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## Final Analysis

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## SUMMARY

### State report card system

- Revises the state report card system for school districts and other public schools, beginning with the report card issued for the 2021-2022 school year, replacing the A to F letter grade system with a “star” performance rating system.
- Requires the State Board of Education, in consultation with stakeholders and advocates, to adopt rules by March 31, 2022, to establish the performance criteria, benchmarks, and rating systems necessary to implement the new state report card, including the method to assign performance ratings.
- Revises the six components used to determine an overall rating, including how they are rated individually, how they are used to calculate the overall rating, and, in some instances, renames them.
- Revises the performance measures that are used to determine component ratings and eliminates separate performance ratings for those measures.
- Requires performance ratings to be presented on the state report card with rating descriptions and prescribed graphics depicting rating scales and trends.
- Requires end-of-course exams in science, American history, and American government, as well as certain substitute exams in those subject areas, be included in the calculations of the performance index score for a district or school.
- Requires the Department to explore the feasibility of the value-added progress dimension using the gain index and effect size to improve differentiation and interpretation of the measure.

- Eliminates students in the lowest quintile for achievement statewide as a report card subgroup.
- Requires the Department, by September 30, 2023, to conduct a study regarding the effectiveness and necessity of the value-added progress dimension ranking of public schools.
- Requires the Department, by December 31, 2024, to issue a report regarding the effectiveness of the state report card.
- Establishes a 12-member state report card committee on July 1, 2023, which must issue a report about state report cards by June 30, 2024.

## **Other education provisions**

### **EMIS reporting of all-day kindergarten**

- Requires districts and schools to report through the EMIS the number of students enrolled in all-day kindergarten.

### **State assessment score range**

- Renames the “accelerated level of skill” range of scores on state assessments to the “accomplished level of skill.”

### **Third Grade Reading Guarantee promotion score**

- Requires that the promotion score used to determine whether a student may be promoted to fourth grade under the Third Grade Reading Guarantee equal a “proficient level of skill” by July 1, 2024.

### **Delay posting of community school sponsor evaluation system**

- Delays the deadline for the Department to post on its website the community school sponsor evaluation system for the 2021-2022 school year (rather than July 15, 2021, as otherwise required under continuing law).

## **High school diplomas**

### **Industry recognized credentials**

- Requires the Superintendent of Public Instruction’s industry-recognized credentials and licenses committee to assign a point value for each credential and establish the total number of points necessary to satisfy certain high school graduation requirements.
- Requires the Department, when calculating the students who earned an industry-recognized credential for the state report card, to include only students who earned a credential, or group of credentials, at least equal to that total number of points.

### **State issued licenses**

- Permits students who obtain a state-issued license for practice in a vocation that requires an exam to use that license to qualify for an Industry-recognized Credential

diploma seal or as a “foundational” option when using an alternative demonstration of competency.

### **Nationally standardized college admissions assessments**

- Permits the parent or guardian of a student beginning with the class of 2026 to choose not to have the nationally standardized college admission assessment administered to that student.

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## **DETAILED ANALYSIS**

### **STATE REPORT CARD SYSTEM**

The act revises the state report card system that measures the academic performance of city, local, and exempted village school districts, individual school buildings operated by districts, community schools, STEM schools, and college-preparatory boarding schools.<sup>1</sup> It does not affect the separate state report card systems established under continuing law for joint vocational school districts and dropout prevention and recovery community schools.<sup>2</sup>

Beginning with the state report card issued for the 2021-2022 school year, the act replaces the A to F letter grade system with a rating system that uses “stars” to indicate a district’s or school’s overall performance and performance for the individual components that are factored into the overall rating. It further changes the performance measures used to calculate component ratings and how component ratings determine a district’s or school’s overall rating. It also prescribes criteria regarding the presentation of the ratings and certain new data reporting requirements that are not factored into a component’s performance rating.<sup>3</sup>

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<sup>1</sup> R.C. 3302.03 and 3314.012. See also R.C. 3326.17 and 3328.26, neither in the act.

<sup>2</sup> R.C. 3302.033 and 3314.017, neither in the act.

<sup>3</sup> R.C. 3302.03(D).

## **State Board rules for criteria, benchmarks, and rating systems**

The act requires the State Board of Education to adopt rules by March 31, 2022, to establish the performance criteria, benchmarks, and rating systems necessary to implement the new state report card, including the method for the Department of Education to assign performance ratings to components and the overall rating. In doing so, the State Board must consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typologies. The State Board must use data from prior school years and simulations to ensure there is meaningful differentiation among districts and schools across all performance ratings and that more than half of all districts or schools do not earn the same performance rating in any component or overall rating (except, as described below, for the College, Career, Workforce, and Military Readiness component).

Prior to adopting or updating those rules, the State Board President and the Department must conduct a public presentation before the standing committees of the House of Representatives and the Senate that consider K-12 education legislation. The presentation must describe the format of the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings.

The act requires the Department to notify districts and schools of the changes to the state report card by October 7, 2021.<sup>4</sup>

## **Star system to rate component and overall performance**

Under the new star performance rating system, the Department must use the State Board's method to assign a district or school with a performance rating of "one star," "two stars," "three stars," "four stars," or "five stars" for each of the following individual components that applies to the district or school:

1. Gap Closing;
2. Achievement;
3. Progress;
4. Graduation;
5. Early Literacy; and
6. College, Career, Workforce, and Military Readiness. This component is reported only and not rated for the 2021-2022, 2022-2023, and 2023-2024 school years. However, beginning with the report card issued for the 2024-2025 school year, it may be rated (see "College, Career, Workforce, and Military Readiness" below).

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<sup>4</sup> R.C. 3302.03(D)(4).

