B," a district or building must have a score that is at least one standard deviation, but less than two standard deviations above the mean score.

(3) For a grade of "C," a district or building must have a score that is less than one standard deviation above the mean score, but greater than or equal to one standard deviation below the mean score.

(4) For a grade of "D," a district or building must have a score that is not greater than one standard deviation below the mean score, but is greater than two standard deviations below the mean score.

(5) Finally, for a grade of "F," a district or building must have a score that is two standard deviations below the mean score or less.¹⁶

National standardized test participation rate and average score. The State Board must select a national standardized test for college admission. Both the participation rate and average score of students contribute to determining a grade for this measure. In adopting benchmarks for assigning letter grades, the Department must designate a "C" for a district or school with at least a 50% participation rate among

¹⁵ R.C. 3302.021.

¹⁶ R.C. 3302.03(A)(1)(e), (B)(1)(e), and (C)(1)(e).

eligible students and an average composite score on the test that is the equivalent of the state mean score on the test.¹⁷

Percentage of students who are not "college-ready." This measure evaluates the percentage of a district's or school's students who enroll in colleges or universities, in the state and who are determined not to be "college-ready." The Chancellor of the Board of Regents is charged with prescribing a method for determining college readiness for this measure.¹⁸

Advanced Placement (AP) participation rate and test scores. This measure demonstrates the rate of participation in AP classes among students enrolled in a district or school and the percentage of those students who receive a score of three or better on the applicable AP test.¹⁹ Advanced Placement is a program developed and marketed by the College Board that offers students the opportunity to earn college credit while enrolled in high school through participation in high-level approved academic courses in various subject areas. Generally, to be eligible for college credit, a student must take an exam covering the course content. Each college or university establishes its own policy regarding how well students must score on AP exams to receive college credit at that institution.

Participation in dual enrollment programs. Under this measure, a district or building receives a grade based on the number of high school and college credits its students have earned in a school year through dual enrollment programs. Dual enrollment programs include such programs as the Post-Secondary Enrollment Options Program and federal career-technical dual enrollment programs. The credits must appear on the post-secondary transcript issued by the institution of higher education from which the student earned the college credit.²⁰

Value-added progress dimension score for certain subgroups. The Department must disaggregate the value-added progress dimension scores for a district or school for its students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement using a method prescribed by the State Board.

¹⁷ R.C. 3302.03(A)(1)(f), (B)(1)(f), and (C)(1)(f).

¹⁸ R.C. 3302.03(A)(1)(g), (B)(1)(g), and (C)(1)(g).

¹⁹ R.C. 3302.03(A)(2)(a), (B)(1)(h), and (C)(1)(h).

²⁰ R.C. 3302.03(A)(2)(b), (B)(2)(a), and (C)(1)(j).

This measure is separate from overall value-added progress dimension score. The Department, however, must use the same method outlined above for the overall value-added progress dimension score in calculating grades for this measure.²¹

Kindergarten through 3rd grade literacy. The State Board must prescribe a method by which to determine if, and by how much, a district or school is making progress in improving literacy in kindergarten through third grade. In adopting letter grade benchmarks, the State Board must designate a value that is not lower than the statewide average value for this measure for a grade of "C."²²

The bill does not specify what methods the State Board might use for this measure, but presumably, the State Board could prescribe the diagnostic assessments and third grade English language arts achievement assessment used under current law for purposes of administering the Third Grade Reading Guarantee.²³

College and career-ready assessment. Current law requires the Superintendent of Public Instruction and the Chancellor of the Board of Regents to adopt a nationally standardized assessment that measures college and career readiness to be used, in part, as a new measure to replace the Ohio Graduation Test (OGT).²⁴ While the new assessment has not yet been implemented, reportedly, it will be soon. The bill requires the college and career readiness assessment selected by the state Superintendent and the Chancellor also to be used as a separate metric in the bill's new rating system. It will be reported, but not graded, for the 2013-2014 school year and then used as a graded measure beginning with the 2014-2015 school year.²⁵ (The other measures prescribed under current law to replace the OGT are certain end-of-course examinations. They are not incorporated into the bill's new rating system.)

High school academic progress. Finally, not later than July 1, 2015, the State Board must develop a measure of student academic progress for high school students. This measure first will be reported, graded, and included in the overall grade and performance profile on the report card beginning with the 2015-2016 school year.²⁶

²¹ R.C. 3302.03(A)(2)(c), (B)(1)(i), and (C)(1)(i).

²² R.C. 3302.03(B)(1)(j) and (C)(1)(k).

