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## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 424**

127th General Assembly  
(As Introduced)

**Reps. Setzer, Webster, Wagoner, Combs**

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## **BILL SUMMARY**

### ***Post-Secondary Enrollment Options Program (PSEO)***

- Specifies that the purpose of PSEO is to provide post-secondary education opportunities, including career-technical and skills development courses, for high school students who are ready to do college-level work and to help them transition to college or the work force.
- Narrows eligibility for state reimbursement under PSEO to cover only college courses that either (1) are included in, or are equivalent to courses included in, a transfer module or the Board of Regents' Transfer Assurance Guide or (2) are included in a program leading to certification or licensure.
- Specifies that if a college course is taught by an instructor who is an employee of a high school, the instructor must hold a master's degree in the content of instruction in order for the course to qualify for state reimbursement under PSEO.
- Specifies that a higher education institution may not require more stringent entrance requirements for a high school student seeking to enroll in a college course under PSEO than it does for other first-year undergraduate students.
- Requires each regional advisory council of the Educational Regional Service System to design a strategy for participation in PSEO by students in high schools located in the region.
- Requires the Department of Education and the Board of Regents to develop and implement a PSEO data system.

- Requires the Department of Education (with assistance from each regional advisory council) to report to the General Assembly on access to PSEO during summer months.
- Makes other changes to the PSEO law.

**Dual enrollment and accelerated learning programs**

- Changes the definition of a dual enrollment program for purposes of the continuing requirement that each school district and chartered nonpublic school offer at least one such program for its high school students.
- Requires that the instructor of a dual enrollment program for college credit taught at a public high school hold at least a master's degree in the content of instruction.
- Narrows the types of programs that a school may offer to comply with the dual enrollment requirement by distinguishing dual enrollment programs from "accelerated learning programs."

**State academic performance rating system**

- Eliminates the performance index score as a factor in the school district and building performance ratings, and replaces it with the value-added progress dimension.

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## CONTENT AND OPERATION

### Post-Secondary Enrollment Options Program

#### Background

The Post-Secondary Enrollment Options Program (PSEO) allows high school students to enroll in nonsectarian college courses on a full- or part-time basis and to receive high school and college credit. Students in public high schools (school districts, community schools,<sup>1</sup> and science, technology, engineering, and mathematics (STEM) schools<sup>2</sup>) and nonpublic high schools (both chartered<sup>3</sup> and nonchartered<sup>4</sup>) are eligible to participate in the program. College courses under the program may be taken at any participating state institution of higher education, private nonprofit college or university, or private for-profit educational institution.

PSEO consists of two "options," which the student elects at the time of enrolling in the course. Under Option A, the student is responsible for payment of all tuition and other costs charged by the higher education institution. Under this

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<sup>1</sup> Community schools (sometimes called "charter schools") are public schools that operate independent of a school district under a contract with a sponsoring entity.

<sup>2</sup> A subcommittee of the Partnership for Continued Learning may select up to five STEM schools to operate beginning in fiscal year 2009 based on competitive proposals. Each STEM school must be operated under a collaborative consisting of a school district and other public and private entities.

<sup>3</sup> Chartered nonpublic schools are private schools that are chartered by the State Board of Education and, thus, agree to comply with specified operating standards. These schools receive some administrative cost reimbursement from the state, and their students receive some services and goods paid for with state auxiliary service funds.

<sup>4</sup> Nonchartered nonpublic schools are non tax-supported private schools that do not seek a State Board charter due to "truly held religions beliefs." These schools are subject only to the minimum education standards for compulsory school attendance adopted by the State Board. They are sometimes called "08 schools," a name derived from the number of the State Board's rule setting the minimum education standards for those schools, Ohio Administrative Code 3301-35-08.

option, the student may further elect to receive only college credit for a completed course or to receive both college and high school credit. Under Option B, the student receives both college credit and high school credit for successfully completing a college course, and the state makes a payment to the institution of higher education on the student's behalf.