## Phased-in overall rating

The act phases in an overall rating beginning with the 2022-2023 school year. The Department generally must use the component ratings to determine a district's or school's overall rating. Unlike component ratings, however, an overall rating may be assigned in half-star intervals, such as "one and one-half stars," with a maximum rating of "five stars."<sup>5</sup>

For the 2021-2022 school year, rather than an overall rating, the act requires the Department to use the Gap Closing, Achievement, Progress, Graduation, and Early Literacy components to determine a method to meaningfully differentiate between districts and schools to comply with any reporting or accountability provisions prescribed under state and federal law. It expressly permits the Department to calculate an overall grade or overall performance rating for a district or school for the 2021-2022 school year in order to:

1. Identify schools for comprehensive, targeted, or additional targeted support and improvement in accordance with federal law and Ohio's request, as approved by the U.S. Department of Education, to delay such identification until fall 2022 using performance data from the 2021-2022 school year; and
2. Calculate the academic performance component and the overall rating for each community school sponsor required to be evaluated for the 2021-2022 school year under continuing law.<sup>6</sup>

For the 2022-2023 and 2023-2024 school years, the Department must use performance ratings for the Gap Closing, Achievement, Progress, Graduation, and Early Literacy components to calculate a district's or school's overall rating. The College, Career, Workforce, and Military Readiness component is not factored into the overall rating for those years. In calculating the rating, Achievement and Progress must be given the same weight, and Gap Closing, Graduation, and Early Literacy must be weighted equally. The individual weights of Gap Closing, Graduation, and Early literacy also must equal one-half of the weight given to Achievement.

If the Joint Committee on Agency Rule Review (JCARR) approves rules regarding establishing College, Career, Workforce, and Military Readiness as a rated component (see "**College, Career, Workforce, and Military Readiness**" below), then the report card for the 2024-2025 school year, and each year thereafter, must factor performance ratings for all six components into a district's or school's overall rating. Achievement and Progress must be given the same weight, while Gap Closing, Graduation, Early Literacy, and College, Career, Workforce, and Military Readiness must be weighted equally. The individual weights of Gap Closing, Graduation, Early Literacy, and College, Career, Workforce, and Military Readiness must equal one-half of the weight given to Achievement.

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<sup>5</sup> R.C. 3302.03(D) (3) first paragraph and division (3)(g).

<sup>6</sup> Section 4.

If JCARR does not approve the rules regarding establishing College, Career, Workforce, and Military Readiness as a rated component, overall performance ratings for the 2024-2025 school year, and each year thereafter, must be calculated in the same manner as such ratings were calculated for the 2022-2023 and 2023-2024 school years.<sup>7</sup>

### **Presentation of the performance ratings**

The act creates new requirements for how the overall performance rating and the component performance ratings are presented on the state report card. Specifically, each overall and component rating must include a prescribed descriptor, as indicated in the table below.<sup>8</sup>

Overall rating	Descriptor
5 stars	“Significantly exceeds state standards”
4 or 4½ stars	“Exceeds state standards”
3 or 3½ stars	“Meets state standards”
2 or 2½ stars	“Needs support to meet state standards”
1 star or 1½ stars	“Needs significant support to meet state standards”

The act also requires the State Board to include a narrative description of each component performance rating. The description must include component-specific context for each performance rating earned, estimated comparisons to other districts and schools if appropriate, and any other information determined by the State Board. The act limits the descriptions to 25 words in length, when possible.<sup>9</sup>

In addition, each report card must include a graphic that depicts the performance ratings of a district or school on a color scale, in which the color green is associated with a performance rating of three stars, and the color red is associated with a performance rating of one star. Each report card also must include an arrow graphic that shows performance rating data trends for districts or schools based on data determined by the State Board, which must include at least the three most recent years of data. Finally, the act requires that each report card include a description regarding the weights assigned to each component and used to

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<sup>7</sup> R.C. 3302.03(D)(3)(g).

<sup>8</sup> R.C. 3302.03(F)(2).

<sup>9</sup> R.C. 3302.03(F)(3).

determine an overall performance rating, which must be included in the presentation of the overall rating.<sup>10</sup>

### **District and building report card notification requirements**

Within 30 days after the Department issues state report cards, each school district, district-operated school building, and other public school must:

1. Notify parents that the state report card has been released and how parents can access it; and
2. Include a link to the state report card on its website.

Additionally, within 30 days after the Department issues state report cards, each district superintendent, or equivalent, must present the report card results to the district's board of education or school's governing authority or body.<sup>11</sup>

### **Components**

The act makes several changes from prior law to the six components used to determine an overall performance rating and the measures used to calculate each component. As noted above, it also requires new reported data that may be incorporated into the components, though it expressly prohibits factoring that data into component ratings or the overall rating. Finally, the act renames the "Kindergarten through Third Grade Literacy" component as the "Early Literacy" component and the "Prepared for Success" component as the "College, Career, Workforce, and Military Readiness" component.

### **Gap Closing**

In addition to other criteria determined appropriate by the Department, the Gap Closing component must reflect whether each of the following measures was met or not:

1. The gifted performance indicator (see below);
2. The chronic absenteeism indicator as determined by the Department (new under the act);
3. For English learners, an English language proficiency improvement indicator established by the Department;
4. Subgroup graduation targets;
5. Subgroup achievement targets in both math and English language arts; and
6. Subgroup progress targets in both math and English language arts.<sup>12</sup>

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<sup>10</sup> R.C. 3302.03(F)(4).

<sup>11</sup> R.C. 3302.037.

<sup>12</sup> R.C. 3302.03(D)(1)(a) and (b), and (D)(3)(a).



The component cannot include any data for a subgroup of fewer than 15 students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or school was to meeting the rate requirement.

The subgroup achievement and progress targets must be calculated individually, and districts and schools must receive a status of “met” or “not met” on each measure. The act prohibits the Department from requiring a subgroup of a district or school to meet both the achievement and progress target at the same time to receive a status of “met.”

