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Bill Analysis

Legislative Service Commission

H.B. 411

126th General Assembly
(As Introduced)

Reps. Wolpert, Yuko, Chandler, Peterson, Wagoner

BILL SUMMARY

- Eliminates the requirement that a school district or building that fails to make "adequate yearly progress" for more than two consecutive years be rated no higher than "in need of continuous improvement" on the annual state academic performance ratings.

CONTENT AND OPERATION

The bill revises Ohio's method of ranking school district and school building academic performance by eliminating the requirement that a district or building that fails to make "adequate yearly progress" (AYP) for more than two consecutive years be rated no higher than "continuous improvement" on the annual state rankings. But the bill retains the current prohibition on rating a district or building lower than continuous improvement if it makes AYP for the reporting year. Therefore, under the bill, failure to make AYP would no longer, by itself, yield a lower ranking for a district or building, while making AYP would continue to prevent it from being ranked lower than continuous improvement. (R.C. 3302.03.)

Background

State law provides for the annual ranking of school districts and individual school buildings based on their academic performance as demonstrated by:

(1) Meeting or not meeting specified state standards (75% student proficiency on all applicable state achievement tests administered, 93% attendance rate, and 90% graduation rate);

(2) Attaining a specified performance index score;¹ or

¹ The performance index score is a weighted measure of up to 120 points designed to show improvement over time on the state achievement tests by a district's and building's students.

(3) Making or not making "adequate yearly progress" (AYP) on state achievement tests among specified subgroups of test takers.²

The five classes of performance under the state ranking system are: "excellent," "effective," "in need of continuous improvement," "academic watch," and "academic emergency." Regardless of its performance on the state standards or its performance index score, no district or building may be ranked higher than continuous improvement under current law if it has failed to make AYP for more than two consecutive years. Conversely, no district or building can be ranked lower than continuous improvement if it makes AYP during the reporting year, regardless of the number of state standards met or performance index. Finally, no district or building may be ranked lower than it was in the previous year solely because only one student subgroup did not make AYP.³ The following table shows how the performance ratings currently are determined using these criteria.

Rating	Percentage of state standards met		Performance index score		Makes AYP
Excellent	94%-100%	<i>or</i>	100 to 120	<i>and</i>	Yes
	94%-100%	<i>or</i>	100 to 120	<i>and</i>	No*
Effective	75%-93%	<i>or</i>	90 to 99	<i>and</i>	Yes
	75%-93%	<i>or</i>	90 to 99	<i>and</i>	No*
Continuous improvement	0%-74%	<i>and</i>	0 to 89	<i>and</i>	Yes
	50%-74%	<i>or</i>	80 to 89	<i>and</i>	No
Academic watch	31%-49%	<i>or</i>	70 to 79	<i>and</i>	No
Academic emergency	0%-30%	<i>and</i>	0 to 69	<i>and</i>	No

* A school can be rated no higher than continuous Improvement if it misses AYP for more than two consecutive years. However, no school can be rated lower than the prior year solely because one subgroup did not make AYP.

² The subgroups are each of the federally recognized ethnic classifications (African-American, American Indian or Native Alaskan, Asian or Pacific Islander, Hispanic, multi-racial, and white); disabled students; economically disadvantaged students; and limited-English proficient students.

³ R.C. 3302.03.

AYP is a measure of performance used to determine whether a particular school district or building is meeting the goals of the federal No Child Left Behind Act of 2001. Under that act, certain graduated sanctions (ranging from curricular changes and offering tutoring opportunities to reconstitution of administrative and instructional staff) must be imposed if a district or building fails to make AYP for two or more consecutive years.⁴ No district or building may make AYP, first, unless 95% of the students in a subgroup required to take a test actually take the test and, second, unless a specified percentage of each subgroup of test takers attains scores set by the state Department of Education.⁵ The expected scoring performance on the state tests for purposes of AYP varies from district-to-district and building-to-building. It is generally different from (and often lower than) the 75% proficiency rate required under state standards ((1) above).

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

HISTORY

ACTION	DATE
Introduced	11-09-05

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⁴ 20 U.S.C. 6316. *The state's system of sanctions is codified in R.C. 3302.04, not in the bill.*

⁵ 20 U.S.C. 6311(b)(2)(E) to (J).