



# Ohio Legislative Service Commission

## Bill Analysis

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### Am. S.B. 167

128th General Assembly  
(As Reported by S. Education)

**Sens.** Cates, Jones, Hughes, Seitz, Husted, Schuring, Carey

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## BILL SUMMARY

- Revises the requirement to lower the excellent or effective rating of a school district or building that fails to make adequate yearly progress (AYP) for three or more consecutive years, by specifying (1) that the failure must involve two or more of the same student subgroups each year and (2) that an excellent rating may be lowered only one level, to effective (instead of two levels, to continuous improvement, as in current law).
- Repeals the prohibition against lowering a district's or building's performance rating from the previous year based solely on one subgroup not making AYP.

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## CONTENT AND OPERATION

The bill revises Ohio's method of rating school district and school building academic performance. Currently, if a district or building fails to make the federal standard of adequate yearly progress (AYP) for three or more consecutive years, the highest rating it may receive is continuous improvement. The bill makes three changes to the way AYP affects individual district and building ratings.

First, under the bill, the failure of an otherwise excellent or effective district or building to make AYP does not affect the district's or building's rating at all, unless the district or building has failed to make AYP for two or more of the same student subgroups for three or more consecutive years. Whereas current law considers only how long the district or building has not made AYP, the bill also takes into account which subgroups are not making it. The district or building will have its rating lowered for not making AYP only when there is a pattern of missing AYP with the same subgroups of students.

For example, an otherwise excellent building could fail to make AYP for disabled students and economically disadvantaged students for two consecutive years, but, in the third year, make AYP for economically disadvantaged students and not make AYP for disabled students and limited English proficient students. That building currently would be rated continuous improvement because it failed to make AYP for three straight years. Under the bill, though, the building would still receive an excellent rating since it did not miss AYP for the same two subgroups all three years. However, if, in the third year, the building again failed to make AYP for economically disadvantaged students, its rating would drop because it would have missed AYP for two of the same subgroups (disabled students and economically disadvantaged students) for three years.

Second, in the case of an otherwise excellent district or building that repeatedly fails to make AYP for two or more of the same subgroups, the bill requires that its rating be lowered only one level, to effective, instead of two levels, to continuous improvement. A district or building that otherwise achieves an effective rating would still be reduced one level, to continuous improvement, for failing to make AYP for two or more of the same subgroups over three or more consecutive years.

Finally, the bill repeals a provision prohibiting the Department of Education from lowering a district's or building's rating from the previous year based solely on one subgroup not making AYP. This change will affect only continuous improvement districts and buildings under the bill, since AYP is a factor for excellent and effective districts and buildings only when multiple subgroups fail to make AYP over several years. As a result, a continuous improvement district or building may be penalized for not making AYP sooner than a highly performing district or building. Whereas a district or building that was previously rated continuous improvement could receive a lower rating after one subgroup fails to make AYP for one year, an excellent or effective district or building would not be penalized with a lower rating until the same two subgroups did not make AYP for three consecutive years.

## **Background**

State law provides for the annual rating of school districts and individual school buildings based on their academic performance.<sup>1</sup> The five classes of performance under the rating system are "excellent," "effective," "continuous improvement," "academic watch," and "academic emergency." The ratings are determined by:

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<sup>1</sup> R.C. 3302.03(B).

(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;<sup>2</sup> and

(3) Making or not making AYP on state achievement assessments among specified subgroups of test takers.<sup>3</sup>

The following table shows how the performance ratings currently are determined using these criteria.

<b>Rating</b>	<b>Percentage of performance indicators 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.

Beginning with the 2007-2008 school year, the performance ratings incorporated a fourth component known as the "value-added progress dimension," which tracks the amount of a student's academic growth attributable to a particular district or building.<sup>4</sup> With this component, 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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> R.C. 3302.021, not in the bill.

one level. 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. Under that act, certain graduated sanctions (ranging from curricular changes and offering tutoring opportunities to reconstitution of administrative and instructional staff) must be imposed if a district or building repeatedly fails to make AYP.<sup>5</sup> 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 each subgroup of test takers attains scores set by the state Department of Education.<sup>6</sup> 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.

While the state must have in place a system to measure AYP and to impose sanctions for districts or buildings that persistently do not make AYP, the use of that measure in the state rating system is not required under federal law.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	09-17-09
Reported, S. Education	11-18-09

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<sup>5</sup> 20 U.S.C. 6316.

<sup>6</sup> 20 U.S.C. 6311(b)(2)(E) to (J).