### **Gifted performance indicator**

The act amends the performance indicator for gifted student services. Under the act, the State Board must prescribe rules for it that reflect the identification and services provided to, and the performance of, gifted students. The State Board must consult with the Gifted Advisory Council regarding those rules at least once every three years.

The act specifies that the indicator must include:

1. The performance of students on state assessments, as measured by performance index score disaggregated for gifted students;
2. The value-added growth measure disaggregated for gifted students;
3. The level of identification as measured by the percentage of students in each grade level identified as gifted and disaggregated by traditionally underrepresented and economically disadvantaged students; and
4. The level of services provided to students as measured by the percentage of students provided services in each grade level and disaggregated by traditionally underrepresented and economically disadvantaged students.

Under prior law, the indicator reflected only “services” to gifted students and their performance on state assessments, including a value-added growth measure.<sup>13</sup>

### **Achievement**

The Achievement component is based on a performance index score percentage. It is calculated by dividing the district’s or school’s performance index score by the maximum performance index score for a district or school. The maximum performance index score, for a school, is the average of the performance index scores achieved by the top 2% of all schools for the school year for which a report card is issued. Similarly, for a district, it is the average of performance index scores achieved by the top 2% of districts for the school year for which a report card is issued.

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<sup>13</sup> R.C. 3302.02(A)(2).

## **Reported-only data**

In addition, the Achievement component must include, as reported data not factored into the component rating, the district's or school's applicable performance indicators. (For more information, see "**Performance indicators**" below.)<sup>14</sup>

## **Progress**

The Progress component must include an overall value-added progress dimension measure based on three consecutive years of value-added data, with a weight of 50% for the most recent year and weights of 25% to each of the other years. However, the act specifies that if three consecutive years of value-added data are not available, the Department must use two consecutive years of data with a weight of 67% to the most recent year and a weight of 33% to the other year. If two consecutive years of data are not available, the Department must use one year of data.

## **Reported-only data**

Progress must include, as reported data not factored into the component rating, the overall value-added progress dimension score for the most recent year and a composite of the overall score of the district or school for the previous three school years or, if only two years of data is available, the previous two years.<sup>15</sup>

## **Graduation**

The Graduation component must include both the 4-year and 5-year adjusted cohort graduation rates. The 4-year adjusted cohort rate must be assigned a weight of 60%, while the 5-year adjusted cohort rate must be assigned a weight of 40%.

## **Reported-only data**

Graduation also must include, as reported data not factored into the component performance rating, two additional types of data. First, it must include the percentage of students in the 4- and 5-year adjusted cohort graduation rates of a district or school who completed all of grades 9-12 in the district or school. Second, the component must report the percentage of students in the 4- and 5-year adjusted cohort graduation rates who did not receive a high school diploma. To the extent possible, the Department must disaggregate that data into the following categories:

1. Students who are still enrolled in the district or school and receiving general education services;
2. Students with an individualized education program (IEP) who satisfied the conditions for a high school diploma, but opted not to receive a diploma and are still receiving education services;

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<sup>14</sup> R.C. 3302.03(D)(1)(c), (D)(2)(a), and (D)(3)(b).

<sup>15</sup> R.C. 3302.03(D)(1)(d), (D)(2)(b) and (c), and (D)(3)(c).

3. Students with an IEP who have not yet satisfied conditions for a high school diploma and who are still receiving education services;
4. Students who are no longer enrolled in any district or school;
5. Students who, upon enrollment in the district or school for the first time, had completed fewer units of high school instruction than other students in the 4- or 5-year adjusted cohort rate; and
6. Any other category the Department determines appropriate.<sup>16</sup>

### **Early Literacy**

The Early Literacy component generally must include three performance measures. The first measure is the percentage of students in the district or school who score a proficient or higher on the reading segment of the third-grade English language arts assessment.

The second measure is whether a district or school is making progress in improving literacy in grades K-3, as determined using a method prescribed by the Department. That method must determine progress based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared year to year on the reading segments of the state diagnostic assessments, including the Kindergarten Readiness Assessment, and the third-grade English language arts assessment. The method cannot include a deduction for students who did not pass the third-grade English language arts assessment and were not on a reading and improvement plan.

The third measure is the percentage of students in a district or school who are promoted to the fourth grade and not subject to retention under the Third Grade Reading Guarantee.

The act requires the Department, to the extent possible, to include the results of the summer administration of the third-grade English language arts assessment in the first and second of those measures. It also prohibits including the making progress in improving literacy measure on the report card of a district or school in which less than 10% of students have scored below grade level on the kindergarten diagnostic assessment. Prior law prohibited including that measure on the report card of a district or school in which less than 5% of students have scored below grade level.

If all of the three measures are included in the component, they must be given the following weights in determining the rating for the component:

1. 40% for the percentage of students who score proficient or higher;
2. 35% for the promotion of students to 4th grade; and
3. 25% for whether a district or school is making progress in improving literacy.

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<sup>16</sup> R.C. 3302.03(D)(1)(e), and (f), (D)(2)(d) and (j), and (D)(3)(d).

The act states that if the making progress in improving literacy measure is not included in the calculation then the proficiency and promotion measures must be given a weight of 60% and 40%, respectively.

