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Office of Research
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Office

S.B. 162
(1_135_1330-4 with
AM1404 and AM1422)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 162's Bill Analysis](#)

Version: In Senate Education

Primary Sponsor: Sen. Brenner

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill's requirement to provide free academic intervention services to certain students who demonstrate a limited level of skill on state assessments will increase costs for school districts and other public schools. These costs could be significant but are highly uncertain. Ultimately, they will depend on the number of qualifying students already receiving services meeting the bill's requirements or who meet the criteria for an exemption and district and school implementation decisions.
- Expenditures for districts and schools not meeting the bill's 51% threshold for third grade mathematics proficiency may increase to develop and implement mathematics achievement improvement plans. Any costs will vary depending on the strategies districts and schools choose to employ.
- The bill may increase Department of Education and Workforce (DEW) operating costs in the hundreds of thousands of dollars annually to review academic intervention services in up to 5% of public schools each year.

Detailed Analysis

Overview

The bill requires each school district, community school, and science, technology, engineering, and mathematics (STEM) school to provide qualifying students with evidence-based academic intervention services, free of cost, either directly, through a vendor, or a combination of both. A student qualifies for such services if they demonstrate a "limited" level of skill in math, English language arts, or both, on a state assessment (the limited level is the lowest level of achievement on the state assessments). However, under the bill, a district or school is not required to provide these services to a qualified student who both (1) received a final course

letter grade of “C” or higher in the subject in which the student was assessed as limited and (2) scored at or above grade level on the prior two diagnostic assessments in that subject. Any student in grades 9-12 who is not required to take another state assessment after demonstrating a limited level on their most recent state assessment will still qualify for intervention services. The bill requires districts and schools to provide these qualifying high school students with academic intervention services that align with the student’s selected graduation pathway.

Academic intervention services may be provided through (1) high-dosage tutoring opportunities that include additional instruction time of at least three days a week or at least 50 hours over 36 weeks, (2) additional instruction time, (3) an extended calendar year, (4) participation in a learning support program, or (5) any other academically centered support service determined to improve the student’s academic performance. The bill requires these services to be in addition to, rather than a replacement for, existing academic instruction and other services provided to students, and requires that they not supplant core academic instructional time. Districts and schools must develop a mathematics improvement and monitoring plan meeting certain requirements for students who receive mathematics intervention services. The plan must identify the student’s mathematics deficiencies and describe the additional instructional services and support the student will receive, among other contents.

The bill also requires each district or school to notify the parent or guardian that their student qualifies for and will receive academic intervention services with periodic updates on the services provided. Under the bill, a district or school must also annually report to DEW all of the following through the Education Management Information System (EMIS): (1) the number of qualifying students, (2) the number of qualifying students receiving academic intervention services, and (3) the number of qualifying students receiving the services through a vendor, or a combination of both options. The bill also requires a district or school to report any information DEW requests about mathematics improvement and monitoring plans and, through EMIS, the core curriculum and instructional materials being used for mathematics in grades K-8 and the mathematics intervention programs used in grades K-12 (this latter reporting requirement is similar to one enacted in H.B. 33 of the 135th General Assembly for English language arts core curriculum and instructional materials and reading intervention programs).

Beginning in the 2024-2025 school year, and each school year thereafter, DEW is required to randomly select no more than 5% of all public schools (individual schools operated by a school district as well as community schools and STEM schools) for a review of their academic intervention services and outcomes. The bill prohibits DEW from reviewing any one school more than once every three years. DEW must provide a report to the district or school of the review’s results within 75 days of completion. That district or school is then required to post the results on its website or to make it available upon request. The bill also requires DEW to include a copy of the report within the Student Opportunity Profile found on the school’s state report card.

Academic intervention services

According to DEW, of the roughly 882,000 students in grades 3-12 who took the state assessment in English language arts in the 2022-2023 school year, 179,557 (20.4%) scored at the limited level of skill. Of the roughly 975,000 students in grades 3-12 tested in mathematics, 314,482 (32.2%) scored at the limited level of skill. According to the Buckeye Association of School Administrators (BASA), most schools already offer intervention services to students. As a result, some portion of these students may already be receiving academic intervention services

that meet the bill's requirements. Due to data limitations, that number and the number of qualifying students for which a district or school is exempt from providing intervention services are not known.

