

**As Passed by the Senate**

**128th General Assembly  
Regular Session  
2009-2010**

**Am. S. B. No. 167**

**Senator Cates**

**Cosponsors: Senators Jones, Hughes, Seitz, Husted, Schuring, Carey,  
Buehrer, Faber, Gibbs, Grendell, Harris, Niehaus, Wagoner**

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**A B I L L**

To amend section 3302.03 of the Revised Code to 1  
revise the performance ratings for school 2  
districts and buildings. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3302.03 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 3302.03.** (A) Annually the department of education shall 6  
report for each school district and each school building in a 7  
district all of the following: 8

(1) The extent to which the school district or building meets 9  
each of the applicable performance indicators created by the state 10  
board of education under section 3302.02 of the Revised Code and 11  
the number of applicable performance indicators that have been 12  
achieved; 13

(2) The performance index score of the school district or 14  
building; 15

(3) Whether the school district or building has made adequate 16  
yearly progress; 17

(4) Whether the school district or building is excellent, 18  
effective, needs continuous improvement, is under an academic 19  
watch, or is in a state of academic emergency. 20

(B) Except as otherwise provided in ~~divisions~~ division (B)(6) 21  
~~and (7)~~ of this section: 22

(1) A school district or building shall be declared excellent 23  
if it ~~fulfills one of the following requirements:~~ 24

~~(a) It makes adequate yearly progress and either meets at 25  
least ninety four per cent of the applicable state performance 26  
indicators or has a performance index score established by the 27  
department. 28~~

~~(b) It has failed to make adequate yearly progress for not 29  
more than two consecutive years and either meets at least 30  
ninety-four per cent of the applicable state performance 31  
indicators or has a performance index score established by the 32  
department, except that if it does not make adequate yearly 33  
progress for two or more of the same subgroups for three or more 34  
consecutive years, it shall be declared effective. 35~~

(2) A school district or building shall be declared effective 36  
if it ~~fulfills one of the following requirements:~~ 37

~~(a) It makes adequate yearly progress and either meets at 38  
least seventy-five per cent but less than ninety-four per cent of 39  
the applicable state performance indicators or has a performance 40  
index score established by the department. 41~~

~~(b) It does not make adequate yearly progress and either 42  
meets at least seventy five per cent of the applicable state 43  
performance indicators or has a performance index score 44  
established by the department, except that if it does not make 45  
adequate yearly progress for two or more of the same subgroups for 46  
three or more consecutive years, it shall be declared in need of 47  
continuous improvement. 48~~

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements: 49  
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(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department. 52  
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(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department. 56  
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(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department. 60  
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(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 66  
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~~(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.~~ 71  
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~~(7)~~ Division (B)~~(7)~~(6) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program. 76  
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A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress.

(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.

(3) When reporting data on student performance, the

department shall disaggregate that data according to the following	112
categories:	113
(a) Performance of students by age group;	114
(b) Performance of students by race and ethnic group;	115
(c) Performance of students by gender;	116
(d) Performance of students grouped by those who have been	117
enrolled in a district or school for three or more years;	118
(e) Performance of students grouped by those who have been	119
enrolled in a district or school for more than one year and less	120
than three years;	121
(f) Performance of students grouped by those who have been	122
enrolled in a district or school for one year or less;	123
(g) Performance of students grouped by those who are	124
economically disadvantaged;	125
(h) Performance of students grouped by those who are enrolled	126
in a conversion community school established under Chapter 3314.	127
of the Revised Code;	128
(i) Performance of students grouped by those who are	129
classified as limited English proficient;	130
(j) Performance of students grouped by those who have	131
disabilities;	132
(k) Performance of students grouped by those who are	133
classified as migrants;	134
(l) Performance of students grouped by those who are	135
identified as gifted pursuant to Chapter 3324. of the Revised	136
Code.	137
The department may disaggregate data on student performance	138
according to other categories that the department determines are	139
appropriate. To the extent possible, the department shall	140

disaggregate data on student performance according to any 141  
combinations of two or more of the categories listed in divisions 142  
(C)(3)(a) to (1) of this section that it deems relevant. 143