### **Reported-only data**

The Early Literacy component must include, as reported data not included in the component rating, the results of the Kindergarten Readiness Assessment and the percentage of students who (1) are promoted to fourth grade, (2) are not subject to retention under the Third Grade Reading Guarantee, and (3) completed all of the grade levels offered prior to 4<sup>th</sup> grade in the district or school.<sup>17</sup>

### **College, Career, Workforce, and Military Readiness**

The act prescribes a College, Career, Workforce, and Military Readiness component that includes a post-secondary readiness measure that is calculated by dividing the number of students included in the 4-year adjusted cohort graduation rate who demonstrated readiness by the total number of students in that cohort. A student demonstrates readiness by:

1. Attaining a remediation-free score on a nationally standardized assessment (ACT or SAT);
2. Attaining required scores on three or more advanced placement (AP) or international baccalaureate (IB) exams. The act specifies that a required score for an AP exam is a three or higher, while for an IB exam it is a four or higher.
3. Earning at least 12 college credits through advanced standing programs, such as College Credit Plus, an early college high school program, or state-approved career-technical courses offered through dual enrollment or statewide articulation, in any course that is not remedial or developmental and which counts toward the curriculum requirements for a degree;
4. Receiving an honors diploma;
5. Earning an industry-recognized credential or a state-issued license for practice in a vocation that requires an exam;
6. Completing a pre-apprenticeship in the student's chosen career field that is aligned with standards established under continuing law;
7. Completing an apprenticeship in the student's chosen career field that is registered with the Ohio State Apprenticeship Council;
8. Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants who are 18 years old or older;

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<sup>17</sup> R.C. 3302.03(D)(1)(g), (h), and (i), (D)(2)(e) and (k), and (D)(3)(e).

9. Earning a cumulative score of proficient or higher on three or more state technical assessments;
10. Earning an OhioMeansJobs-readiness seal and completing 250 hours of an internship or other work-based learning experience approved by the district's or school's business advisory council; or
11. Providing evidence of military enlistment.

A student who demonstrates readiness using more than one of those options may be counted as only one student in the measure.

Under the act, for the 2021-2022, 2022-2023, and 2023-2024 school years, the College, Career, Workforce, and Military Readiness component is not assigned a performance rating, nor is it factored into the overall rating. Rather, for those school years, the data is reported only. That reported data must include the percentage of students who demonstrate post-secondary readiness using any of the options listed above. The act requires the Department to analyze the data for those school years and, using that data, develop and propose rules for a method to assign a performance rating to the component based on the measure described above.

The rules must prohibit a tiered structure or per student bonuses. They also must prohibit a district or school from receiving a performance rating lower than three stars for the component, if the district's or school's performance on the measure meets or exceeds a level of improvement set by the Department. For that purpose, the act expressly permits more than half of the total districts or schools to receive a performance rating of three stars for the component.

### **Subject to JCARR approval**

The Department must submit the proposed rules to the Joint Committee In Agency Rule Review (JCARR), which must conduct at least one public hearing on them. JCARR must approve or disapprove the rules. If it approves the rules, the State Board must adopt them. If rules are adopted, the Department must assign a performance rating to the component for the 2024-2025 school year and each school year thereafter. The rated component must be factored into the overall performance rating of a district or school beginning with the 2024-2025 school year. However, if JCARR does not approve the rules, the College, Career, Workforce, and Military Readiness component must remain a report only component for the 2024-2025 school year, and each school year thereafter, and cannot be factored into the overall rating.

### **Reported-only data**

Finally, the act requires the component to include, as reported data that is not factored into a rating, post-graduate outcomes for students who were enrolled in the district or school in the prior school year and received a high school diploma. That data must include the percentage of students who:

1. Enrolled in a post-secondary educational institution. This data must be disaggregated, to the extent possible, by four-year institution, two-year institution, Ohio technical center, or other types of institutions;

2. Entered into an apprenticeship program, which may include other job training programs with similar rigor and outcomes;
3. Attained gainful employment, as determined by the Department; or
4. Enlisted in the military.<sup>18</sup>

## Summary of component performance measures and data

The following table indicates, for each component, the performance measures used to determine component ratings (if ratings are calculated) and the component's reported-only data.

Component	Performance measures	Reported-only data
<b>Gap Closing</b>	Gifted performance indicator. Chronic absenteeism indicator. English language proficiency improvement indicator (for English learners). Subgroup graduation targets. Subgroup achievement targets in math and English language arts. Subgroup progress targets in math and English language arts.	N/A.
<b>Achievement</b>	Performance index score percentage.	Performance indicators.
<b>Progress</b>	Overall value-added progress dimension score based on three consecutive years of data.	Overall value-added progress dimension score for the most recent year.  A composite of the overall score for the previous three or two years, as data is available.
<b>Graduation</b>	4-year adjusted cohort graduation rate.	Percentage of students in the 4- and 5-year adjusted cohort rates who completed all of grades 9-12 in the district or school.

<sup>18</sup> R.C. 3302.03(D)(1)(j), (D)(2)(f), and (D)(3)(f).

Component	Performance measures	Reported-only data
<b>Early Literacy</b>	<p>5-year adjusted cohort graduation rates.</p> <p>Percentage of students who score proficient or higher on the reading segment of the third-grade English language arts assessments.</p> <p>Whether a district or school is making progress in improving literacy in grades K-3.</p> <p>Percentage of students who are promoted to fourth grade and not subject to retention under the Third Grade Reading Guarantee.</p>	<p>Percentage of students in the 4- and 5-year adjusted cohort rates who did not receive a high school diploma, disaggregated by prescribed categories.</p> <p>Results of the Kindergarten Readiness Assessment.</p> <p>Percentage of students who (1) are promoted to fourth grade, (2) are not subject to retention under the Third Grade Reading Guarantee, and (3) completed all of the grade levels offered in the district or school prior to fourth grade.</p>
<b>College, Career, Workforce, and Military Readiness</b>	<p>The number of students in the 4-year adjusted cohort graduation rate who demonstrated readiness divided by the total number of students in that cohort .</p>	<p>Percentage of students who graduated in the prior school year and subsequently attained prescribed post-graduate outcomes.</p>

## Additional reported-only data

The act requires other data to be reported in the state report card. This includes the number and percentage of high school seniors in each school year who completed the Free Application for Federal Student Aid (FAFSA). It also maintains the positive behavior intervention and supports (PBIS) indicator, which marks with a “yes” or “no” whether the district or school has implemented a PBIS framework in compliance with continuing law.<sup>19</sup>

### Student opportunity profile

Beginning with the state report card issued for the 2022-2023 school year, the act prescribes a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or school. To the extent possible, and when appropriate, the data must be disaggregated by grade level and subgroup. It also must include data regarding

<sup>19</sup> R.C. 3302.03(D)(2)(g) and (h).

the statewide average, the average for similar school districts, and, for a school, the average for the district in which the school is located.

