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SUMMARY

State report card revisions

- 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.
- Replaces the A to F letter grade system with a new star performance rating system, but maintains the overall rating and performance ratings for each of the components used to determine the overall rating.
- Maintains the six components prescribed under current law, but revises 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.
- Prescribes new data that must be reported in components, but prohibits that data from being factored into component performance ratings.
- 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

* This analysis was prepared before the report of the Senate Primary and Secondary Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

rating systems necessary to implement the new state report card, including the method to assign performance ratings.

- Requires the State Board President and the Department of Education, prior to adopting or updating those rules, to present to the House and Senate education committees the new format of the report card and the performance criteria, benchmarks, and rating systems, including the method to assign performance ratings.
- Incorporates performance ratings into triggers for a series of provisions that are contingent upon letter grades under current law.
- Requires each school district and other public schools, within 30 days after the state report card's issuance, to notify parents regarding the report card and include a link to the report card on its website.
- Requires each district superintendent, or the equivalent in another public school, within 30 days after the state report card is issued, to present report card results to the district's board of education or other school's governing authority.
- Requires end-of-course exams in science, American history, and American government, as well as certain substitute exams in science, American history, and American government, be included in the calculations of the performance index score for a school district or school building.
- Makes changes to the performance indicators prescribed under continuing law, including establishing a chronic absenteeism indicator, modifying the gifted performance indicator, and removing proficiency percentages from most indicators.
- Requires the Department to explore the feasibility of the value-added progress dimensions using the gain index and effect size to increase differentiation.
- 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 it is feasible.
- Eliminates students in the lowest quintile for achievement statewide as a report card subgroup.
- Requires the Department, not later than two years after the bill's effective date, to conduct a study regarding the effectiveness and necessity of the value-added progress dimension ranking of public schools under current law.
- 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.
- Requires districts and schools to report through the Education Management Information System (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.”

Delay posting of community school sponsor evaluation system

- Delays to August 15, 2021, 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 diploma provisions

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 that a student must earn to satisfy certain high school graduation criteria prescribed under continuing law.
- Requires the Department, when calculating the number of students who earned an industry-recognized credential in the state report card’s College, Career, Workforce, and Military Readiness Component, 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 alternative demonstrations of competency.

Nationally standardized college admissions assessments

- Permits the parent or guardian of a high school student to opt the student out of taking a nationally standardized college admission assessment, beginning with students who enter the 9th grade for the first time in the school year that follows the bill’s effective date.

TABLE OF CONTENTS

State report card system	4
State Board’s rules	5
Star performance rating system.....	5
Components	7
Gap Closing	7
Achievement.....	8
Progress	8
Graduation.....	9
Early Literacy	9

College, Career, Workforce, and Military Readiness	10
Presentation of the performance ratings	12
Other reported data; student opportunity profile.....	13
Revised Code provisions contingent on report card results.....	14
District and building report card notification requirements.....	19
Other report card provisions	20
Performance index score	20
Assessment passage rates.....	20
Performance indicators.....	20
Gifted performance and chronic absenteeism indicators.....	20
Performance indicator unit	21
Students in the lowest quintile subgroup	21
Value-added progress dimension	21
Report card related studies.....	22
Value-added progress dimension ranking study.....	22
Report on the effectiveness of state report cards	22
State report card review committee	22
EMIS reporting.....	23
Background – state report card under current law	23
State assessment score range.....	25
Delay posting of community school sponsor evaluation system	25
High school diploma provisions	25
Industry-recognized credentials.....	25
State-issued licenses	26
Nationally standardized college admission assessments	26
Background on high school testing and graduation requirements	26

DETAILED ANALYSIS

State report card system

The bill revises the state report card system to measure 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.¹ It does not affect the separate state report card systems established under continuing law for joint vocational

¹ R.C. 3302.03 and 3314.012. See also R.C. 3326.17 and 3328.26, neither in the bill.

school districts and dropout prevention and recovery community schools.² (Currently, there are no college-preparatory boarding schools operating.)