²³ R.C. 3313.608, not in the bill.

²⁴ R.C. 3301.0712(B)(1), not in the bill.

²⁵ R.C. 3302.03(B)(2)(b) and (C)(1)(l).

²⁶ R.C. 3302.03(D).

Disaggregated reporting

As under current law, the bill requires the Department to report disaggregated student achievement and progress data according to certain categories. They include (1) grade level ("age group" under current law), (2) race and ethnic group, (3) gender, (4) students who have been enrolled in a district or school for three or more years, (5) students who have been enrolled in a district or school for more than one year and *less* than three years, (6) students who have been enrolled in a district or school for one year or less, (7) economically disadvantaged students, (8) students enrolled in a conversion community school, (9) limited English proficient students, (10) students with disabilities, (11) migrant students, and (12) gifted students. The bill adds students who perform in the lowest quintile for achievement, as determined by a method prescribed by the State Board to the list of separately reported categories.²⁷

Under continuing law, the Department may not report disaggregated performance data for a group if it contains less than ten students. However, the bill requires the Department to indicate on a report card when that is the reason performance data for a group is not reported.²⁸

The bill also eliminates the reporting of the number of "lead teachers" employed by each district and school on the report card.²⁹

Other actions related to performance ratings

There are several provisions of law that prescribe various actions tied to performance ratings system and data. The bill conforms those provisions to its new phased-in rating system. The table below compares current law with the bill's changes regarding those related actions.

Action	Current law	The bill
Practice OGT (R.C. 3301.0711 (B)(10) and (D)(2))	School districts in academic watch or academic emergency, or that have a three-year average graduation rate or 75% or less, must administer a practice version of the OGT to all ninth graders.	School districts that have a three-year average graduation rate or 75% or less, must administer a practice version of the OGT to all ninth graders.

²⁷ R.C. 3302.03(F).

²⁸ R.C. 3302.03(F).

²⁹ Current division (C)(8) of R.C. 3302.03.

Action	Current law	The bill
<p>NCLB sanctions (R.C. 3302.04(A))</p>	<p>School districts and buildings in academic watch or academic emergency have priority for improvement assistance.</p>	<p>School districts and buildings described below receive priority for Department improvement assistance:</p> <p>(1) Prior to the 2012-2013 school year, districts and buildings in academic watch and academic emergency;</p> <p>(2) For the 2012-2013 school year and thereafter, districts and buildings that have received a rating of "F" for the performance index score or a rating of "D" or "F" for the overall value-added progress dimension.</p>
<p>NCLB sanctions (R.C. 3302.04 (D)(1))</p>	<p>The Department may conduct site visits of academic emergency districts or buildings.</p>	<p>For the 2012-2013 school year and thereafter, the Department may conduct site visits of districts or buildings that have received a rating of "F" for the performance index score or a rating of "D" or "F" for the overall value-added progress dimension.</p>
<p>Pilot school restructuring program (R.C. 3302.042)</p>	<p>The opportunity for parents to petition for school reforms in the Columbus City School District Pilot Project applies with respect to schools that have been ranked in the lowest 5% of all public schools by performance index score for three or more consecutive years.</p>	<p>Parents in the Columbus City School District may petition for school reforms if the school has been ranked in the lowest 5% of all public schools by performance index score for three or more consecutive years (current law) or, for the 2014-2015 school year and thereafter, has received a rating of "D" or "F" for the overall value-added progress dimension.</p>
<p>Exemptions (R.C. 3302.05)</p>	<p>The State Board must adopt rules exempting districts that are excellent or effective from education statutes and certain administrative rules.</p>	<p>The State Board must adopt rules exempting districts if the following applies:</p> <p>(1) For the 2011-2012 school year, the district was declared to be excellent and had above expected growth in the overall value-added measure.</p> <p>(2) For the 2012-2013 and 2013-2014 school years, the district received an "A" for number of performance indicators met and for the overall value-added progress dimension.</p>