The measure must include the following data for a district or school:

1. The average ratio of teachers of record to students in each grade level;
2. The average ratio of school counselors to students;
3. The average ratio of nurses to students;
4. The average ratio of licensed librarians and library media specialists to students;
5. The average ratio of social workers to students;
6. The average ratio of mental health professionals to students;
7. The average ratio of paraprofessionals to students;
8. The percentage of teachers with fewer than three years of experience teaching in any school;
9. The percentage of principals with fewer than three years of experience as a principal in any school;
10. The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;
11. The percentage of kindergarten students who are enrolled in all-day kindergarten;
12. The percentage of students enrolled in a performing or visual arts course;
13. The percentage of students enrolled in a physical education or wellness course;
14. The percentage of students enrolled in a world language course;
15. The percentage of students in grades 7-12 who are enrolled in a career-technical education course;
16. The percentage of students participating in one or more co-curricular activities;
17. The percentage of students participating in AP courses, IB courses, Honors courses, or courses offered through CCP;
18. The percentage of students identified as gifted and receiving gifted services;
19. The percentage of students participating in enrichment or support programs offered by the district or school outside of the normal school day;
20. The percentage of eligible students participating each school day in school breakfast programs;
21. The percentage of students who are transported by a school bus each day; and



22. The ratio of portable technology devices that students may take home to the number of students.<sup>20</sup>

The act requires the Department to include opportunity measures for school buildings operated by a district only if the district determines the data is available.

## Performance indicator unit

Beginning with the 2021-2022 school year, the act eliminates the requirement for the State Board to establish proficiency percentages for a district or school to attain to “meet” each performance indicator. Rather, the performance indicator unit must be reported only as data on the state report card (see “**Achievement**” above).<sup>21</sup>

Under continuing law, the performance indicator unit is composed of a series of individual indicators, each of which measures student proficiency on a particular state assessment administered by a district or school and other measures of student success. Prior law specified that a district or school “met” an indicator for a state assessment if a certain percentage of the district’s or school’s students attain a proficient score or higher on that assessment (that is, the district or school achieves the proficiency percentage established by the State Board). The Department assigned a letter grade to the district or school for performance indicators based on how many indicators within the performance indicator unit were met.

## Revised Code provisions contingent on report card results

The act revises several Revised Code provisions that are contingent on state report card results. The table below describes how those provisions were or, in some cases partially still are, contingent on letter grades and how the act substitutes performance ratings for letter grades. Provisions based on multiple consecutive years of report card results will still be based on letter grades for years for which the letter grade report cards were issued. On the other hand, as a result of laws enacted in response to the COVID-19 pandemic, no report cards were issued for the 2019-2020 and 2020-2021 school years, and many of the provisions tied to report cards were stayed for those years.<sup>22</sup>

Under letter grade report cards	Under the act’s star rating report card
<b>Eligibility for alternative diagnostic assessments</b>	
Authorizes a school district, community school, or STEM school that receives a grade of “A” or “B” for performance index score or overall value-added	Changes the triggering condition to a performance rating of four stars or higher for the Achievement component or the Progress component

<sup>20</sup> R.C. 3302.03(D)(2)(i).

<sup>21</sup> R.C. 3302.02(A)(1) and (B).

<sup>22</sup> Section 17 of H.B. 197 of the 133<sup>rd</sup> General Assembly and Section 6 of H.B. 409 of the 134<sup>th</sup> General Assembly.

Under letter grade report cards	Under the act's star rating report card
<p>progress dimension in the prior school year to use alternative diagnostic assessments (<i>R.C. 3301.0715(C)</i>).</p>	<p>(<i>R.C. 3301.0715(C)</i>).</p>
Preschool programs at community schools	
<p>Permits a community school to establish a preschool program if it received on its most recent state report card either:</p> <ol style="list-style-type: none"> <li>1. If the school offers grades 4-12, a grade of "C" or better for performance index score and overall value-added progress dimension;</li> <li>2. If the school does not offer higher than grade 3, a grade of "C" or better for the improving K-3 literacy performance measure (<i>R.C. 3301.52(N)</i>).</li> </ol>	<p>Changes triggering conditions as follows:</p> <ol style="list-style-type: none"> <li>1. If the school offers grades 4-12, a performance rating of three stars or higher for the Progress component and the Achievement component;</li> <li>2. If the school does not offer higher than grade 3, a performance rating of three stars or higher for the Early Literacy component (<i>R.C. 3301.52(N)</i>).</li> </ol>
Support system for the improvement of school districts and school buildings	
<p>Requires the Ohio Department of Education to "endeavor" to include schools and buildings with low letter grades in the agreement with the U.S. Department of Education establishing the prioritization of schools in the state's system of intensive, ongoing support for school improvement (<i>R.C. 3302.04(A)(2)</i>).</p>	<p>Requires the Ohio Department of Education to "endeavor" to include low performance ratings (<i>R.C. 3302.04(A)(2)</i>).</p>
Exemptions from certain rules and statutes	
<p>Requires the State Board of Education to adopt rules exempting school districts from specified state mandates if the district receives an overall grade of "A" (<i>R.C. 3302.05(D)</i>).</p>	<p>Changes the triggering condition to an overall performance rating of five stars (<i>R.C. 3302.05(F)</i>).</p>
Establishment and operation of academic distress commissions	
<p>Requires the Superintendent of Public Instruction to establish an academic distress commission (ADC) for any school district that receives an overall grade of "F" for three consecutive school years (<i>R.C. 3302.10(A)(1)</i>).</p>	<p>Changes the triggering condition to an overall performance rating of less than two stars (<i>R.C. 3302.10(A)(1)</i>).</p>