Beginning with the state report card issued for the 2021-2022 school year, the bill replaces the A to F letter grade system with a rating system that uses stars to indicate performance. Under the bill, a district or building is assigned an overall performance rating and performance ratings for the individual components. It further changes the performance measures used to calculate component ratings and how component ratings are used to determine a district's or school's overall rating. It also prescribes criteria regarding the presentation of the ratings, as published by the Department of Education. Finally, the bill prescribes new data reporting requirements. That data generally must be reported as part of a component, but the bill expressly prohibits factoring it into a component's performance rating.³

State Board's rules

The bill 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 system, including the method for the Department to assign performance ratings to components and the overall performance 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 typology regions. The State Board must use data from prior school years and simulations so that (1) there is meaningful differentiation among districts and schools across all performance ratings and (2) except for the College, Career, Workforce, and Military Readiness component, more than half of all districts or schools do not earn the same performance rating in any component or overall performance rating.

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 primary and secondary legislation. The presentation must describe the format of the report card and the performance criteria, benchmarks, and grading systems, including the method to assign performance ratings.

The Department must notify districts and schools of the changes to the report card not later than one week after the bill's effective date.⁴

Star performance rating system

The bill prescribes a new rating system that uses stars to indicate performance for districts and schools to replace the A to F letter grade system. Under the new system, the Department must use the State Board's method to assign a district or school with a performance rating of

² R.C. 3302.033 and 3314.017, neither in the bill.

³ R.C. 3302.03(D).

⁴ R.C. 3302.03(D)(4).

“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).

The Department generally must use the component performance ratings to determine an overall performance rating for a district or school. A district or school may receive an overall rating of “one star,” “one and one-half stars,” “two stars,” “two and one-half stars,” “three stars,” “three and one-half stars,” “four stars,” “four and one-half stars,” or “five stars.” However, the bill phases-in the introduction of the overall performance rating and the use of component performance ratings to determine that overall rating.⁵

For the 2021-2022 school year, the bill does not generally provide for an overall performance rating. Rather, the bill requires the Department to use the Gap Closing, Achievement, Progress, Graduation, and Early Literacy components to determine a method to meaningfully differentiate between school districts and school buildings for the purposes of complying with any reporting or accountability provisions prescribed under state and federal law. The bill specifies that it does not prohibit the Department from calculating an overall grade or overall performance rating for a district or school for the 2021-2022 school year 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.⁶

For the 2022-2023 and 2023-2024 school years, the Department must use the following five components to determine a district’s or school’s overall performance rating: Gap Closing, Achievement, Progress, Graduation, and Early Literacy. The College, Career, Workforce, and

⁵ R.C. 3302.03(D)(3)(g).

⁶ Section 4.

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 include all six components in the calculation of a district’s or school’s overall performance 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.

However, if JCARR does not approve the rules regarding establishing College, Career, Workforce, and Military Readiness as a rated component, the calculation for an overall performance rating for the 2022-2023 and 2023-2024 school years must be used to determine overall ratings for the 2024-2025 school year and each school year thereafter.⁷

Components

The bill makes a series of changes to the six components prescribed under current law. It substantially changes the performance measures used to calculate the component’s performance ratings. It also prescribes new reported data that may be incorporated into the components, though it expressly prohibits factoring that data into component performance ratings or the overall performance rating. Finally, the bill 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. (Currently, the Department’s website designates the “Third Grade Literacy” component as the “Improving At-Risk K-3 Readers” component.)

Gap Closing

The bill prescribes a Gap Closing component, which must include, in addition to other criteria determined appropriate by the Department, which must reflect whether each of the following measures was met or not:

1. The gifted performance indicator;
2. The chronic absenteeism indicator;
3. For English learners, an English language proficiency improvement indicator established by the Department;

⁷ R.C. 3302.03(D)(3)(g).

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.⁸

The component must not include any subgroup data that includes data from 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 building was to meeting the rate requirement.

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

(For more information about the gifted performance indicator and the chronic absenteeism indicator, see “**Performance indicators**” below.)

Achievement

The bill prescribes an Achievement component, which must include a performance index score percentage measure. Performance ratings for Achievement must be awarded as a percentage calculated by dividing the district’s or building’s performance index score by the maximum performance index score for a district or building. The maximum performance index score is as follows:

1. For a building, the average of the highest 2% of performance index scores achieved by a building for the school year for which a report card is issued; and
2. For a district, the average of the highest 2% of performance index scores achieved by a district for the school year for which a report card is issued.

In addition, the Achievement component must include, as reported data not factored into the component’s performance rating, the district’s or school’s applicable performance indicators. (For more information, see “**Performance indicators**” below.)⁹

Progress

The bill prescribes a Progress component, which must include an overall value-added progress dimension score measure. The bill requires the measure to use three consecutive years of value-added data in the measure, with a weight of 50% for the most recent year and weights of 25% to each of the other years. However, the bill specifies that if three consecutive years of value-added data is 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 is also not available, the Department must use one year of data.