Action	Current law	The bill
		(3) For the 2014-2015 school year and thereafter, the district received and overall grade of "A."
Academic distress commissions (R.C. 3302.10)	<p>The state Superintendent must establish an academic distress commission for each district that has been declared to be in academic emergency and has failed to make AYP for four or more consecutive years.</p> <p>The commission ceases to exist when the district is rated continuous improvement or better for two of three prior school years.</p>	<p>The state Superintendent must establish an academic distress commission for each district that meets any of the following conditions:</p> <p>(1) The district has been declared to be in academic emergency and has failed to make AYP for four or more consecutive years (current law);</p> <p>(2) The district has received a grade of "F" for the performance index score <i>and</i> a grade of "D" or "F" for the overall value-added progress dimension for two more consecutive years;</p> <p>(3) The district has received an overall grade of "F" <i>or</i> a grade of "F" for the overall value-added progress dimension for two or more consecutive years; or</p> <p>(4) At least 50% of the schools operated by the district have received an overall grade of "D" or "F."</p> <p>The commission ceases to exist when the district for two of the three prior school years either (1) is rated in need of continuous improvement or better (current law), or (2) receives a grade of "C" or better for <i>both</i> the performance index score and overall value-added progress dimension.</p>
General school restructuring (R.C. 3302.12)	<p>A district is required to restructure a school that has been ranked in the lowest 5% of all public schools by performance index score for three consecutive school years and is in academic watch or academic emergency.</p>	<p>A district is required to restructure any school for which any of following applies:</p> <p>(1) The school has been ranked in the lowest 5% of all public schools by performance index score for three consecutive school years and is in academic watch or academic emergency (current law);</p> <p>(2) The school has received a grade</p>

Action	Current law	The bill
		<p>of "F" for the value-added progress dimension for three consecutive school years; or</p> <p>(3) The school has received an overall grade of "F" for three consecutive school years.</p>
<p>Site-based management councils (R.C. 3313.473)</p>	<p>Excellent and effective districts with more than 5,000 students are exempt from the requirement to designate one school to be operated by a site-based management council.</p>	<p>Districts with more than 5,000 students and ratings as described below are exempt from the requirement to designate one school to be operated by a site-based management council:</p> <p>(1) For the 2011-2012 school year, the district was declared to be excellent or effective (current law).</p> <p>(2) For the 2012-2013 or 2013-2014 school year, the district received grades of "A" or "B" for the performance index score <i>and</i> for the overall value-added progress dimension.</p> <p>(3) For the 2014-2015 school year and any school year thereafter, the district received an overall grade of "A" or "B."</p>
<p>Location of start-up community schools (R.C. 3314.02(A)(3))</p>	<p>New start-up community schools may open only in "challenged school districts," which includes, among others, districts that are in academic watch or academic emergency.</p>	<p>The ratings of a "challenged school district" are expanded to include:</p> <p>(1) For two of the 2012-2013, 2013-2014, and 2014-2015 school years, a district that receives a grade of "D" or "F" for the performance index score <i>or</i> a grade of "F" for the overall value-added progress dimension.</p> <p>(2) For the 2015-2016 school year and thereafter, (a) a district that receives an overall grade of "D" or "F" <i>or</i>, (b) for at least two of the three most recent school years, the district received a grade of "F" for the overall value-added progress dimension.</p> <p>(Other nonratings based criteria for a challenged school district are not changed by the bill.)</p>

Action	Current law	The bill
<p>Multiple-facility community schools (R.C. 3314.05 (B)(1)(e))</p>	<p>A community school may be located in multiple facilities under the same contract if several conditions are met and it continues to have a rating of continuous improvement or higher for two or more consecutive school years.</p>	<p>A community school may be located in multiple facilities under the same contract if several conditions are met and it continues to have a combination of any of the following ratings for two or more consecutive years:</p> <p>(1) A rating of in need of continuous improvement or higher;</p> <p>(2) For the 2012-2013 and 2013-2014 school years, a grade of "C" for both the performance index score and the overall value-added progress dimension;</p> <p>(3) For the 2014-2015 school year and thereafter, an overall grade of "C."</p>
<p>Ohio Teaching Fellows Program (R.C. 3333.391)</p>	<p>Students who commit to teaching for four years in a school district building that is hard-to-staff or in academic watch or academic emergency are eligible for scholarships under the Ohio Teaching Fellows Program.</p>	<p>Students who commit to teaching for four years in a school district building that is hard-to-staff or has a "persistently low performance rating," as determined jointly by the Chancellor and the state Superintendent, are eligible for scholarships under the Ohio Teaching Fellows Program.</p>

Ed Choice eligibility

The Educational Choice Scholarship Program (Ed Choice) operates statewide in every district except Cleveland to provide scholarships for students who are assigned or would be assigned to district schools that have persistently low academic achievement. Under the program, students may use their scholarships to enroll in chartered nonpublic schools. Currently, a student is eligible to apply for an Ed Choice scholarship if the student is attending, or otherwise would be assigned to, a school building operated by the student's resident district that, in two of three report card rankings, either (1) has been declared to be in academic watch or academic emergency, or (2) is ranked in the lowest 10% of all public school buildings according to performance index score, and, in either case, was not rated excellent or effective in the most recent ranking. A student who receives an Ed Choice scholarship may receive scholarships until the student completes grade 12, so long as (1) the student's resident district stays the same or the student transfers to a new district and would be assigned

in that new district to a qualifying building, (2) the student takes each state achievement assessment prescribed for the student's grade level while enrolled in a chartered nonpublic school, and (3) the student is not absent from that school for more than 20 days (not including excused absences).³⁰