Under letter grade report cards	Under the act's star rating report card
<p>Specifies that a district must begin to transition out of being subject to an ADC if the district receives an overall grade of "C" or higher (R.C. 3302.10(N)(1)).</p> <p>Specifies that the transition period must last until the district receives an overall grade of higher than an "F" for two consecutive years after the transition period begins (R.C. 3302.10(N)(1)).</p> <p>Specifies that a district that has entered a transition period must be subject to an ADC again if, during that period, the district receives an overall grade of "F" (R.C. 3302.10(N)(2)).</p>	<p>Changes the triggering condition to an overall performance rating of three stars or higher (R.C. 3302.10(N)(1)).</p> <p>Changes the triggering condition to an overall performance rating of two stars or higher (R.C. 3302.10(N)(1)).</p> <p>Changes the triggering condition to an overall performance rating of less than two stars (R.C. 3302.10(N)(2)).</p>
General restructuring of schools in school districts	
<p>Requires a school district to restructure a school building in one of several ways if the building is in the lowest 5% of public school buildings statewide for three consecutive years and it receives any combination of the following for three consecutive years:</p> <ol style="list-style-type: none"> <li>1. The building is declared to be under academic watch or in a state of academic emergency;</li> <li>2. The building receives a grade of "F" for overall value-added progress dimension; or</li> <li>3. The building receives an overall grade of "F" for three consecutive years (R.C. 3302.12(A)(1)).</li> </ol>	<p>Adds the following as triggering conditions:</p> <ol style="list-style-type: none"> <li>1. The building receives a performance rating of one star for the Progress component; or</li> <li>2. The building receives an overall performance rating of less than two stars (R.C. 3302.12(A)(1)).</li> </ol>
Reading achievement improvement plans	
<p>Requires a school district or a community school to submit to the Department an annual reading improvement plan that meets requirements prescribed by the State Board if, for two consecutive state report cards, both of the following apply to the district or school:</p> <ol style="list-style-type: none"> <li>1. It receives a grade of "D" or "F" for the improving K-3 literacy performance measure; and</li> </ol>	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> <li>1. A performance rating of less than three stars for the Early Literacy component; and</li> <li>2. Less than 51% of its students attained at least a proficient score on the third grade English language arts assessment (R.C. 3302.13(A), (B), and (C)).</li> </ol>

Under letter grade report cards	Under the act's star rating report card
<p>2. Less than 60% of its students attained at least a proficient score on the third grade English language arts assessment (<i>R.C. 3302.13(A), (B), and (C)</i>).</p> <p>Specifies a district or school no longer needs to submit an improvement plan if, on the most recent state report card, both of the following apply to the district or school:</p> <ol style="list-style-type: none"> <li>1. It received a grade of "C" or higher for the improving K-3 literacy performance measure; and</li> <li>2. Not less than 60% of its students attained at least a proficient score on the third grade English language arts assessment (<i>R.C. 3302.13(D)</i>).</li> </ol>	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> <li>1. Three stars or higher for the Early Literacy component; and</li> <li>2. Not less than 51% of its students attained at least a proficient score on the third grade English language arts assessment (<i>R.C. 3302.13 (D)</i>).</li> </ol>
Exempt school districts from certain requirements	
<p>Exempts a school district from a series of statutory requirements related to teacher licensure if, on the most recent state report card, the district:</p> <ol style="list-style-type: none"> <li>1. Received at least 85% of the total possible points for performance index score;</li> <li>2. Received a grade of "A" for the performance indicators performance measure; and</li> <li>3. Has a 4-year adjusted cohort graduation rate of at least 93% and a 5-year adjusted cohort graduate rate of at least 95% (<i>R.C. 3302.151</i>).</li> </ol>	<p>Eliminates the requirement to receive a grade of "A" for performance indicators for the 2021-2022 school year or any school year thereafter (<i>R.C. 3302.151(D)(2)</i>).</p>
Right of first refusal in the disposal of school district property	
<p>Requires a district to prioritize offering the real property to "high-performing" community schools, which includes a community school that:</p> <ol style="list-style-type: none"> <li>1. Received a grade of "A," "B," or "C" for performance index score on the state report card in the previous three years of operation; or has increased its performance index score in each of the previous three years of operation;</li> </ol>	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> <li>1. A performance rating of three stars or higher for the Achievement component in each of the previous three years of operation;</li> <li>2. A performance rating of four stars or higher for the progress measure on the most recent state report card;</li> </ol>