The state payment to an institution of higher education on behalf of a student is made in the fiscal year after the student completes the college course. State payments for students enrolled in public high schools are deducted from the state aid accounts of the students' school districts, community schools, or STEM schools. State payments for students enrolled in nonpublic high schools are paid out of a separate state amount set aside for that purpose, since those schools do not receive operations funding from the state.<sup>5</sup> The amount of the payment for each student is the lesser of the actual cost of tuition, textbooks, materials, and fees associated with the college course or the full-time equivalent percentage of time the student attends the course multiplied by the current per pupil base-cost funding amount attributable to the student under the state funding formula for public schools. That base-cost amount currently is the sum of the formula amount (\$5,732 in FY 2009) plus the per pupil amount of base funding supplements (\$50.90 in FY 2009).

**Purpose statement**

(R.C. 3365.02)

The bill states that the purpose of PSEO is "to provide post-secondary education opportunities, including career-technical and skills development courses, for secondary grade students who are ready to do college-level work and to help secondary grade students transition to college or the work force."

**Courses that qualify for reimbursement**

(R.C. 3365.07(C); Section 4(C) and (D))

Beginning with courses taken in the 2009-2010 academic year, the bill restricts whether a college course qualifies for state reimbursement under PSEO

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<sup>5</sup> Currently, reimbursement for college courses taken by students of nonpublic high schools is allocated on a first come, first served basis, until the appropriation is exhausted. On January 2, 2008, the State Board of Education filed a proposed amendment to its PSEO rules that would allocate the appropriation in a way that appears to restrict the amount of reimbursement per student so that more nonpublic high school students would qualify for some reimbursement. The filing proposes to amend Ohio Administrative Code 3301-44-09. Proposed and recently adopted administrative rules are published online on the *Register of Ohio* ([www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us)).

based on (1) the content of the course and (2) if taught by a high school employee, the instructor's educational credentials.

**Course content.** Beginning with the 2009-2010 school year, in order to qualify for state reimbursement, a college course must be one that either:

(1) Is included in *or is equivalent to a course included in* a transfer module or the Transfer Assurance Guide developed by the Board of Regents; or

(2) Is included in a program leading to certification or licensure in an occupation or profession.

A transfer module is a subset or a complete set of courses that satisfy an institution of higher education's general education requirements but that can be completed at another institution. The Transfer Assurance Guide (or "TAG") provides a system to match courses based on learning outcomes, regardless of at which state institution of higher education they are completed, so that a student who completes a TAG course is guaranteed that the credit for that course will transfer.<sup>6</sup>

**Instructor qualifications.** Also beginning with the 2009-2010 school year, if a college course under PSEO is taught by an instructor who is employed by a public or nonpublic high school (that is, not taught by a higher education institution's own faculty member), that instructor must have at least a master's degree in the content of instruction in order for the course to qualify for reimbursement.

### **What reimbursement covers**

(R.C. 3365.08)

Current law, not changed by the bill, requires each higher education institution that expects state reimbursement for a college course taken by a high school student under PSEO to furnish the student with all textbooks and materials directly related to the course. The institution also is prohibited from charging the student for tuition, textbooks, materials, or other directly related fees.

The bill adds an extra statement that the reimbursement paid to the institution and the corresponding deduction from the student's school district, community school, or STEM school, or from the state set-aside for a nonpublic school student, "shall cover the cost of tuition, textbooks, materials, and other fees directly related to that course."

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<sup>6</sup> See <http://regents.ohio.gov/transfer/modules/index.php?.print> and <http://regents.ohio.gov/transfer/tagcourses/index.php>.

**Determining high school credit for PSEO college courses**

(R.C. 3365.05)

Current law, not changed by the bill, specifies that high school credit awarded for PSEO college courses successfully completed must count toward the graduation requirements and subject area requirements of the student's high school. If the college course is comparable to a high school course offered by the student's high school, the school must award comparable high school credit for the college course. If no comparable course is offered by the high school, the school must grant the student an appropriate number of credits in a similar subject area. Disputes regarding high school credit may be appealed to the State Board of Education.

The bill further requires that high schools determine the amount of high school credit to award for a college course by examining the course syllabus or instructional materials or both. The amount of high school credit must be "based on the level of difficulty and depth of and breadth of the course content, rather than on the amount of hours of classroom instruction included in the course."