Since school and district ratings play a central function in determining Ed Choice eligibility, the bill conforms the Ed Choice law to its new rating system as in the case of the other actions described above. However, the graduated phase in of the new system along with the three-year look-back feature of Ed Choice creates the need for an extensive phase in of new Ed Choice eligibility using multiple variables for different years as the new rating system itself phases into full implementation. The bill does not affect the use of performance index score rankings in determining Ed Choice eligibility.

Under the bill, students who are enrolled in, or would otherwise be enrolled in, a school that received in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is first sought, a combination of any of the following ratings are eligible for an Ed Choice scholarship:

(1) Academic watch or emergency (current law).

(2) A "D" or "F" for *both* the performance index score *and* the overall value-added progress dimension. (Applies only for report cards issued for the 2012-2013 and 2013-2014 school year.)

(3) A "D" or "F" for the overall grade *or* "F" for the overall value-added progress dimension. (Applies for report cards issued for the 2014-2015 school year and thereafter.)³¹

Students who are about to enroll in kindergarten, or are currently enrolled in a community school, and whose resident district has an intradistrict open enrollment policy, are eligible for Ed Choice if the *district* has any combination of the following ratings in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is first sought:

(1) Academic emergency (current law).

(2) A "D" or "F" for the performance index score and the overall value-added progress dimension. (Applies only for report cards issued for the 2012-2013 and 2013-2014 school years.)

³⁰ R.C. 3310.03.

³¹ R.C. 3310.03(A)(1).

(3) A "D" or "F" for the overall grade *or* "F" for the overall value-added progress dimension. (Applies for report cards issued for the 2014-2015 school year and thereafter.)³²

However, a student in any case discussed above is *not* eligible for a new scholarship if the school or district (in the case of intradistrict open enrollment) in the *most recent* report card published prior to July 1st of the school year for which the scholarship is sought is rated as follows:

(1) Effective or excellent (current law).

(2) An "A" or "B" for the performance index score *and* the value-added progress dimension. (Applies only for report cards issued for the 2012-2013 and 2013-2014 school years.)

(3) An "A" or "B" for the overall grade *or* "A" for the value-added progress dimension. (Applies for report cards issued for the 2014-2015 school year and thereafter.)³³

Closure of poorly performing community schools

Under current law, community schools that meet statutory criteria for persistent poor academic performance must permanently close. The bill also amends these criteria to conform to the bill's new phase-in rating system.³⁴ The first schools subject to the new criteria are subject to closure at the end of the 2013–2014 school year. As under current law, a community school that meets the conditions must close at the conclusion of the school year in which the school becomes subject to the closure.³⁵ The table below shows the closure criteria under current law and the bill.

Community School Closure Criteria		
Type of school	Current law (until July 1, 2013)	The bill (to begin July 1, 2013)
A school that does not offer a grade higher than three	Has been in academic emergency for two of the three most recent school years.	For two of the three most recent school years, any of the following: (1) Has been in academic emergency;

³² R.C. 3310.03(A)(5).

³³ R.C. 3310.03(G).

³⁴ R.C. 3314.35(A)(3).

³⁵ R.C. 3313.35(B).

Community School Closure Criteria		
Type of school	Current law (until July 1, 2013)	The bill (to begin July 1, 2013)
		<p>(2) Has received an "F" in the kindergarten through 3rd-grade literacy measure; or</p> <p>(3) Has received an overall grade of "F."</p>
A school that offers any of grades four to eight but no grade higher than nine	<p>(1) Has been in academic emergency for two of the three most recent school years and</p> <p>(2) showed less than one standard year of academic growth in reading or math for two of the three most recent school years.</p>	<p>For two of the three most recent school years, any of the following:</p> <p>(1) Has been in academic emergency;</p> <p>(2) Has received an "F" for the performance index score <i>and</i> for the overall value-added progress dimension; or</p> <p>(3) Has received an overall grade of "F" <i>and</i> an "F" for the value-added progress dimension.</p>
A school that offers any of grades 10 to 12	Has been in academic emergency for two of the three most recent school years.	<p>For two of the three most recent school years, any of the following:</p> <p>(1) Has been in academic emergency;</p> <p>(2) Has received an "F" for the performance index score <i>and</i> has not met its annual measurable objectives (AMO); or</p> <p>(3) Has received an overall grade of "F" <i>and</i> an "F" for the overall value-added progress dimension.</p>

Exemptions

The bill maintains the current law exemption from closure for a community school if the school operates a dropout prevention and recovery program and has a waiver from the Department of Education. However, the bill eliminates this exemption on July 1, 2014, and creates new closure criteria for community schools that operate

dropout programs, which take effect on July 1, 2014.³⁶ Those closure criteria compete with the bill's new separate rating system for dropout community schools (see below).