⁸ R.C. 3302.03(D)(1)(a) and (b), and (D)(3)(a).

⁹ R.C. 3302.03(D)(1)(c), (D)(2)(a), and (D)(3)(b).

In addition to that performance measure, the bill requires Progress to include, as reported data not factored into the component performance rating, the overall value-added progress dimension score of a district or school 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.¹⁰

Graduation

The bill prescribes a Graduation component, which must include as performance measures both the 4- 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%.

In addition to that measure, Graduation must include, as reported data not factored into the component performance rating, 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. The component also 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;
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.¹¹

Early Literacy

The bill prescribes an Early Literacy component, which 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

¹⁰ R.C. 3302.03(D)(1)(d), (D)(2)(b) and (c), and (D)(3)(c).

¹¹ R.C. 3302.03(D)(1)(e), (D)(1)(f), (D)(1)(j), (D)(2)(d), and (D)(3)(d).

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 must not 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 building who are promoted to the fourth grade and not subject to retention under the Third Grade Reading Guarantee.

The bill requires the Department, to the extent possible, to include the results of the summer administration of the third-grade English language arts assessment in both measures. It also specifies that the making progress in improving literacy performance measure must not be included 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. Current law exempts a district or school in which less than 5% of students have scored below grade level. The bill requires that, if all of the measures are included in the component, they must be given the following weights in determining the performance 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.

The bill states that if the 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.

Finally, the bill requires the component to include, as reported data not included in the component letter performance 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 4th grade in the district or school.¹²

College, Career, Workforce, and Military Readiness

The bill prescribes a College, Career, Workforce, and Military Readiness component, which must include 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 student in the 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 bill 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.

¹² R.C. 3302.03(D)(1)(g), (D)(1)(h), (D)(1)(i), (D)(2)(e), (D)(2)(k), and (D)(3)(e).

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 preapprenticeship aligned with standards established by the Departments of Education and Job and Family Services, in consultation with the Governor's Office of Workforce Transformation, in the student's chosen career field;
7. Completing an apprenticeship registered with the Ohio State Apprenticeship Council in the student's chosen career field;
8. Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants who are 18 years old or older;
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.

Under the bill, for the 2021-2022, 2022-2023, and 2023-2024 school years, there is no performance rating for the College, Career, Workforce, and Military Readiness component, nor is it factored into the overall performance 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 bill 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 specify that a student who demonstrates readiness by satisfying more than one of those conditions must be counted as only one student for the purposes of calculating the measure. It also prohibits a district or school from receiving a performance rating lower than three stars for the component, if the district's or school's performance meets or exceeds a level of improvement set by the Department. For that purpose, the bill expressly permits more than half of the total districts or schools to receive a performance rating of three stars for the component.

The Department must submit the proposed rules it develops for calculating the College, Career, Workforce and Military Readiness component to JCARR, which must conduct at least one public hearing on the proposed rules. 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 also be factored into the overall performance rating of a district or school beginning with that school year (see “**Star system of performance ratings**” above). However, if JCARR does not approve the rules, the College, Career, Workforce, and Military Readiness component remains a report only component for the 2024-2025 school year, and each school year thereafter, and is not factored into the overall performance rating.

Finally, the bill requires the College, Career, Workforce, and Military Readiness component to include, as reported data that is not factored into the component’s performance rating, if such a rating becomes calculated, data regarding the 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.¹³

Presentation of the performance ratings

The bill creates new requirements for how the overall performance rating and the component performance ratings are presented on the state report card. Specifically, the bill requires that each overall performance rating include a prescribed descriptor, as indicated in the table below.¹⁴

Overall performance rating	Descriptor
Five stars	“Significantly exceeds state standards”
Four stars	“Exceeds state standards”
Three stars	“Meets state standards”
Two stars	“Needs support to meet state standards”
One star	“Needs significant support to meet state standards”

¹³ R.C. 3302.03(D)(1)(i), (D)(2)(f), and (D)(3)(f).

¹⁴ R.C. 3302.03(F)(2).