Under letter grade report cards	Under the act's star rating report card
<ol style="list-style-type: none"> <li>2. Received a grade of "A" or "B" for the value-added progress dimension on its most recent state report card;</li> <li>3. For school only serving grades K-3, received a grade of "A" or "B" for the improving K-3 literacy measure on its most recent state report card <i>(R.C. 3313.413(A)(1) and (B))</i>.</li> </ol>	<ol style="list-style-type: none"> <li>3. For a school only serving grades K-3, received a performance rating of four stars or higher for the Early Literacy component on its most recent state report card <i>(R.C. 3313.413(A)(1))</i>.</li> </ol>
Location of start-up community schools	
<p>Specifics that start-up community schools may open only in "challenged school districts," which includes, among others, a district that has received:</p> <ol style="list-style-type: none"> <li>1. An overall grade of "D" or "F"; or</li> <li>2. A grade of "F" for overall value-added progress dimension for two of the three most recent school years <i>(R.C. 3314.02(A)(3))</i>.</li> </ol>	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> <li>1. An overall performance rating of less than three stars; or</li> <li>2. A performance rating of one star for the Progress measure for two of the three most recent school years <i>(R.C. 3314.02(A)(3))</i>.</li> </ol> <p><b>However, H.B. 110 of the 134<sup>th</sup> General Assembly, effective September 30, 2021, eliminated the provision that limited the creation of start-up community schools to "challenged school districts."</b></p>
Prohibit community school contracts with new sponsors	
<p>Prohibits a community school from entering into a contract with a new sponsor if it receives a grade of "D" or "F" for both performance index score and overall value-added progress dimension on the most recent state report card <i>(R.C. 3314.034(A)(1))</i>.</p>	<p>Changes the triggering conditions to a performance rating of less than three stars for the Achievement component and the Progress component <i>(R.C. 3314.034(A)(1))</i>.</p>
Community school use of multiple facilities	
<p>Authorizes a community school to be located in multiple facilities under the same contract if it meets several conditions and its overall grade does not fall below a "C" for two or more consecutive years <i>(R.C. 3314.05(B)(2)(c)(iii))</i>.</p>	<p>Changes the triggering condition to an overall performance rating of three stars <i>(R.C. 3314.05(B)(2)(c)(iv))</i>.</p>

Under letter grade report cards	Under the act's star rating report card
<b>Automatic community school closure</b>	
<p>Requires a community school that does not offer a grade level higher than 3 to automatically close if, for the three most recent school years, it receives a grade of "F" in improving K-3 literacy or an overall grade of "F" (R.C. 3314.35(A)(3)(a)).</p>	<p>Adds as triggering conditions that a school can receive a performance rating of one star for the Early Literacy component or an overall performance rating of less than two stars (R.C. 3314.35(A)(3)(a)).</p>
<p>Requires a community school that offers any of grades 4 to 8 to automatically close if, for the three most recent school years, it receives either:</p> <ol style="list-style-type: none"> <li>1. A grade of "F" for performance index score and overall value-added progress dimension; or</li> <li>2. An overall grade of "F" and a grade of "F" for overall value-added progress dimension (R.C. 3314.35(A)(3)(b)).</li> </ol>	<p>Adds as triggering conditions that a school receives:</p> <ol style="list-style-type: none"> <li>1. A performance rating of one star for the Achievement component and the Progress component;</li> <li>2. An overall performance rating of less than two stars and a rating of one star for the Progress component (R.C. 3314.35(A)(3)(b)).</li> </ol>
<p>Requires a community school that offers any of grades 10-12 to automatically close if, for the three most recent school years, it received either:</p> <ol style="list-style-type: none"> <li>1. A grade of "F" for performance index score and did not meet its annual measurable objectives; or</li> <li>2. An overall grade of "F" and a grade of "F" for the value-added progress dimension (R.C. 3314.35(A)(3)(c)).</li> </ol>	<p>Adds as triggering conditions that a school receives:</p> <ol style="list-style-type: none"> <li>1. A performance rating of one star for the Achievement component and did not meet its annual measurable objectives, as determined by the Department; or</li> <li>2. An overall performance rating of less than two stars and a rating of one star for the Progress component (R.C. 3314.35(A)(3)(c)).</li> </ol>
<p><b>However, H.B. 110 of the 134<sup>th</sup> General Assembly, effective September 30, 2021, prohibits the automatic closure of community schools on the basis of any report card ratings issued for any school year prior to the 2022-2023 school year.<sup>23</sup></b></p>	

## Other report card provisions

### Performance index score

The act requires that the end-of-course exams in science, American history, and American government, as well as substitute AP or IB exams in those subject areas, be included

<sup>23</sup> R.C. 3314.355, not in the act.

in the calculations of the performance index score for a district or school. It also requires, to the extent possible, the summer administration of the third-grade English language arts assessment to be included in the calculation of performance index score, performance indicators, and annual measurable objectives.

Continuing law requires the performance index score calculation to include the end-of-course exams in English language arts and mathematics. It also requires the fall and spring administrations of the third-grade English language arts assessment to be included in the performance index score, performance indicators, and annual measurable objectives.<sup>24</sup>

### **Assessment passage rates**

Continuing law requires that assessment passage rates include alternative assessments in English language arts, math, and science. The act adds substitute AP or IB exams in science, American history, and American government to the calculation of that rate.<sup>25</sup>

### **Students in the lowest quintile subgroup**

The act eliminates students in the lowest quintile for achievement statewide as a subgroup in the state report card.<sup>26</sup>

### **Value-added progress dimension**

The act requires the Department to explore the feasibility of the value-added progress dimension using the gain index and effect size to improve differentiation and interpretation of the measure. It also authorizes the State Board to update its rules regarding value-added progress dimension to implement the use of gain index and effect size, if the Department determines that it is feasible.

If rules are adopted to use gain index and effect size, the act specifies that any prior method to calculate state report card letter grades or performance ratings no longer apply. Rather, the State Board must update its rules to determine how letter grades or performance ratings for each level of performance are calculated using gain index and effect size.<sup>27</sup>

## **Report card related studies**

### **Value-added progress dimension ranking study**

The act requires the Department to conduct a study regarding the academic effectiveness and necessity of the current value-added progress dimension ranking of school districts and other public schools that are not community schools that primarily serve students enrolled in dropout prevention and recovery programs. By September 30, 2023, the

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<sup>24</sup> R.C. 3302.01(A) and 3302.03(L)(2).

<sup>25</sup> R.C. 3302.03(L)(1).

<sup>26</sup> R.C. 3302.01(B)(6).

<sup>27</sup> R.C. 3302.021.