Additionally, the bill maintains the current permanent exemption for a community school in which a majority of students are children with disabilities receiving special education and related services.³⁷

Additional information on the report card

The bill specifies that, not later than December 31, 2013, the Department of Education must review the additional information collected by the Department on the school district and building report cards, already part of current law,³⁸ and submit to the Governor and the General Assembly recommended revisions to make the report cards easier to read and understand.³⁹

Dropout prevention and recovery program rating system

The bill establishes a separate, phased-in rating and report card system to be used exclusively for community schools that primarily serve students enrolled in dropout prevention and recovery programs.⁴⁰ Reporting under the system begins with the 2012-2013 school year, but an overall rating will not be assigned until the 2014-2015 school year.

Under this new separate system a dropout program is rated on its attainment or nonattainment in meeting each of the following performance indicators:

- (1) Four-, five-, six-, seven-, and eight-year cohort graduation rate (30% weight);
- (2) Percentage of twelfth-grade students and other students within three months of their 22nd birthday who attain a passing score on applicable state achievement assessments for graduation (30% weight);
- (3) Annual measurable objectives (20% weight); and

³⁶ R.C. 3314.35(A)(4).

³⁷ R.C. 3314.35(A)(4)(b).

³⁸ R.C. 3302.03(H).

³⁹ Section 5.

⁴⁰ R.C. 3314.017.

(4) Growth in student achievement in reading or mathematics, or both (20% weight).⁴¹

The overall rating designations are: (1) exceeds standards, (2) meets standards, and (3) does not meet standards.⁴²

The bill specifies that no other report card system applies to community schools with dropout programs. However, the bill clarifies that it does not exempt a dropout program from the requirements of the federal No Child Left Behind Act.⁴³

In addition to the four performance indicators, the bill specifies certain "student-outcome data" be reported on the report card but not included in the overall rating. These data include postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school.⁴⁴

Phase-in

The new ratings are phased in over three school years as described below.

2012-2013 school year. For this school year, no overall rating is assigned, and the following performance indicators are reported without a rating: (1) graduation rates, (2) percentage of twelfth-grade students and other students passing the graduation assessments, (3) statewide average for the graduation rates and the graduation achievement assessment passage rate, and (4) AMO.⁴⁵

2013-2014 school year. For this school year, again no overall rating is assigned, but unlike the previous school year, certain performance indicators *do* receive a rating, while others *do not*. The performance indicators that *are* rated for this school year are: (1) graduation rates, (2) percentage of twelfth-grade students and other students passing the graduation assessments, and (3) AMO.⁴⁶ Student achievement growth in reading or math, or both, and student outcome data are reported but not rated.⁴⁷

⁴¹ R.C. 3314.017(E).

⁴² R.C. 3317.017(D)(1).

⁴³ R.C. 3314.017(B).

⁴⁴ R.C. 3314.017(E)(2)(d)(ii).

⁴⁵ R.C. 3314.017(E)(1).

⁴⁶ R.C. 3314.017(E)(2)(a) to (c).

⁴⁷ R.C. 3314.017(E)(2)(d).

2014-2015 school year and thereafter. For the 2014-2015 school year and thereafter, an overall rating *is* assigned and the following performance indicators receive an individual rating and are included in the computation of the overall rating: (1) graduation rates, (2) percentage of twelfth-grade students and other students passing the graduation assessments, (3) AMO, and (4) student achievement growth in reading or math, or both. Student outcome data, as described above, must be included on the report card, but it must not be included in the calculation of the overall rating.⁴⁸

Duties of the State Board

Under the bill, not later than March 31, 2013, the State Board must specify by rules the expected performance levels and benchmarks for (1) graduation rates, (2) percentage of students attaining a passing score on the graduation assessments, and (3) AMO.⁴⁹ Additionally, not later than December 31, 2014, the State Board must specify by rules the expected performance levels and benchmarks for the student achievement growth in reading and math, and adopt standards for awarding overall ratings.⁵⁰