The bill also requires the State Board to include a description of each component and performance rating. The description must include component-specific context to each performance rating earned, estimated comparisons to other districts and buildings if appropriate, and any other information determined by the State Board. The bill limits the descriptions to 25 words in length, when possible. In addition to those descriptions, the bill also requires the State Board to use the descriptors prescribed for overall performance ratings (see the table above) for component performance ratings.¹⁵

The bill requires that each report card 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. The bill further requires that each report card include an arrow graphic that shows performance rating data trends for districts or buildings, based on data determined by the State Board, which must include at least the three most recent years of data. Finally, the bill requires that each report card include a description regarding the weights assigned to each component and used to determine an overall performance rating, which must be included in the presentation of the overall performance rating.¹⁶

Other reported data; student opportunity profile

The bill requires other data to be included 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.¹⁷

Additionally, beginning with the state report card issued for the 2022-2023 school year, the bill prescribes a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or building. To the extent possible, and when appropriate, the data must be disaggregated by grade level and subgroup. It also must include data regarding the statewide average, the average for similar school districts, and, for a building, the average for the district in which the building is located. The measure must include the following data for a district or building:

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;

¹⁵ R.C. 3302.03(F)(3).

¹⁶ R.C. 3302.03(F)(4).

¹⁷ R.C. 3302.03(D)(2)(g) and (h).

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.¹⁸

The bill requires the Department to include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.

Revised Code provisions contingent on report card results

The bill revises several Revised Code provisions that are contingent on state report card letter grades. The table below describes how those provisions are contingent upon letter grades under current law and how the bill generally substitutes the use of performance ratings for letter grades.

¹⁸ R.C. 3302.03(D)(2)(i).

Current law	The bill
Eligibility for alternative diagnostic assessments	
<p>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 progress dimension in the prior school year to use alternative diagnostic assessments (<i>R.C. 3301.0715(C)</i>).</p>	<p>Changes the triggering condition to a performance rating of four stars or higher for the Achievement component or the Progress component (<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"> 1. If the school offers grades 4-12, a grade of “C” or better for performance index score and overall value-added progress dimension; 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>). 	<p>Changes triggering conditions as follows:</p> <ol style="list-style-type: none"> 1. If the school offers grades 4-12, a performance rating of three stars or higher for the Progress component and the Achievement component; 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>).
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(E)</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</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>

Current law	The bill
<p>overall grade of “F” for three consecutive school years (<i>R.C. 3302.10(A)(1)</i>).</p> <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 (<i>R.C. 3302.10(N)(1)</i>).</p> <p>Specifies that the transition period must last until the district receives an overall letter grade of higher than an “F” for two consecutive years after the transition period begins (<i>R.C. 3302.10(N)(1)</i>).</p> <p>Specifies that if a district that has entered a transition period must be subject to an ADC again if, during that period, the district receives an overall letter grade of “F” (<i>R.C. 3302.10(N)(2)</i>).</p>	<p>Changes the triggering condition to an overall performance rating of three stars or higher (<i>R.C. 3302.10(N)(1)</i>).</p> <p>Changes the triggering condition to an overall performance rating of two stars or higher (<i>R.C. 3302.10(N)(1)</i>).</p> <p>Changes the triggering condition to an overall performance rating of less than two stars (<i>R.C. 3302.10(N)(2)</i>).</p>
General restructuring of schools in school districts	
<p>Requires a school district to generally implement one of several prescribe types of school building restructuring if the building is in the lowest 5% of public school buildings state wide for three consecutive years and receives any combination of the following for three consecutive years one of the following applies:</p> <ol style="list-style-type: none"> 1. The building is declared to be under academic watch or in a state of academic emergency; 2. The building receives a grade of “F” for overall value-added progress dimension; or 3. The building receives an overall grade of “F” for three consecutive years (<i>R.C. 3302.12(A)(1)</i>). 	<p>Adds the following as triggering conditions:</p> <ol style="list-style-type: none"> 1. The building receives a performance rating of one star for the Progress component; or 2. The building receives an overall performance rating of less than two stars (<i>R.C. 3302.12(A)(1)</i>).
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>	<p>Changes the triggering condition to:</p> <ol style="list-style-type: none"> 1. A performance rating of less than three stars for the Early Literacy component; and