**PSEO credit in computing grade point averages and class ranks**

(R.C. 3365.05(C))

Although high school credit must be awarded for a PSEO college course under Option A at the student's election and always under Option B, current law grants broad discretion to a student's high school to "determine whether and the manner in which" the grade achieved in that course will be counted in the student's cumulative grade point average.

The bill provides instead that the student's high school *must* include in the student's record the grade achieved in the college course and *must* use that grade in computing not only the student's cumulative grade point average but also any weighted grade point average or class rank maintained for the student.

**College admission requirements**

(R.C. 3365.03(B))

Under current law, the decision whether to admit a student to a college course under PSEO is left to the discretion of the participating higher education institution.

The bill retains that discretion but it also prohibits an institution from imposing on PSEO students entrance requirements that are more stringent than those imposed on other entering first-year undergraduate students. It also specifies

that an institution may not require a PSEO student to complete the entire Ohio Core high school curriculum as a prerequisite to enrolling in a college course.<sup>7</sup> Nevertheless, the institution may require completion of a particular high school course as a prerequisite for a particular college course, if the institution determines that completion of the high school course is necessary for successful completion of the college course.

**Deadline for student's notice of intent to participate**

(R.C. 3365.02(B); Section 4(B))

Current law requires each student who wishes to participate in PSEO to inform the student's school district, community school, STEM school, or nonpublic school by March 30 of the school year prior to the one in which the student plans to enroll in a college course. If a student fails to meet that deadline, the student may not participate in the program unless the district superintendent, community school governing authority, STEM school chief administrative officer, or nonpublic school administrator consents in writing to the student's participation.

Under the bill, beginning with the 2009-2010 school year, the deadline for the student's notice of intent to participate in the program is May 31 of the prior school year. The consequence for not meeting the deadline remains unchanged.

**Regional PSEO strategies**

(R.C. 3312.04(F) and 3365.022)

The bill requires each regional advisory council of the Educational Regional Service System to design a strategy for participation in PSEO by students enrolled in public and nonpublic high schools located in its region.<sup>8</sup>

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<sup>7</sup> Beginning with students who enter the 9th grade for the first time after July 1, 2010 (graduating class of 2014), subject to some exceptions, a student must successfully complete the 20-unit Ohio Core curriculum to be eligible for a high school diploma (R.C. 3313.603(C), not in the bill). In addition, beginning with the 2014-2015 academic year, an Ohio student generally must have completed the Ohio Core curriculum for admission to most Ohio state universities as an undergraduate student. There are several exceptions to this entrance rule, including one for PSEO students while they are still in high school. (R.C. 3345.061, not in the bill.)

<sup>8</sup> Sub. H.B. 115 of the 126th General Assembly (effective September 28, 2006) established the 16-region Educational Regional Service System for the delivery of educational services to school districts, community schools, and chartered nonpublic schools. Each region has an advisory council and a fiscal agent, the latter of which is a school district or educational service center board located within the region selected by the Department of Education.



According to the bill, the purpose of the strategy is to enable eligible students to take advantage of the program "to the fullest extent possible." Each regional advisory council must examine the strategies of other regional advisory councils and must share its strategy with the other regional advisory councils upon request. Still, the bill states that each regional advisory council is responsible to design a strategy for its own region tailored to the needs and resources of schools, students, and colleges in that region.

### **PSEO data system**

(R.C. 3365.15)

The bill requires the Department of Education and the Board of Regents<sup>9</sup> by September 1, 2008, to develop and implement a data system regarding students participating in PSEO. The collected data must include at least (1) grades and high school and college credits earned by students in the program, (2) methods of instructional delivery for the college courses, (3) counseling provided to participating students, (4) student satisfaction with the program, and (5) credentials of faculty for college courses in which participating students are enrolled. The bill also states that the data system must comply with state and federal laws regarding the privacy of student information.

### **Study of summer participation in PSEO**

(Section 3)

The bill requires the Department of Education, by September 1, 2008, to report to the General Assembly on access to PSEO by high school students during college summer sessions. Each regional advisory council of the Educational Regional Service System must assist the Department by collecting data for its respective region and submitting it to the Department.