In reporting data pursuant to division (C)(3) of this 144  
section, the department shall not include in the report cards any 145  
data statistical in nature that is statistically unreliable or 146  
that could result in the identification of individual students. 147  
For this purpose, the department shall not report student 148  
performance data for any group identified in division (C)(3) of 149  
this section that contains less than ten students. 150

(4) The department may include with the report cards any 151  
additional education and fiscal performance data it deems 152  
valuable. 153

(5) The department shall include on each report card a list 154  
of additional information collected by the department that is 155  
available regarding the district or building for which the report 156  
card is issued. When available, such additional information shall 157  
include student mobility data disaggregated by race and 158  
socioeconomic status, college enrollment data, and the reports 159  
prepared under section 3302.031 of the Revised Code. 160

The department shall maintain a site on the world wide web. 161  
The report card shall include the address of the site and shall 162  
specify that such additional information is available to the 163  
public at that site. The department shall also provide a copy of 164  
each item on the list to the superintendent of each school 165  
district. The district superintendent shall provide a copy of any 166  
item on the list to anyone who requests it. 167

(6)(a) This division does not apply to conversion community 168  
schools that primarily enroll students between sixteen and 169  
twenty-two years of age who dropped out of high school or are at 170  
risk of dropping out of high school due to poor attendance, 171

disciplinary problems, or suspensions. 172

For any district that sponsors a conversion community school 173  
under Chapter 3314. of the Revised Code, the department shall 174  
combine data regarding the academic performance of students 175  
enrolled in the community school with comparable data from the 176  
schools of the district for the purpose of calculating the 177  
performance of the district as a whole on the report card issued 178  
for the district. 179

(b) Any district that leases a building to a community school 180  
located in the district or that enters into an agreement with a 181  
community school located in the district whereby the district and 182  
the school endorse each other's programs may elect to have data 183  
regarding the academic performance of students enrolled in the 184  
community school combined with comparable data from the schools of 185  
the district for the purpose of calculating the performance of the 186  
district as a whole on the district report card. Any district that 187  
so elects shall annually file a copy of the lease or agreement 188  
with the department. 189

(7) The department shall include on each report card the 190  
percentage of teachers in the district or building who are highly 191  
qualified, as defined by the "No Child Left Behind Act of 2001," 192  
and a comparison of that percentage with the percentages of such 193  
teachers in similar districts and buildings. 194

(8) The department shall include on the report card the 195  
number of lead teachers employed by each district and each 196  
building once the data is available from the education management 197  
information system established under section 3301.0714 of the 198  
Revised Code. 199

(D)(1) In calculating English language arts, mathematics, 200  
social studies, or science assessment passage rates used to 201  
determine school district or building performance under this 202

section, the department shall include all students taking an 203  
assessment with accommodation or to whom an alternate assessment 204  
is administered pursuant to division (C)(1) or (3) of section 205  
3301.0711 of the Revised Code. 206

(2) In calculating performance index scores, rates of 207  
achievement on the performance indicators established by the state 208  
board under section 3302.02 of the Revised Code, and adequate 209  
yearly progress for school districts and buildings under this 210  
section, the department shall do all of the following: 211

(a) Include for each district or building only those students 212  
who are included in the ADM certified for the first full school 213  
week of October and are continuously enrolled in the district or 214  
building through the time of the spring administration of any 215  
assessment prescribed by division (A)(1) or (B)(1) of section 216  
3301.0710 of the Revised Code that is administered to the 217  
student's grade level; 218

(b) Include cumulative totals from both the fall and spring 219  
administrations of the third grade English language arts 220  
achievement assessment; 221

(c) Except as required by the "No Child Left Behind Act of 222  
2001" for the calculation of adequate yearly progress, exclude for 223  
each district or building any limited English proficient student 224  
who has been enrolled in United States schools for less than one 225  
full school year. 226

**Section 2.** That existing section 3302.03 of the Revised Code 227  
is hereby repealed. 228