Current law	The bill
<ol style="list-style-type: none"> 1. It receives a grade of “D” or “F” for the improving K-3 literacy performance measure; and 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>). 	<ol style="list-style-type: none"> 2. 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(A), (B), and (C)</i>).
<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"> 1. It received a grade of “C” or higher for the improving K-3 literacy performance measure; and 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>). 	<p>Changes the first triggering condition to:</p> <ol style="list-style-type: none"> 1. Three stars or higher for the Early Literacy component; and 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>).
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"> 1. Received at least 85% of the total possible points for performance index score; 2. Received a grade of “A” for the performance indicators performance measure; and 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>). 	<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:</p>	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> 1. A performance rating of three stars or higher for the Achievement component

Current law	The bill
<ol style="list-style-type: none"> 1. A community school that 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; 2. A community school that has received a grade of “A” or “B” for the value-added progress dimension on its most recent state report card; 3. A community school that only serves grades K-3 and 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>). 	<p>in each of the previous three years of operation;</p> <ol style="list-style-type: none"> 2. A performance rating of four stars or higher for the progress measure on the most recent state report card; 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>).
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"> 1. An overall grade of “D” or “F”; or 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>). 	<p>Changes the triggering conditions to:</p> <ol style="list-style-type: none"> 1. An overall performance rating of less than three stars; or 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>).
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</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>

Current law	The bill
does not fall below a “C” for two or more consecutive years (<i>R.C. 3314.05(B)(2)(c)(iii)</i>).	
Automatic community school closure	
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” (<i>R.C. 3314.35(A)(3)(a)</i>).	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 (<i>R.C. 3314.35(A)(3)(a)</i>).
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: <ol style="list-style-type: none"> 1. A grade of “F” for performance index score and overall value-added progress dimension; or 2. An overall grade of “F” and a grade of “F” for overall value-added progress dimension (<i>R.C. 3314.35(A)(3)(b)</i>). 	Adds another triggering condition that a school can receive either: <ol style="list-style-type: none"> 1. A performance rating of one star for the Achievement component and the Progress component; 2. An overall performance rating of less than two stars and a rating of one star for the Progress component (<i>R.C. 3314.35(A)(3)(b)</i>).
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: <ol style="list-style-type: none"> 1. A grade of “F” for performance index score and did not meet its annual measurable objectives; or 2. An overall grade of “F” and a grade of “F” for the value-added progress dimension (<i>R.C. 3314.35(A)(3)(c)</i>). 	Adds another triggering condition that a school can receive either: <ol style="list-style-type: none"> 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 2. An overall performance rating of less than two stars and a rating of one star for the Progress component (<i>R.C. 3314.35(A)(3)(c)</i>).

District and building report card notification requirements

Not more than 30 days after the Department issues report cards, each school district, school building, community school, STEM school, and college-preparatory boarding school must:

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

Additionally, not more than 30 days after the Department issues report cards, each district superintendent, or equivalent, must present the district's report card results to the district's board of education or governing authority or body.¹⁹

Other report card provisions

Performance index score

The bill requires that the end-of-course examinations in the subject areas of science, American history, and American government, as well as substitute Advanced Placement or International Baccalaureate exams in science, American history, and American government, be included in the calculations of the performance index score for a school district or school building, rather than just the end-of-course examinations in English language arts and mathematics as under current law.²⁰

Assessment passage rates

Current law requires that assessment passage rates include alternative assessments in English language arts, math, and science. The bill adds substitute Advanced Placement or International Baccalaureate exams in science, American history, and American government to the calculation of that rate.²¹

Performance indicators

The bill makes several changes to the performance indicators prescribed under current law. Specifically, it establishes a chronic absenteeism indicator, makes changes to the gifted performance indicator, separates those indicators from the performance indicator unit, and removes the requirement that a district or school must "meet" the unit or the indicators in it.

Gifted performance and chronic absenteeism indicators

The bill requires the State Board to prescribe rules regarding a gifted performance indicator that reflects 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 gifted performance 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

¹⁹ R.C. 3302.037.

²⁰ R.C. 3302.01.

²¹ R.C. 3302.03(L)(1).

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.

The bill also requires the State Board to establish a performance indicator that measures chronic absenteeism, as determined by the Department, in a district or school. Finally, the bill prohibits including either of those indicators in the performance indicator unit.²²

(To see how the chronic absenteeism and gifted performance indicators are incorporated into the state report card, see “**Equity**” above.)

Performance indicator unit

Under current 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 building and other indicators of student success. A district or building “meets” an indicator for a state assessment if a certain percentage of the district’s or building’s students attain a proficient score or higher on that assessment (that is, the district or building achieves the proficiency percentage established by the State Board). The Department must assign a letter grade to the district or building based on how many indicators within the performance indicator unit are met.