Department must submit a report of its findings to the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that consider education legislation.<sup>28</sup>

### **Report on the effectiveness of state report cards**

By December 31, 2024, the Department must issue a report regarding the effectiveness of the state report card. In preparing this report, the Department must study the data included in the state report cards issued for the 2021-2022, 2022-2023, and 2023-2024 school years. The report must include the Department's recommendations for changes or improvements to the state report card. The Department must submit its report to the Speaker of the House, the Senate President, and the chairpersons of the House and Senate committees that consider education legislation.<sup>29</sup>

### **State report card review committee**

The act establishes a state report card review committee on July 1, 2023. The committee consists of the following members:

1. Two members of the House of Representatives appointed by the Speaker of House who are not of the same political party. The House Minority Leader may recommend a member of the Minority Leader's political party to the Speaker.
2. Two members of the Senate appointed by the Senate President who are not of the same political party. The Senate Minority Leader may recommend a member of the Minority Leader's political party to the President.
3. The Superintendent of Public Instruction, or the state Superintendent's designee;
4. The following members appointed by the state Superintendent:
  - a. An elementary school teacher;
  - b. A high school teacher;
  - c. An individual with experience providing services to gifted students;
  - d. An individual with experience providing special education and related services to children with disabilities;
  - e. A chartered nonpublic school representative;
  - f. A business community representative; and
  - g. The parent of a child enrolled in any of grades K-12.

The committee must conduct a study of the state report cards issued for the 2022-2023 school year and prior school years and, based on that study, make recommendations for

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<sup>28</sup> Section 3; see also R.C. 3302.21, not in the act.

<sup>29</sup> R.C. 3302.038.



improvements, corrections, and clarifications to the report card. By June 30, 2024, the committee must submit a report of its findings to the State Board and the chairpersons of the House and Senate committees that consider education legislation.<sup>30</sup>

## **OTHER EDUCATION PROVISIONS**

### **EMIS reporting of all-day kindergarten**

The act requires the State Board's guidelines for the Education Management Information System (EMIS) to require districts and schools to report the number of students enrolled in all-day kindergarten.<sup>31</sup>

### **State assessment score range**

Under continuing law, the State Board determines and designates ranges of scores that are considered to demonstrate certain levels of achievement on state assessments. The act renames the "accelerated level of skill" range of scores on state assessments to the "accomplished level of skill."<sup>32</sup>

### **Third Grade Reading Guarantee promotion score**

The act requires that, by July 1, 2024, for purposes of the Third Grade Reading Guarantee, the score on the third grade English language arts assessment used to determine promotion equal the score for "proficient level of skill."

Under law enacted in 2012, the State Board designated a promotion score for the third grade English language arts assessment for the purposes of the Third Grade Reading Guarantee. Continuing law requires the State Board to review and adjust that score upward each year until it is equal to the score that the State Board determines demonstrates a "proficient level of skill."<sup>33</sup>

### **Delay posting of community school sponsor evaluation system**

The act delays to August 15, 2021, the deadline for the Department to post on its website the evaluation system that will be used for community school sponsor evaluations for the 2021-2022 school year. It also requires the Department, prior to that date, to make every effort to post information and documentation regarding sponsor evaluations for the 2021-2022 school year that are not affected by the provisions of the act.<sup>34</sup>

However, that provision is not immediately effective. As such, the provision will not become effective until September 30, 2021.

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<sup>30</sup> R.C. 3302.039.

<sup>31</sup> R.C. 3301.0714(B)(1)(s).

<sup>32</sup> R.C. 3301.0710(A)(2) and 3301.0712(B)(5).

<sup>33</sup> R.C. 3301.0710(A)(3). See also S.B. 316 of the 129<sup>th</sup> General Assembly, effective September 24, 2012.

<sup>34</sup> Section 5.

Continuing law otherwise requires the Department to post the evaluation system on the Department's website by July 15 of each school year.<sup>35</sup>

## **High school diplomas**

### **Industry-recognized credentials**

The act requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to assign a point value for each credential and establish the total number of points that a student must earn to satisfy certain high school graduation criteria prescribed under continuing law.<sup>36</sup> Specifically, the act requires a student to earn the total number of points to qualify for an Industry-recognized Credential diploma seal or to use industry recognized credentials as a "foundational" option when using an alternative demonstration of competency. Prior law specified only that a student must earn an industry-recognized credential for either of those purposes.

In addition, the act requires the Department, when calculating the number of students who earned an industry-recognized credential for the state report card, to include only students who earned a credential, or group of credentials, at least equal to that total number of points required for graduation.

A similar provision was enacted in H.B. 110 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

### **State-issued licenses**

The act permits students who obtain a state-issued license for practice in a vocation that requires an exam to use that license to qualify for an Industry-recognized Credential diploma seal or as a "foundational" option when using an alternative demonstration of competency.<sup>37</sup>

A similar provision was enacted in H.B. 110 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

## **Nationally standardized college admission assessments**

Beginning with students who enter 9<sup>th</sup> grade for the first time in the 2022-2023 school year (the Class of 2026), the act permits the parent or guardian of a student to choose not to have a nationally standardized assessment (ACT or SAT) administered to that student. In that case, the student's school district, other public school, or chartered nonpublic school is prohibited from administering that assessment to that student.<sup>38</sup>

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<sup>35</sup> 3314.016(B)(1), not in the act.

<sup>36</sup> R.C. 3313.6113.

<sup>37</sup> R.C. 3313.618 and 3313.6114.

<sup>38</sup> R.C. 3301.0712(B)(1)(b).

The act does not affect the requirement under continuing law that students prior to the Class of 2026 must take the ACT or SAT.

An identical provision was enacted in H.B. 110 of the 134<sup>th</sup> General Assembly, effective September 30, 2021.

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## HISTORY

Action	Date
Introduced	02-09-21
Reported, H. Primary and Secondary Education	05-26-21
Passed House (94-0)	06-10-21
Reported, S. Primary and Secondary Education	06-23-21
Passed Senate (32-1)	06-23-21
House concurred in Senate amendments (91-3)	06-25-21

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