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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

S.B. 162  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Brenner

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### SUMMARY

- Requires school districts, community schools, and STEM schools to provide evidence-based academic intervention services, free of cost, to students who demonstrate a limited level of skill in state assessments in math or English language arts.
- Beginning with the 2024-2025 school year, requires districts and schools to develop a mathematics improvement and monitoring plan for each student who qualifies for math intervention services.
- Beginning with the 2024-2025 school year, requires each district or school to develop a mathematics achievement improvement plan if 51% or less of the district or school's students who took the third grade math achievement assessment attained at least a proficient score on the assessment.
- Beginning with the 2024-2025 school year, and each school year thereafter, requires the Department of Education and Workforce to randomly select 5% of districts and schools for a review of their academic intervention services.

### DETAILED ANALYSIS

#### Academic intervention services

The bill requires each school district, community school, and STEM school to provide, directly or through a contracted vendor, or as a combination of both, evidence-based academic intervention services, free of cost, to qualifying students.<sup>1</sup> A student qualifies for those services by demonstrating a limited level of skill on a state assessment in math or English language arts,

<sup>1</sup> R.C. 3313.6030(B), 3314.03(A)(11)(d), and 3326.11.

or both.<sup>2</sup> A district or school must annually notify the Department of Education and Workforce, through the education management information system (EMIS), of all of the following:

1. The number of qualifying students enrolled in the district or school;
2. The number of qualifying students receiving academic intervention services in math, English language arts, or both;
3. The number of qualifying students receiving academic intervention services from the district or school directly, through a vendor, or a combination of both options.

The bill clarifies that academic intervention services provided to a student may encompass a variety of evidence-based supports, including:

1. High-dosage tutoring opportunities aligned with classroom instruction through a state-approved vendor or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage opportunities must include additional instructional time of at least three days a week or at least 50 hours over 36 weeks. To the extent practicable, districts and schools must endeavor to provide each of a student's tutoring supports with the same tutor.
2. Additional instruction time;
3. An extended school calendar;
4. Participation in a learning support program; or
5. Any other academically centered support service that the district or school determines will improve the student's academic performance.<sup>3</sup>

The bill also permits intervention services to be offered in combination with integrated student supports. Integrated student supports are an evidence-based approach under which schools intentionally and systematically leverage and coordinate resources and relationships available in the school and the surrounding community to address comprehensive student strengths, interests, and needs.<sup>4</sup>

The bill also requires that all academic intervention services provided to a qualifying student must align with the academic instruction the student receives. English language arts instruction must specifically align with the science of reading as defined under continuing law.<sup>5</sup>

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<sup>2</sup> R.C. 3313.6030(A)(1) and (2).

<sup>3</sup> R.C. 3313.6030(A)(3) and (C)(1).

<sup>4</sup> R.C. 3313.6030(A)(4) and (C)(1).

<sup>5</sup> R.C. 3313.6030(C)(2), also see R.C. 3313.6028, not in the bill.

The bill further requires districts and schools to ensure that academic intervention services provided to qualifying students do not supplant the student's core academic instructional time.<sup>6</sup>

The bill also requires districts and schools to use EMIS to report to the Department the district's or school's core curriculum and instructional materials being used for math in grades kindergarten to 8 and the math intervention programs being used in grades kindergarten to 12.<sup>7</sup>

### **Math improvement and monitoring plans**

The bill requires a district or school, beginning in the 2024-2025 school year and each school year thereafter, to develop a math improvement and monitoring plan for qualifying students within 60 days after receiving the student's results on the third grade state assessment in math.<sup>8</sup> The district or school must involve the student's parent or guardian and classroom teacher in developing the plan.

Under the bill, a math improvement and monitoring plan must include all of the following:

1. Identification of the student's specific math deficiencies;
2. A description of the additional instructional services and support that will be provided to the student to remediate the identified math deficiencies;
3. Opportunities for the student's parent or guardian to be involved in the student's instructional services and support;
4. A process for monitoring the extent to which the student receives the instructional services and support;
5. A math curriculum during regular school hours that assists students in math at grade level, provides scientifically based and reliable assessment, and provides initial and ongoing analysis of each student's progress;
6. High-dosage tutoring opportunities aligned with classroom instruction through a state-approved vendor or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage opportunities must include additional instructional time of at least three days a week or at least 50 hours over 36 weeks.<sup>9</sup>

The bill requires districts or schools to continue to implement a student's math improvement and monitoring plan until the student achieves the required level of skill in math for the student's current grade level. A district or school must report any information requested

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<sup>6</sup> R.C. 3313.6030(D).

<sup>7</sup> R.C. 3301.0714(B)(5).

<sup>8</sup> R.C. 3302.132, 3314.03(A)(11)(d), and 3326.11.