Beginning with the 2021-2022 school year, the bill eliminates the requirement for the State Board to establish proficiency percentages a district or building must attain to “meet” each indicator. Rather, the performance indicator unit must be reported only as data on the state report card (see “**Achievement**” above).²³

Students in the lowest quintile subgroup

The bill eliminates students in the lowest quintile for achievement statewide as a subgroup in the state report card.²⁴

Value-added progress dimension

The bill 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 bill specifies that any prior method to calculate state report card letter grades or performance ratings no longer apply.

²² R.C. 3302.02(A)(2) and (3).

²³ R.C. 3302.02(B).

²⁴ R.C. 3302.01(B)(6).

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.²⁵

Report card related studies

Value-added progress dimension ranking study

The bill 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 public schools, other than community schools that primarily serve students enrolled in dropout prevention and recovery programs.²⁶ The Department must submit a report of its findings not later than two years after the bill's effective date to the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the standing committees of the House of Representatives and Senate that consider education legislation.

Report on the effectiveness of state report cards

By December 31, 2024, the Department also 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 Department must make recommendations for changes or improvements to the state report card in its report. It must submit its report to the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the standing committees of the House of Representatives and Senate that consider education legislation.²⁷

State report card review committee

The bill 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. The two House members must not be of the same political party, and 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. The two Senate members must not be of the same political party, and 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. A classroom teacher who provides instruction in an elementary school;
 - b. A classroom teacher who provides instruction in a high school;

²⁵ R.C. 3302.021.

²⁶ Section 3; see also R.C. 3302.21, not in the bill.

²⁷ R.C. 3302.038.

- 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. An individual representing a chartered nonpublic school;
- f. A representative of the business community; and
- g. The parent of a child enrolled in any of grades K-12.

The committee must conduct a study of state report cards issued for the 2022-2023 school year and prior school years and, based on that study, make recommendations for improvements, corrections, and clarifications to the state report card. The committee must, by June 30, 2024, submit a report of its findings to the State Board and the chairpersons of the standing committees of the House of Representatives and Senate that consider education legislation.²⁸

EMIS reporting

The bill requires the State Board's guidelines for the establishment and maintenance of the Education Management Information System (EMIS) to require districts and schools to report the number of students enrolled in all-day kindergarten.²⁹

Background – state report card under current law

The Department of Education must issue an annual state report card for each school district and each school building in the state on the basis of state assessment scores and other performance criteria. The main type of state report card is issued for city, local, and exempted village school districts and their individual buildings, community schools (charter schools) except those serving primarily dropout students, STEM schools, and college-preparatory boarding schools.³⁰ Separate types of state report cards are issued for joint vocational school districts and dropout prevention and recovery community schools.³¹

The state report card for most districts and schools includes graded and ungraded individual performance measures. All of these performance measures, except for the high-mobility value-added progress dimension measure (graded) and the positive behavior intervention and supports framework compliance measure (ungraded), are grouped into six larger graded components. The six graded components are used to determine a district's or school building's overall grade and are as follows:

1. **Gap Closing**, which includes only the annual measurable objective performance measure.

²⁸ R.C. 3302.039.

²⁹ R.C. 3301.0714(B)(1)(s).

³⁰ R.C. 3302.03, in the bill, and R.C. 3314.012, 3326.17, and 3328.26, none in the bill.

³¹ R.C. 3302.033 and 3314.017, neither in the bill.

2. **Achievement**, which includes the measures for the performance index score (under the performance index system established by the Department) and performance indicators met (these indicators are established by the State Board).
3. **Progress**, which includes the overall value-added progress dimension measure (a measure of academic gain for a student or group of students over a specific period of time that is calculated using data from student achievement assessments) and the performance measure for the three separate value-added subgroups (gifted students, students with disabilities, and students whose achievement places them in the lowest quintile on a statewide basis).
4. **Graduation**, which includes the 4- and 5-year adjusted cohort graduation rates.
5. **Kindergarten through Third-Grade Literacy**,³² which includes the progress a district or building is making in improving literacy in kindergarten through third grade.
6. **Prepared for Success**, which includes ungraded performance measures that assess high school student career or college readiness. Some of the ungraded measures used to calculate the component include the percentage of students achieving remediation-free scores on the ACT or SAT, the percentage of students earning a high school honors diploma, and the percentage of students earning an industry-recognized credential.³³

The Department must assign grades using performance criteria and a method prescribed by the State Board of Education. For a school building for which any of the performance measures do not apply to the grade levels served by the school building, the State Board must designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade.³⁴

Letter grades for the metrics and the overall grade are issued under this system, with the following meanings:

- A – making excellent progress;
- B – making above average progress;
- C – making average progress;
- D – making below average progress;
- F – failing to meet minimum progress.³⁵

³² The Department's website designates this as the "Improving At-Risk K-3 Readers" component.