Schools that already provide academic intervention services may still incur increased costs if there is a need to restructure or expand their existing programs, particularly to ensure compliance with the bill's requirement that services be in addition to core academic instruction and other services and to adhere to the requirements of mathematics improvement and monitoring plans, as applicable. Schools may also incur increased administrative costs to comply with the bill's notification and reporting requirements. Consequently, the costs of providing academic intervention services to qualifying students could be significant but are highly uncertain. Ultimately, costs will vary depending on the number of students who score at a limited level of skill in each district or school who are not already served or exempt and how each district or school chooses to provide the services. Based on a search of providers on DEW's list of high quality tutoring providers,¹ the costs of a tutor ranges from \$18 to \$40 an hour. Costs to provide other academic intervention will depend on a number of factors including staffing needs, staff salaries, contract agreements, and other considerations.

District and community school mathematics achievement improvement plans

Beginning with the 2024-2025 school year, the bill requires each school district or community school in which 51% or fewer of the district or school's students score proficient or higher on the third grade mathematics state assessment to develop a mathematics achievement improvement plan and submit the plan to DEW. Once more than 51% of a district or school's students taking the third grade mathematics state assessment score proficient or higher, the district or school will no longer be required to develop and submit a plan. DEW will be responsible for establishing guidelines for the mathematics achievement improvement plans. The plans must, at a minimum, include (1) analysis of student performance data, (2) measurable performance goals, (3) strategies to meet student needs, (4) staffing and professional development plan, and (5) instructional strategies for improving student performance. The bill also requires DEW to post all submitted plans on its website. The costs of carrying out the plans will vary depending on the strategies chosen by the districts and schools that are subject to them. For the 2022-2023 school year, 70 (12%) traditional school districts and 147 (44%) community schools had a proficiency rate of 51% or less on the third grade mathematics state assessment.

Annual reviews

DEW's operating costs likely will increase beginning in FY 2025 to review and report on the academic intervention services provided by up to 5% of public schools. The bill's requirement translates to reviews for up to approximately 170 individual schools each year. The bill requires the reviews to include, at a minimum, a document review, interviews with applicable district and school staff, and observations of interventions. The reviews will evaluate whether qualifying

¹ See DEW's [Approved Vendor Directory](#), which may be accessed by conducting a keyword "Approved Vendor Directory" search on DEW's website: education.ohio.gov.

students are receiving the services, the types and methods of services qualifying students receive, and the quality of the services provided.

DEW may need to hire new staff to carry out the reviews. It is conceivable that the costs, if the reviews are performed in-house, would be in the hundreds of thousands of dollars annually, though it will depend highly on the number of new staff needed. This number will depend on the scope, duration, and complexity of the reviews and the DEW unit responsible for overseeing them. Currently, the Office of School and District Improvement oversees school improvement initiatives, including identifying evidence-based strategies to improve outcomes.

The base pay rate for an education program specialist starts at \$31.24 per hour. The total annual payroll costs for each such position will range from about \$83,000 to \$100,000, depending on the single or family health insurance coverage the employee may enroll in. If necessary, a program manager position may start at a base pay rate of around \$36 per hour, which would mean total annual payroll costs ranging from \$94,000 to \$110,000. An administrative professional's base pay rate starts at about \$20 per hour, equating to annual payroll costs ranging from \$56,000 to \$72,000. Hypothetically, if this new function is administered by a team of three education program specialists, a program manager, and an administrative professional, the total annual payroll cost could range from \$399,000 to \$482,000 plus any supplies, equipment, and travel reimbursement costs. Costs may be different if the Department chooses to contract with an organization involved in supporting school improvement and academic intervention services to assist in conducting the reviews, as permitted by the bill. Contract costs will depend on the particulars of the contractual arrangement.