### **Requirement to offer dual enrollment programs**

(R.C. 3313.6013)

### **Background**

Current law requires each school district, community school, STEM school, and chartered nonpublic high school to offer students in grades 9 to 12 the

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<sup>9</sup> The bill specifies that the charge to develop the new data system belongs to the Board of Regents itself and not the Chancellor of the Board, as might otherwise be the case under separate continuing law. R.C. 3333.031 (effective May 15, 2007), not in the bill, provides that whenever a section of law refers to the Board of Regents, the reference means the Chancellor unless otherwise expressly stated.



opportunity to participate in a dual enrollment program. A "dual enrollment program" is currently defined as a program that enables a student either (1) to earn credit toward a degree from an institution of higher education while enrolled in high school or (2) to complete coursework while in high school that may qualify for college credit if the student earns a certain score on an examination covering the coursework. Current law further states that PSEO, Advanced Placement courses, and programs established through agreements between individual districts or schools and post-secondary institutions satisfy the requirement.

### **Changes in the dual enrollment requirement by the bill**

**Definition.** The bill changes the definition of a dual enrollment program. Under the bill, a dual enrollment program is one that "enables a student to earn college credit while enrolled in high school as a result of participating in a college course offered at a college or university or at a high school or offered via distance learning arrangements, through which credit is recorded on the student's transcript upon completing the course." Under this definition, PSEO participation would still satisfy the requirement. But the bill removes the current statement that Advanced Placement courses satisfy the requirement. Instead, the bill enacts a new provision distinguishing dual enrollment programs from "accelerated learning programs," the latter of which would include Advanced Placement courses (see below).

**Instructor qualifications.** The bill also requires that the instructor of any dual enrollment course offering college credit taught at a public high school must hold at least a master's degree in the content of instruction. This is similar to the bill's requirement that instructors of PSEO courses employed by public and nonpublic schools have the appropriate master's degrees in order for the courses to qualify for reimbursement (see "**Courses that qualify for reimbursement**" above).

### **Accelerated learning versus dual enrollment programs**

(R.C. 3313.6015)

The bill further revises and narrows the dual enrollment requirement by distinguishing dual enrollment programs from "accelerated learning programs." It defines such an accelerated learning program as one that "enables a student to complete coursework while enrolled in high school for which the student earns high school credit and also may earn credit toward a degree from an institution of higher education upon the student's matriculation at that institution." In other words, accelerated learning programs offer the potential for college credit when the student graduates and enrolls in college, whereas dual enrollment programs award college and high school credit simultaneously. The bill further specifies that the student's college credit for an accelerated learning course may be based on attainment of a specified score on an examination. It also states that Advanced

Placement or International Baccalaureate courses qualify as accelerated learning programs.

### **Effect of the distinction**

As a result of the bill's distinction between dual enrollment and accelerated learning programs, it appears that a school no longer could comply with the dual enrollment requirement by offering Advanced Placement, International Baccalaureate, or similar programs. This would affect chartered nonpublic schools only, since public schools automatically comply with the requirement because they must participate in PSEO. But chartered nonpublic schools are not required to participate in PSEO. With the bill's changes, chartered nonpublic schools that continue to offer Advanced Placement courses or International Baccalaureate programs also would have to participate in PSEO or make other arrangements for their students to elect to take college courses, in order to comply with the dual enrollment requirement.

### **Elimination of the performance index from the state school rating system**

(R.C. 3302.01, 3302.021, 3302.03, 3302.031, and 3302.04)

The bill eliminates the performance index score as a factor in the school district and building performance ratings, and replaces it with the newly developed value-added progress dimension, which tracks the amount of a student's academic growth attributable to a district or building. This new measure already is scheduled under current law to be used in the ratings beginning with the 2007-2008 school year. Thus, under the bill, the components used in computing a district or building's performance ratings are (1) the number of state performance indicators met, (2) whether the federal standard of adequate yearly progress (AYP) is met, and (3) the indicator of improvement under the value-added progress dimension, instead of the district's or school's performance index as under current law.