Duties of the Department of Education

During the 2012-2013 and 2013-2014 school years, the Department must gather and analyze data from dropout programs and examine any assessments it deems necessary, including sample assessments for purposes of measuring student achievement growth in reading and math for the purposes of the rating system. In performing these duties, the Department must consult with stakeholder groups. The bill also requires the Department to identify one or more states that have established, or are in the process of establishing, similar rating systems for dropout programs. The Department then must consult with the departments of education of those states. Finally, the bill requires the Department to post the rating and relevant performance data for each community school that operates a dropout program on its web site and submit a hard copy of the rating and data to the governing authority of the community school.⁵¹

Exemption from teacher testing and annual performance rankings

Generally, beginning with the 2015-2016 school year, community schools and STEM schools ranked in the lowest 10% of all public school buildings according to performance index score must require each classroom teacher of a core subject area to

⁴⁸ R.C. 3314.017(E)(3).

⁴⁹ R.C. 3314.017(D)(2)(a).

⁵⁰ R.C. 3314.017(D)(2)(b).

⁵¹ R.C. 3314.017(F).

take content knowledge examinations selected by the Department as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned. (Similar retesting provisions apply to teachers in school district schools with low performance evaluations.) Under the bill, dropout schools are exempt from the retesting provision⁵² and are not included in the performance index score rankings.⁵³

Dropout prevention and recovery program closure criteria

The bill establishes criteria for the closure of poorly performing community schools that operate dropout prevention and recovery programs that is aligned with its new rating and report card system for these schools. Currently, those schools are exempt from closure based on performance unless the General Assembly does not enact a closure and report card system for them by March 31, 2013.

Under the bill, any dropout community school that has received an overall rating, under the new system, of "does not meet standards" for two of the three most recent school years is subject to closure. Since those schools will not receive overall ratings until the 2014-2015 school year, they will not be subject to closure until the 2016-2017 school year. The bill specifies that a dropout program that opens on or after July 1, 2014, is not subject to closure for its first two years of operation. Additionally, any dropout program that is in operation prior to July 1, 2014, will not be subject to closure until after August 31, 2016.⁵⁴

Also, the bill specifies that if a school meets the closure criteria, the Department must notify the school by September 1 that it must close not later than the following June 30.⁵⁵

Community school sponsor ratings

Current law prohibits a community school sponsor from sponsoring additional schools if it is ranked in the lowest 20% on an annual ranking of sponsors by their composite performance index scores. The composite performance index score is a measure of the academic performance of students enrolled in community schools sponsored by the same entity.

⁵² R.C. 3319.58.

⁵³ R.C. 3302.20 and 3302.21.

⁵⁴ R.C. 3314.351(A) and (C).

⁵⁵ R.C. 3314.351(B).

The bill substantially revises this system so that, beginning with the 2015-2016 school year, those determinations will be made on the basis of several factors, including student performance. In the meantime, the bill retains the composite performance index score ranking to determine if a sponsor may sponsor additional schools.⁵⁶

Under the new system, each sponsor will receive an annual "rating" based on a combination of three equally weighted components. They are: (1) the academic performance of students enrolled in community schools that are sponsored by the entity, (2) the sponsor's adherence to quality practices, which must be specified by the Department, and (3) the sponsor's compliance with applicable laws and administrative rules as measured by standards adopted by rule of the State Board.⁵⁷ Based on all three of those components, a sponsor will be rated as "exemplary," "effective," or "ineffective." As under current law, the ratings must be published by the Department of Education between October 1 and October 15 of a calendar year.⁵⁸

Student academic performance component

The bill does not specify how the Department is to measure the academic performance component. It is, therefore, up to the Department to determine which metrics to use in computing a sponsor's rating based on the academic achievement of the students enrolled in the sponsor's schools. On the other hand, just as under the current performance index score rankings, the bill specifically excludes from any computation of the academic performance component any community schools that enroll primarily students with disabilities or schools in operation for less than two full school years.⁵⁹

Adherence to quality practices component

To develop the quality practices component, the bill requires the Department, by March 31, 2013, to consult with community school sponsors to prescribe the quality practices to which community school sponsors must adhere, and an instrument to measure the adherence to those practices. Furthermore, the bill specifies that the quality practices must "be based on standards developed by the National Association of

⁵⁶ Section 6.

⁵⁷ R.C. 3313.016(B)(1)(a) to (c).

⁵⁸ R.C. 3314.016(B)(6).

⁵⁹ R.C. 3314.016(B)(2)(a) and (b).