<sup>9</sup> R.C. 3302.132(A).

by the Department about the math improvement and monitoring plans developed under the bill in a manner required by the Department.<sup>10</sup>

### **Parent and guardian notification requirements**

The bill requires each district or school to notify the parent or guardian of a qualifying student that the student will receive academic intervention services prior to providing services to the student.<sup>11</sup> This notification must include a description of which intervention or interventions the qualifying student will receive and who will provide services to the student.

The bill also requires each district or school to periodically update the parent or guardian on the academic intervention services provided to the student and must provide resources and recommendations for ways the parent or guardian may assist the student.<sup>12</sup>

### **Department review**

Beginning with the 2024-2025 school year, and each school year thereafter, the bill requires the Department to randomly select not more than 5% of all schools operated by school districts, community schools, and STEM schools for a review of their academic intervention services for qualifying students. A school may not be selected for review more than once every three years. The review must include, at a minimum, a document review, interviews with district and school staff, and observations of interventions.<sup>13</sup>

The bill requires a review to assess:

1. Whether qualifying students receive academic intervention services in accordance with the bill's requirements;
2. The types and methods of academic intervention services that qualifying students receive; and
3. The quality of the academic intervention services provided by the district or school or the contracted vendor. To determine quality, the Department may consider the length and duration of the intervention, specific programs and curriculum being used, the credentials and training of intervention providers, and data regarding student progress.

Within 75 days of completing a review, the Department must provide a report to the district or school containing the review's results. Each report must include an assessment of the efficacy of the academic intervention services provided to qualifying students and any recommendations the Department considers necessary. The Department must also include a school's review as part of the student opportunity profile measure included on the state report

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<sup>10</sup> R.C. 3302.132(B).

<sup>11</sup> R.C. 3313.6030(E)(1).

<sup>12</sup> R.C. 3313.6030(E)(2).

<sup>13</sup> R.C. 3313.6030(F)(1).

card. The bill requires each district and school to post a copy of the report on its website and to make the report available upon request to any person.<sup>14</sup>

The bill expressly permits the Department to contract with an organization that has documented expertise in supporting school improvement and academic intervention services to help with conducting the review.<sup>15</sup>

### **Eligibility for services**

The bill states that a student is no longer a qualifying student for academic intervention services when the student achieves a level of skill higher than limited on a state assessment or diagnostic assessment in math or English language arts taken for the grade level in which the student is enrolled.<sup>16</sup> The bill also exempts a district or school from providing academic intervention services in math or English language arts to a qualifying student if the student receives both a final course grade of “C,” or the equivalent, in the course in the subject area in which the student demonstrated a limited level of skill and a score at or above grade level in the last two diagnostic assessments in that subject area that were administered to the student.<sup>17</sup>

But the bill further clarifies that if a qualifying student is receiving academic intervention services in both math and English language arts and demonstrates a skill greater than limited in one, but not both, subject areas, that the student must continue to receive academic intervention services for the subject area in which the student continues to demonstrate a limited level of skill.<sup>18</sup>

Additionally, if a high school student fails to demonstrate a level of skill greater than limited on an end-of-course examination in math or English language arts and is not required to retake the exam, then the student must continue to qualify for intervention services. The bill requires the district or school to align those services with the student’s selected graduation pathway.<sup>19</sup>

The bill expressly states that it does not prevent a district or school from providing academic intervention services to students who are not qualifying students.<sup>20</sup>

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<sup>14</sup> R.C. 3313.6030(F)(2).

<sup>15</sup> R.C. 3313.6030(F)(3).

<sup>16</sup> R.C. 3313.6030(G)(1).

<sup>17</sup> R.C. 3313.6030(G)(2).

<sup>18</sup> R.C. 3313.6030(G)(3).

<sup>19</sup> R.C. 3313.6030(G)(4).

<sup>20</sup> R.C. 3313.6030(H).

## Math achievement improvement plans

The bill requires a district or school, beginning in the 2024-2025 school year and each school year thereafter, to establish and submit to the Department a math achievement improvement plan if 51% or less of the district's or school's students who took the third grade state assessment in math scored proficient on it.<sup>21</sup> A district or school is released from the requirement to submit an improvement plan when at least 51% of its students scored at least proficient on the third grade state assessment in math.<sup>22</sup>

The bill requires the Department to establish guidelines prescribing the content of and deadlines for math achievement improvement plans. The guidelines must require each plan to include, at a minimum, an analysis of relevant student performance data, measurable student performance goals, strategies to meet specific student needs, a staffing and professional development plan, and instructional strategies for improving student performance.<sup>23</sup> Finally, the bill requires the Department to post all improvement plans submitted in a prominent location on its website.<sup>24</sup>

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## HISTORY

Action	Date
Introduced	09-27-23
Reported, S. Education	12-13-23
Passed Senate (31-0)	12-13-23

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<sup>21</sup> R.C. 3302.131, 3314.03(A)(11)(d), and 3326.11.

<sup>22</sup> R.C. 3302.131(C).

<sup>23</sup> R.C. 3302.131(B).

<sup>24</sup> R.C. 3302.131(D).