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Legislative Service Commission

S.C.R. 18

127th General Assembly
(As Adopted by the Senate)

Sen. Padgett

RESOLUTION SUMMARY

- Approves the Department of Education's proposed changes to the state academic accountability system (1) to implement a growth model as another option for school districts and school buildings to make adequate yearly progress (AYP) and (2) to establish a uniform minimum subgroup size of 30 students for calculating the proficiency rate component of AYP.

CONTENT AND OPERATION

Background on legislative approval of NCLB-related changes

Current law requires the Ohio Department of Education to provide to each member of the Senate and House Education Committees a written description of any changes in implementation rules or policies of the federal No Child Left Behind Act (NCLB) made by the U.S. Department of Education. If the Ohio Department of Education plans to change any of its policies or procedures regarding the state's implementation of NCLB based on changes in federal policies or rules, the Department must submit to each member of the Education Committees a written outline of the existing Ohio policy regarding that implementation and a written description of the changes the Department proposes to make. The Department may not make any of the proposed changes unless the General Assembly adopts a concurrent resolution approving them.[1]

Proposed policy changes

This resolution approves two changes to the state's NCLB accountability system for school districts and school buildings that have been proposed by the Ohio Department of Education. These changes are (1) to implement a growth model as an alternative way of making adequate yearly progress (AYP) under

[1] R.C. 3302.09.

NCLB and (2) to establish a uniform minimum subgroup size of 30 students for the purpose of calculating the proficiency rate component of AYP.

As part of a pilot program, the U.S. Department of Education indicated that it would approve up to ten states to implement a growth model that uses longitudinal student data to hold districts and buildings accountable for making AYP.[2] In December 2007, the U.S. Department of Education expanded the pilot to all eligible states.[3] Ohio was conditionally approved to participate in the pilot program even prior to the expansion of the pilot.[4] If granted final approval, the Ohio Department of Education intends to use a growth model that would allow districts and buildings to make AYP if they show that students who are not currently proficient in reading or math are on a trajectory to be proficient within three years. This option for making AYP would be in addition to the two options presently available under NCLB (see below).

According to the U.S. Department, in order to receive final approval for the growth model pilot program, Ohio must establish a uniform minimum subgroup size for the purpose of calculating the proficiency rate component of AYP. Currently, the Ohio Department of Education calculates AYP for subgroups that contain at least 30 students, except that the subgroup of students with disabilities must have at least 45 students before it is counted for AYP purposes. On September 11, 2007, the State Board of Education recommended reducing the minimum subgroup size for students with disabilities to 30 to conform to the minimum size for all other subgroups. There is no proposed change to the minimum subgroup sizes (45 for students with disabilities and 40 for all other subgroups) for calculating the test participation rate component of AYP.

Background on AYP

AYP is calculated for school districts and individual public schools. Within each district and school, student performance data must be disaggregated by (1) major racial and ethnic groups, (2) students with disabilities, (3) economically disadvantaged students, and (4) limited English proficient students. AYP

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[2] See "Secretary Spellings Announces Growth Model Pilot, Addresses Chief State School Officers' Annual Policy Forum in Richmond" (November 18, 2005) at www.ed.gov/news/pressreleases/2005/11/11182005.html.

[3] "'Growth' Pilot Now Open to All States," *Education Week*, December 12, 2007. See also "Secretary Spellings Invites Eligible States to Submit Innovative Models for Expanded Growth Model Pilot" (December 7, 2007), http://www.ed.gov/news/pressreleases/2007/12/12072007.html.

[4] See "Secretary Spellings Approves Additional Growth Model Pilots for 2006-2007 School Year" (May 24, 2007) at www.ed.gov/news/pressreleases/2007/05/05242007.html.

generally is not made unless a district or school meets the state's annual targets for passage rates on the state achievement tests for its total student population and for each of the required subgroups, and at least 95% of its students participate in the tests. However, NCLB contains a "safe harbor provision" that allows districts and schools not meeting annual goals for student performance to make AYP if they have a 10% decrease in the percentage of students performing below grade level and show progress on other academic indicators. To ensure student privacy and statistical validity, subgroups of the student population must contain a minimum number of students at the district or school level to be subject to AYP determinations.[5]

The following table indicates how a district or school currently makes AYP. The growth model proposed by the Ohio Department of Education would create a third alternative for making AYP.