Charter School Authorizers or any other nationally organized community school organization."⁶⁰

Peer review of sponsors

The Department is authorized to permit peer review of community school sponsors when evaluating a sponsor's adherence to quality practices. An individual who wishes to participate in this peer review must first complete training established or approved by the Department. Alternatively, the Department can enter into an agreement with another entity to train individuals wishing to participate in peer review. Prior to entering into an agreement, the Department must review and approve the entity's training program.

Ohio Accountability Advisory Committee

The bill changes the name of the Ohio Accountability Task Force to the Ohio Accountability Advisory Committee and alters its membership and duties. Under the bill, the Advisory Committee consists of the following members: (1) the chairpersons of the House and Senate Education Committees, who are nonvoting members, (2) the Superintendent of Public Instruction or a designee, who also is a nonvoting member, (3) three members of the public appointed by the Speaker of the House, (4) three members of the public appointed by the Senate President, (5) two members of the public appointed by the Governor, and (6) one member of the public appointed by the Auditor of State.⁶¹

The bill also contains an uncodified provision that abolishes the Ohio Accountability Task Force, replacing it with the Ohio Accountability Advisory Committee. The bill requires that the members of the new Committee be appointed within 30 days of the bill's effective date. It also specifies that individuals who previously served on the Task Force are eligible to serve on the Advisory Committee.⁶²

Background of current Task Force membership

Under current law, the Ohio Accountability Task Force consists of the following members: (1) the chairpersons and ranking minority members of the House and Senate Education Committees, who are nonvoting members, (2) a representative of the Governor, (3) the state Superintendent or a designee, (4) a representative of teachers' unions appointed by the Speaker of the House, (5) a representative of school boards

⁶⁰ R.C. 3314.016(B)(3).

⁶¹ R.C. 3302.021(E)(1).

⁶² Section 3.

appointed by the Senate President, (6) a school district superintendent appointed by the Speaker, (7) a representative of business appointed by the Senate President, (8) a representative of a nonprofit organization led by the Ohio business community appointed by the Governor, (9) a school building principal appointed by the Senate President, and (10) a member of the State Board of Education appointed by the Speaker.⁶³

Advisory Committee duties

Under the bill, the duties of the Committee remain the same as under current law, except for the following:

(1) The bill removes the Department and adds the Governor and the General Assembly, along with the State Board as under current law, to the list of entities to which the Advisory Committee must report issues on accountability;

(2) The bill removes a provision requiring the Advisory Committee to examine "the provision of professional development on the interpretation of the data to classroom teachers and administrators";

(3) The bill removes the provision requiring the Advisory Committee to determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and ratings.⁶⁴

Unchanged by the bill, the Advisory Committee must continue to adopt recommendations on improving the school district and school accountability system by a majority vote of the members.⁶⁵ Additionally, the Advisory Committee must continue to examine the implementation of the value-added progress dimension, including the Department's use of the system for collecting and analyzing data, procedures for calculating the value-added progress dimension, and the reporting of performance data to districts and buildings. It further includes a review of any analysis and reporting fees paid by the Department in connection with implementing the value-added progress dimension to determine if they are appropriate for the services received.⁶⁶

⁶³ R.C. 3302.021(E)(1).

⁶⁴ R.C. 3302.021(E)(2).

⁶⁵ R.C. 3302.021(E)(2)(d).

⁶⁶ R.C. 3302.021(E)(2)(a) and (d).

State Superintendent report to the Advisory Committee

The bill contains a separate provision requiring the Superintendent of Public Instruction to annually submit to the Ohio Accountability Advisory Committee a summary of the report cards issued to districts and schools.⁶⁷

Comprehensive intervention plan

The bill requires the State Board to submit to the General Assembly, not later than August 31, 2013, recommendations for a comprehensive statewide plan to intervene directly in and improve the performance of persistently poor performing schools and school districts.⁶⁸

Educational service centers and STEM school organization

A STEM school is an independent, public science, technology, engineering, and mathematics school for any of grades 6 to 12 established through a collaborative endeavor of both public and private entities. Currently, at least one school district must be a partner in a STEM school's establishment. The bill specifies that the group of collaborating partners establishing a STEM school must include *either* a school district *or* an educational service center.⁶⁹

Educational service center sponsorship of start-up community schools

School districts, educational service centers, state universities under certain conditions, and certain private tax-exempt entities may sponsor start-up community schools. However, educational service centers are currently limited to sponsoring only schools located within the geographical territory of their service regions. The bill permits a service center to sponsor start-up schools in any "challenged school district" in the state, as long as the Department of Education has approved it to do so and has entered into an agreement with the service center for such sponsorship.⁷⁰

Generally, most sponsors have to be approved by the Department before they may enter into contracts with schools. That approval also must be acknowledged in a formal agreement with the Department. Certain early pilot project sponsors (in Lucas County) are exempt from the requirement to get to the Department's approval before

⁶⁷ R.C. 3302.021(F).

