



To: State Board of Education
Re: Legislative Update
Date: December 7, 2012

State Activity

House Activity

The House met on Wednesday and passed [House Bill 462](#) (Pelanda, R-Marysville) with respect to a school district's withholding or transfer to another district or school of the grades and credits of a child who is alleged or adjudicated an abused, neglected, or dependent child by a vote of 90-0.

Senate Activity

The Senate met on Tuesday and passed [House Bill 143](#) (Stinziano, D-Columbus and O'Brien, D-Brookfield) with regard to head injuries and concussions in youth sports by a vote of 32-0.

This Week's Committees

Tuesday's Senate Education Committee

The Senate Education Committee met on Tuesday and held its second hearing on [House Bill 543](#) (Anielski, R-Walton Hills) which would require public schools to train staff in youth suicide awareness and prevention. No witnesses were present.

The committee also held a first hearing on [House Bill 555](#) with Representative Stebelton (R-Lancaster) offering sponsor testimony. This legislation would revise the current academic performance ratings system for public schools with a system under which districts and schools are assigned letter grades. To review the bill analysis, please click [here](#). Attached to this report you will find the following:

- A list of responsibilities for the State Board and ODE that are included in the House Passed version of HB 555
- Tables to illustrate the measures on the report cards (traditional report card and dropout and recovery community school report card) and what year each will be reported or measured as well as a table representing the sponsor rating system.

Wednesday's House Education Committee

The Senate Education Committee met on Wednesday and held its third hearing on [House Bill 543](#) (Anielski, R-Walton Hills) which would require public schools to train staff in youth suicide awareness and prevention. The committee unanimously passed the bill.

The committee also held its second hearing on [House Bill 555](#) (Stebelton, R-Lancaster). The following individuals offered testimony.

- John Gubera, College Board
- Darold Johnson, Ohio Federation of Teachers
- Valentina Korkes, Students First
- Larry Claypool, Hardin Houston Local Schools

- Curtis Clough, Strasburg Franklin Local Schools
- Brent Welker, Eastwood Local Schools
- Lori Snyder Lowe, Morgan Local Schools
- Randy Flora, Ohio Education Association

Next Week's Committees

The Senate Education Committee will be meeting on Tuesday, December 11th at 9:00 AM in the South Hearing Room to hear the following bills:

- [House Bill 555](#) (Stebelton, R-Lancaster), to create a new academic performance rating system for school districts and other public schools – 3rd hearing

The Senate Education Committee will also be meeting, if needed, on Wednesday, December 12th at 9:00 AM in the North Hearing Room to hear the following bills:

- [House Bill 555](#) (Stebelton, R-Lancaster), to create a new academic performance rating system for school districts and other public schools – 4th hearing

Federal Activity

“Fiscal Cliff” and Appropriations Update

The Obama Administration and Congressional leaders continue to negotiate on solutions to the pending “fiscal cliff.” The “fiscal cliff”, which will start in January 2013 without legislative action, involves expiring tax cuts as well as across-the-board cuts to military and other non-military discretionary spending, including education programs. The spending reductions, also known as “sequestration,” are projected to cut education programs by 8.2%.

As for the status of the negotiations, House Republicans rejected President Obama’s plan to collect \$1.6 trillion in new tax collections, mostly by not extending the Bush-era tax cuts to higher-income households (individuals making over \$200,000 or families making over \$250,000.) On Monday, House Republican leaders provided a counter-proposal which calls for a \$2.2 trillion deficit-reduction plan. The plan includes \$800 billion in unspecified new revenues without raising taxes on the wealthy. It also called for \$600 billion in savings from federal health programs, \$300 billion in savings from other mandatory spending and \$300 billion in cuts to discretionary spending. The Republicans plan did not offer to raise the debt ceiling which the White House has requested. The White House and Congressional Democrats rejected the plan.

Lately, the President signaled that he is willing to negotiate on entitlement reforms if Republicans agree to increasing taxes on higher-income households. The President also has mentioned plans to cut \$600 billion in unspecified spending cuts which appear to be based on his FY13 budget proposal. Similarly, Republican leaders appear to be garnering caucus support for increasing revenues. Entitlement reforms on that appear to be on the table include potentially raising the Medicare eligibility age, increasing Medicare premiums for higher-income seniors and limits on the cost-of-living increase for some federal programs.

House Majority Leader Eric Cantor and Democrat Whip Steny Hoyer announced that the House will not adjourn Congress until “a credible solution to the fiscal cliff has been found.” Recently, it has been reported that the framework of two pieces of legislation has emerged. The first bill would need to be approved before the end of the year. It would repeal the current sequestration and replace it with a new set of targets to reduce spending and the deficit and an agreement to reform the tax code and

entitlements. The bill would create another “sequester,” or significant spending reductions, in the event that Congress doesn’t agree to tax and entitlement reforms. The second bill would be heard early next Congress. It would require enacting the tax and entitlement reforms to generate the savings agreed to in the first bill.