³³ R.C. 3302.03(C).

³⁴ R.C. 3302.03, second paragraph.

³⁵ R.C. 3302.03(F)(1).

State assessment score range

The bill renames the “accelerated level of skill” range of scores on state assessments to the “accomplished level of skill.”³⁶

Under current law, the State Board determines and designates a range of scores that are considered to demonstrate a certain level of achievement on state assessments. The current score ranges are: advanced, accelerated, proficient, basic, and limited.

Delay posting of community school sponsor evaluation system

The bill 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. Though, 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 bill.³⁷

Continuing law requires the Department to develop and implement an evaluation system that annually rates and assigns an overall rating to each community school sponsor. The Department must post a framework for the system by February 1, solicit public comments on the framework for 30 consecutive days, and compile and post those comments by April 1. The system itself must be posted on the Department’s website by July 15 of each school year.³⁸

High school diploma provisions

Industry-recognized credentials

The bill 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.³⁹ Specifically, the bill 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 alternative demonstrations of competency. Current law specifies only that a student must earn an industry-recognized credential for either of those purposes.

In addition, the bill requires the Department, when calculating the number of students who earned an industry-recognized credential in the state report card’s College, Career, Workforce, and Military Readiness Component, to include only students who earned a credential, or group of credentials, at least equal to that total number of points.

³⁶ R.C. 3301.0710 and 3301.0712.

³⁷ Section 5.

³⁸ 3314.016(B)(1), not in the bill.

³⁹ R.C. 3313.6113.

State-issued licenses

The bill specifies that students who obtain a state-issued license for practice in a vocation that requires an examination may use that license to qualify for an industry-recognized credential diploma seal or as a foundational option when using alternative demonstrations of competency.⁴⁰

Under current law, the only way a student may qualify for an industry-recognized credential state diploma seal is by earning an industry-recognized credential.

Nationally standardized college admission assessments

Beginning with the school year immediately following the bill's effective date, the bill permits the parent or guardian of a high school student to opt the student out of the current requirement to take a nationally standardized college admission assessment. The student's school district or school is then prohibited from administering the assessment to that student.⁴¹ That assessment, as jointly prescribed by the Superintendent of Public Instruction and Chancellor of Higher Education, is either the ACT or SAT. Under current law, it must be offered to all 11th grade students in the spring of each school year.

Background on high school testing and graduation requirements

Current law requires seven high school end-of-course exams for classes up to the class of 2022 and, starting with the class of 2023, five end-of-course exams. It also requires all high school students to take a nationally standardized college admission assessment (ACT or SAT).

Also under current law, for the classes of 2021 and 2022, a student may qualify for a high school diploma under either of the following options:

1. Satisfy one of the original graduation pathways, which includes:⁴²
 - a. Ohio state tests (end-of-course exams);
 - b. Industry credential and workforce readiness; or
 - c. College and Career Readiness assessments (obtain a remediation-free score on the ACT or SAT).
2. Qualify for graduation under the new qualifications enacted under H.B. 166 of the 133rd General Assembly for the class of 2023 and beyond. The qualifications require students to demonstrate "competency" and "readiness" through various options.

For more information on graduation pathways described above please see this guidance from the Department of Education: <http://education.ohio.gov/getattachment/Topics/Ohio-s>

⁴⁰ R.C. 3313.618 and 3313.6114.

⁴¹ R.C. 3301.0712(B)(1)(b).

⁴² See R.C. 3313.618, not in the bill.

[Graduation-Requirements/Earning-an-Ohio-High-School-Diploma-for-the-Cl-2/GradReq2021.pdf.aspx?lang=en-US](#).

For a full description of changes made to graduation requirements under H.B. 166, please see that act's final analysis: <https://www.legislature.ohio.gov/download?key=12387&format=pdf>.

HISTORY

Action	Date
Introduced	02-09-21
Reported, H. Primary and Secondary Education	05-26-21
Passed House (94-0)	06-10-21
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