⁶⁸ Section 4.

⁶⁹ R.C. 3326.03.

⁷⁰ R.C. 3314.02(C) and (F)(3).

sponsoring schools.⁷¹ It may not be clear whether the bill's requirement for approval for an educational service center to sponsor statewide applies to these exempt sponsors.

Background on current academic performance rating system

Current law provides for the annual rating of school districts and individual school buildings based on their academic performance.⁷² The five classes of performance under the rating system are "excellent," "effective," "continuous improvement," "academic watch," and "academic emergency." The ratings and an explanation of how they were computed are published by the Department of Education in an annual "report card" for each school district, each building within a district, each community school, and each STEM school in the state. The report cards are issued sometime in August for the district's or school's performance for the previous school year.

The ratings are determined by:

(1) Meeting or not meeting specified performance indicators (75% student proficiency on all applicable state achievement assessments, 93% attendance rate, and 90% graduation rate);

(2) Attaining a specified performance index score. The performance index score is a weighted measure of up to 120 points designed to show improvement over time on the state achievement assessments by students scoring at all levels; and

(3) Making or not making "adequate yearly progress" (or "AYP") on state achievement assessments among specified subgroups of test takers. AYP is a measure of performance used to determine whether a particular district or building is meeting the goals of the federal No Child Left Behind Act of 2001.⁷³ The subgroups are each of the federally recognized ethnic classifications (African-American, American Indian or Native Alaskan, Asian or Pacific Islander, Hispanic, multi-racial, and white); disabled students; economically disadvantaged students; and limited-English proficient students.

The following table shows how the performance ratings are determined using those three measures.

⁷¹ R.C. 3314.015 and 3314.027 (latter section not in the bill).

⁷² Current R.C. 3302.03(B).

⁷³ Public Law 107-110.

Rating	Percentage of performance indicators met		Performance index score		Makes AYP
Excellent	94%-100%	<i>or</i>	100 to 120	<i>and</i>	Yes
	94%-100%	<i>or</i>	100 to 120	<i>and</i>	No*
Effective	75%-93%	<i>or</i>	90 to 99	<i>and</i>	Yes
	75%-93%	<i>or</i>	90 to 99	<i>and</i>	No*
Continuous improvement	0%-74%	<i>and</i>	0 to 89	<i>and</i>	Yes
	50%-74%	<i>or</i>	80 to 89	<i>and</i>	No
Academic watch	31%-49%	<i>or</i>	70 to 79	<i>and</i>	No
Academic emergency	0%-30%	<i>and</i>	0 to 69	<i>and</i>	No

* If an otherwise excellent district or building does not make AYP for two or more of the same student subgroups for three or more consecutive years, it must be rated effective. Similarly, if an otherwise effective district or building does not make AYP for two or more of the same student subgroups for three or more consecutive years, it must be rated continuous improvement.

Value-added progress dimension

There is a fourth measure used to determine district and school ratings. It is known as the "value-added progress dimension." It tracks the amount of a student's academic growth attributable to a particular district or building.⁷⁴ To show growth from one year to the next, the dimension tracks student scores on state assessments in subjects and grade levels for which there are assessments for the prior year. Those tests are the reading and math tests for grades 4 through 8. If a district or building demonstrates more than a standard year of academic growth in reading and math for two consecutive years, its rating is raised one level. If a district is already rated excellent based on the other factors, the Department will rate it as "excellent with distinction" on its report card if it also demonstrates more than a standard year of academic growth for two consecutive years. If a district or building shows less than a standard year of academic growth in those subjects for three straight years, its rating is lowered one level.

AYP

AYP is a measure of performance used to determine whether a particular school district or building is meeting the goals of the federal No Child Left Behind Act. Generally, no district or building may make AYP unless (1) 95% of the students in each subgroup required to take a test actually take the test and (2) a specified percentage of

⁷⁴ R.C. 3302.021.

each subgroup of test takers attains scores set by the state Department of Education. The expected scoring performance on the state assessments for purposes of AYP varies from district to district and building to building. It is generally different from (and often lower than) the 75% proficiency rate required under the state performance indicators.

HISTORY

ACTION	DATE
Introduced	05-22-12

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