Meanwhile, it has been reported that Congressional leaders may also take up an omnibus fiscal year 2013 spending bill during the lame duck session. Prior to the November election, Congress approved a continuing resolution to fund the remaining appropriations bills until March 2013. The start of fiscal year 2013 began on October 1, 2012 and several of the spending bills have not been approved, including the Labor, Health and Human Services, and Education appropriations bill. Details of the omnibus spending plan have not been released.

House Oversight and Government Reform Committee Holds Hearing on Autism

Recently the House Oversight and Government Reform Committee held a hearing on the federal government’s role in addressing the needs of children and adults identified with Autism Spectrum Disorder (ASD). To access a video of the hearing and a list of witnesses click [here](#).

Senate HELP Committee Postpones Hearing on the Uninterrupted Scholars Act

The Senate Health, Education, Labor and Pensions (HELP) Committee was scheduled to hold a hearing on Wednesday, December 5 on [S 3472](#), known as the “Uninterrupted Scholars Act,” but postponed the hearing to a date to be determined. S 3472 amends the Family Educational Rights and Privacy Act (FERPA) to allow educational agencies to release educational records or identifiable information to organizations conducting studies for, or on behalf of, child welfare agencies to improve educational outcomes for students in foster care. The changes would also allow the release of records and information without additional notice to parents and students when a parent is a party to a child welfare court proceeding and a court order has already been issued in the context of that proceeding.

HB 555 Responsibilities - As Passed by the House

	Requirement	Deadline	Section	Who
1	Not later than July 1, 2014, the state board may adopt rules to establish a different proficiency percentage to meet each indicator that is based on a state assessment for the 2014-15 school year and thereafter	7/1/14	3302.02	State Board
2	The State Superintendent annually shall submit to the Ohio accountability advisory committee a summary of the results of the report cards issued	Annually	3302.021 (F)	State Superintendent
3	Adopt rules to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall 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	Not specified, but needed for 12-13	3302.03	State Board
4	The state board must select a nationally standardized test for college admission	Not specified but graded for 12-13	3302.03 (A) (1) (f)	State Board
5	Not later than April 30, 2013 the state board shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 12-13 school year and, not later than June 30, 2013, shall adopt rules that prescribe the method by which the performance measures shall be assessed and assigned a letter grade.	4/30/2013 and 6/30/2013	3302.03 (A) (3)	State Board

	Requirement	Deadline	Section	Who
6	Not later than December 31, 2013, the state board shall adopt rules that prescribe the methods by which the performance measures of AP, value added subgroups, and the literacy progress measure will be assessed and assigned a letter grade.	12/31/13	3302.03 (B)(3)	State Board
7	For the 14-15 school year and each school year thereafter, the state board shall develop a method to identify and track high school and college credits earned by a student through IB programs, and develop a measure for issuing a grade for credits earned by a student through those programs.	Not specified but can be included on the report card starting in 14-15.	3302.03 (C) (1) (j)	State Board
8	Not later than July 1, 2014, the state board shall adopt benchmarks for assigning letter grades for industry credentials	7/1/14	3302.03 (C) (1) (n)	State Board
9	Adopt rules that establish a method to assign an overall grade for a school district or school building for the 14-15 school year and each school year thereafter. The rules shall group the graded performance measures into specified components (e.g., gap closing, achievement)	Not specified	3302.03 (C)(2)	State Board
10	At least 45 days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, ODE shall conduct a public presentation before the House and Senate education committees describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.	Adoption of rules for overall grade not specified	3302.03 (C) (2)	ODE

	Requirement	Deadline	Section	Who
11	Not later than July 1, 2015, the state board shall develop a measure of student academic progress for high school students.	7/1/15	3302.03 (D)	State Board
12	Not later than December 31, 2013, the state board shall adopt and specify measures in addition to those included on the report card.	12/31/13	3302.034	State Board
13	For the 14-15 school year and each year thereafter, conduct two application periods for the EdChoice scholarship program	Not specified	3310.16	ODE
14	Beginning on the later of July 1, 2013, or the 61st day after the effective date of this amendment, up to five new e-schools may open each year. The State Superintendent shall adopt the rules for applicants so they are effective not later than the 61st day after the effective date of the amendment	7/1/13	3314.013 (B)	State Superintendent but since rules being developed then the State Board also
15	Notify any new e-school whether the State Superintendent approved or disapproved the school's application to open for the 13-14 school year	Not later than 7/1/13 or the 61st day after the effective date of the amendment	3314.013 (B)(3)	ODE
16	ODE, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices.	Not specified	3314.016 (B)	ODE
17	Not later than July 1, 2013, the state board shall adopt rules prescribing standards for measuring compliance with applicable laws and rules for sponsors.	7/1/13	3314.016 (B)	State Board
18	The state board must adopt or approved a norm referenced assessment for the math and/or reading growth measure for dropout recovery school report cards.	Not specified	3314.017 (C) (4)	State Board