	Typical Method	**"Safe harbor provision"**
District or school makes AYP if:	(1) At least 95% of its total student population and of each subgroup participates in grade-level reading and math achievement tests in the applicable year;[a] and (2) Its total student population and each subgroup meets the annual proficiency targets for that year in reading and math;[b] and (3) It meets the minimum threshold or makes progress on all other academic indicators for that year.[c]	(1) At least 95% of its total student population and of each subgroup participates in grade-level reading and math achievement tests in the applicable year;[a] and (2) With respect to the total student population or a subgroup, whichever caused the failure of the district or school to make AYP by the typical method: (a) The percentage of students scoring below the *proficient* level on the reading or math achievement tests decreases by at least 10% from the percentage of such students in the previous year; and (b) The total student population or subgroup meets or makes progress toward meeting the minimum threshold on at least one other academic indicator for that year.

[5] 20 United States Code (U.S.C.) § 6311(b)(2); see also 34 Code of Federal Regulations (C.F.R.) § 200.20.

[a] Students who take a test with accommodations or an alternate assessment are counted as taking the test in determining the overall participation rate. However, if a subgroup in a district or school contains less than 40 students (or 45 students for students with disabilities), it does not have to meet the 95% standard for participation. The Ohio Department of Education does not propose changing these subgroup sizes.

[b] In calculating whether a district or school meets the proficiency targets, a subgroup must contain at least 30 students (or 45 students for students with disabilities) to be included. The Ohio Department of Education proposes reducing the subgroup size for students with disabilities to 30 students.

[c] A district or school may meet any of the three components of AYP by using data from the applicable school year or a two-year average of data from that year and the preceding year.

Sanctions for failure to make AYP

Under NCLB and state law, there are sanctions for school districts and public schools with chronically poor academic performance.[6] The sanctions are corrections in operations and curricular programs. The severity of the sanctions depends on the length of time and the extent to which the district or school has failed to make AYP. Schools face sanctions when they do not make AYP in the same subject for two or more consecutive years. Districts, on the other hand, face sanctions when they are "identified for improvement" by the Ohio Department of Education. A district is identified for improvement when it misses AYP in the same subject at each of the elementary, middle, and high school levels for two consecutive years. It retains its improvement status each consecutive year that it fails to make AYP in that subject at any grade level.[7] A district or school is no longer subject to sanctions when it makes AYP for two consecutive years.

Sanctions for schools include implementing a continuous improvement plan, using a new curriculum, extending the length of the school day or year, replacing staff, or restructuring the school by hiring a management company or converting the school to a community school. In addition, schools that receive federal Title I funds for at-risk students must allow students to transfer to another public school and must provide supplemental educational services, such as tutoring or remediation.

[6] 20 U.S.C. § 6316 and R.C. 3302.04.

[7] This interpretation of when districts must be identified for improvement was approved by the U.S. Department of Education at the request of the Ohio Department of Education. See "Decision Letter on Request to Amend Ohio Accountability Plan" (August 5, 2004), available at www.ed.gov/admins/lead/account/letters/acoh.html.

Sanctions for school districts include implementing a continuous improvement plan, losing Title I funds, or establishing alternative forms of governance for individual schools or the district itself.

Report card ratings

Although not required by NCLB, Ohio uses its report cards to assign performance ratings to districts and schools.[8] Districts and schools receive a rating of excellent, effective, continuous improvement, academic watch, or academic emergency. These ratings are based on three components, as shown in the table below:

(1) Whether the district or school meets performance standards established by the State Board of Education;

(2) A "performance index score," which measures improved performance on the achievement tests by students scoring at all levels; and

(3) Whether the district or school makes AYP.

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

* A district or school can be rated no higher than continuous improvement if it misses AYP for more than two consecutive years. However, no district or school can be rated lower than the prior year solely because one subgroup did not make AYP. Also, the highest rating a district or school can receive is generally limited if 10% or more of its students are not tested.

Beginning with the 2007-2008 school year, the performance ratings will incorporate a fourth component known as the "value-added progress dimension,"

[8] R.C. 3302.03(A) and (B).

which will track the amount of a student's academic growth attributable to a particular district or school.

Since the ratings are outside the scope of NCLB, they do not affect whether a district or school is subject to NCLB sanctions. However, AYP plays a significant role in the rating system because, regardless of its performance on the State Board's standards or its performance index score, a district or school may not be rated higher than continuous improvement if it fails to make AYP for more than two consecutive years. Conversely, a district or school that makes AYP cannot be ranked lower than continuous improvement, regardless of the number of state standards it meets or its performance index score. Nevertheless, no district or school may be rated lower than it was in the previous year solely because one subgroup did not make AYP.

HISTORY

ACTION	DATE
Introduced	10-04-07
Reported, S. Education	10-31-07
Adopted Senate (29-1)	11-14-07

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