### **Background**

The Department of Education annually assigns each school district and public school building a rating of "excellent," "effective," "continuous improvement," "academic watch," or "academic emergency." That rating currently is based on the district's or school's academic performance on three components:

(1) Meeting or not meeting specified state standards (75% student proficiency on all state achievement tests administered in grades 3 through 8 and 10, 93% attendance rate, and 90% graduation rate);<sup>10</sup>

(2) Attaining a specified performance index score, which measures performance on the achievement tests by students scoring at all levels (see below); and

(3) Making or not making the federal AYP measure in reading and math (see below).

Each district's or building's rating is determined as shown in the table below:

<b>Rating</b>	<b>Percentage of state standards met</b>		<b>Performance index score</b>		<b>Makes AYP</b>
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

\* A district or school can be rated no higher than continuous improvement if it misses AYP for more than two consecutive years. However, no district or school can be rated lower than the prior year solely because one subgroup did not make AYP. Also, the highest rating a district or school can receive is generally limited if 10% or more of its students are not tested.

Under current law, beginning in the 2007-2008 school year, the performance ratings incorporate the value-added progress dimension as a fourth component. The bill, instead, substitutes the value-added progress dimension for the performance index in determining a district's or building's rating, leaving three components to the rating.

<sup>10</sup> The State Board is required to establish at least 17 performance indicators based on achievement test scores, rates of improvement, student attendance, the breadth of coursework available within the district or school, and other indicators of student success (R.C. 3302.02, not in the bill).

**Performance index.** The performance index is a calculation that measures test performance on all state achievement tests, based on the number of students at each performance level. To determine the performance index, the percentage of students at each performance level is multiplied by a weight assigned for each level. The weighted totals for each level are added to get the overall performance index score. The maximum possible performance index score is 120 and the minimum is zero (all students untested).

All achievement tests have five performance levels: Advanced, Accelerated, Proficient, Basic, and Limited/Below Basic. Each performance level has an assigned weight. A student who does not take a test must receive a weight of zero. Untested students with medical waivers, and limited English proficient students who have been in the United States for less than one year are exceptions to this rule. All other weights are determined by the Department of Education and are currently as follows:

Performance Level	Weight Assigned to Level
Untested student	0 points
Limited/Below Basic	0.3 points
Basic	0.6 points
Proficient	1.0 points
Accelerated	1.1 points
Advanced	1.2 points

The formula for determining the performance index score is: the sum of the % of students at level X weight. For example:

Performance Level	% of Students at Level	X	Weight	=	Score	
Untested	5		0.0		0.0	
Limited/ Below Basic	20		0.3		6.0	
Basic	25		0.6		15.0	
Proficient	35		1.0		35.0	
Accelerated	5		1.1		5.5	
Advanced	10		1.2		12.0	
<b>Performance Index Score (sum of all scores)</b>					<b>=</b>	<b>73.5</b>

\*From <http://www.ode.state.oh.us>, "Local Report Card and Accountability Documentation"



**Federal AYP measure.** Under the federal No Child Left Behind Act of 2001 (NCLB), each state must have a system to test the reading and math achievement of public school students each year in grades 3 through 8 and once during high school. NCLB's goal is for all students nationwide to be proficient in reading and math by the end of the 2013-2014 school year. To measure a state's progress toward that goal, NCLB also requires the state to calculate whether each district and each school building is making "adequate yearly progress" (or "AYP"). AYP is a target percentage of proficient scores on the achievement tests set by the Ohio Department of Education to determine if the district or building is on a path toward meeting the national goal. Each state also must have in place a system of graduated sanctions (which are corrections in operations or curricula) for those districts or schools that do not meet AYP for two or more consecutive years. Ohio's system of testing student achievement and measuring district and building performance complies with these federal requirements. (See **COMMENT.**)

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## **COMMENT**

Ohio had its student testing system in place prior to the enactment of NCLB. Subsequently, the state amended its system to comply with the federal requirements. However, the use of the testing system and AYP as measures with which to rate overall district and building performance is neither required nor prohibited by NCLB. Nor is the development and use of either the performance index or the value-added progress dimension affected by NCLB. Consequently, the bill's switch from the performance index to the value-added progress dimension as a component in determining a district's or building's performance under the state rating system also is not affected by NCLB.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	01-08-08

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