	Requirement	Deadline	Section	Who
19	Adopt rules prescribing the performance indicators for the dropout prevention and recovery report cards including performance levels and benchmarks for graduation rate, high school assessment percentage, and AMOs.	3/31/13	3314.017 (D) (2) (a)	State Board
20	Adopt rules for performance levels and benchmarks for the "growth in student achievement in reading, math, or both" indicator.	12/31/14	3314.017 (D) (2) (b)	State Board
21	Issue a dropout prevention and recovery report card	August of 2013	3314.017	ODE
22	ODE shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of those states in developing the system required by this section.	Not specified	3314.017 (F)	ODE
23	Notify dropout recovery community schools subject to closure that the school must close not later than June 30 of the following year	Not later than September 1 each year	3314.351 (B)	ODE
24	Not later than August 31, 2013, the state board shall submit to the General Assembly recommendations for a comprehensive statewide plan to intervene directly in and improve the performance of persistently poor performing school and school districts.	8/31/13	Section 4	State Board

	Requirement	Deadline	Section	Who
25	No later than December 31, 2013, ODE shall review the additional information included on the school district and building report cards and submit to the Governor and the General Assembly recommendations for revisions to make the report cards easier to read and understand.	12/31/13	Section 5	ODE
26	Not later than March 31, 2013, ODE in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors, develop an instrument to measure adherence to those quality practices, and publish the quality practices and instrument, so that they are available to entities that sponsor community schools prior to their implementation.	3/31/13	Section 7	ODE

Proposed LRC Components

HB 555 As Passed by the House

<u>Components</u>	<u>Aug 2013</u>	<u>Aug 2014</u>	<u>Grouping</u>	<u>Aug 2015</u>	<u>Aug 2016 +</u>
Overall Grade	-	-		<i>Calculated</i>	<i>Calculated</i>
Grouping Grade				<i>Calculated</i>	
AMOs	Graded	Graded	Gap Closing	Graded	Graded
Performance Index	Graded	Graded	Achievement	Graded	Graded
Performance Indicators (HS progress added in 15-16)	Graded	Graded		Graded	Graded
Graduation Rate (4- and 5-year)	Graded	Graded	Grad Rate	Graded	Graded
Value-Added (Overall)	Graded	Graded	Progress	Graded	Graded
Value-Added: Gifted	Graded	Graded		Graded	Graded
Value-Added: SWD	Graded	Graded		Graded	Graded
Value-Added: Lowest Quintile	Graded	Graded		Graded	Graded
College Admission Test (ACT/SAT) (Participation rate and avg score)	Graded	Graded	Prep for Success	Graded	Graded
Remediation Rates	Graded	Graded		Graded	Graded
College & Career Ready Assess.	-	Graded		Graded	Graded
Dual Enrollment Credits	RO	RO		Graded	Graded
Industry Credentials	-	-		Graded	Graded
Honors Diplomas Awarded (% received)	Graded	Graded		Graded	Graded
AP Participation & Score (and possibly IB starting in 14-15)	RO	Graded		Graded	Graded
Third Grade Guarantee Progress	-	Graded	K-3 Literacy	Graded	Graded
Accelerated Students	-	RO		RO	RO
Free and Reduced Lunches	-	RO		RO	RO
Number of Lead Teachers	-	RO		RO	RO
Number of Gifted Students	-	RO		RO	RO
Postgraduate Outcome Data	-	RO		RO	RO
Fine Arts Availability	-	RO		RO	RO
Participation with other districts to provide Career Tech	-	RO		RO	RO
Extracurricular offered	-	RO		RO	RO

RO = Report Only

- = Not Included at All

Note: For any building that a measure does not apply due to grade levels served, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the buildings overall grade.

Proposed Report Card for Dropout Recovery Schools

HB 555 As Passed by the House

<u>Components</u>	<u>Aug 2013</u>	<u>Aug 2014</u>	<u>Aug 2015</u>
Overall Grade	-	-	Calculated
Graduation rate	RO for 4-, 5-, and 6-year	Graded for 4-, 5-, 6-, and 7-year	Graded for 4-, 5-, 6-, 7-, and 8-year
High school passage percentage	RO	Graded	Graded
High school passage percentage (statewide average)	RO		
AMOs	RO	Graded	Graded
Growth in reading and/or math per nationally normed test	-	RO if available	Graded
Student outcome data		RO	RO

RO = Report Only

- = Not Included at All

Note: The above report card would be in lieu of the report card for other school districts and community schools. Also, the ratings would be "Exceeds Standards, Meets Standards, and Does not Meet Standards" rather than letter grades.

Sponsor Rating System

HB 555 As Passed by the House

<u>Components</u>	<u>Oct 2013</u>	<u>Oct 2014</u>	<u>Oct 2015</u>
Overall Rating	<i>Calculated</i>		
Academic performance	Included in overall rating		
Quality practices	Include in overall rating once instrument developed. Bill does not specify a deadline		
Compliance	State Board must adopt rules by July 1, 2013 prescribing standards for measuring compliance		

RO = Report Only

- = Not Included at All

Note: The above would provide a rating of exemplary, effective, or ineffective (or emerging for a new sponsor in their first two years). It is not clear when these ratings begin. The entire section is not effective until January 1, 2015 but clearly the language is written with the expectation of a rating prior to that time and even has a deadline of July 1, 2013 for the State Board.