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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 239  
133<sup>rd</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Manning and Crawley

Allison Schoeppner, Research Analyst and

Mitchell Smith, Research Analyst

### SUMMARY

- Beginning with the class of 2022, eliminates the requirement that high school students take a nationally standardized college admission assessment for graduation and, instead, specifies that it may only be given to eleventh grade students whose parent or guardian gives permission to administer the assessment to them.
- Beginning with the class of 2023, reduces the number of end-of-course exams required for graduation from five to four, by requiring a new single American history and government exam instead of two separate exams in American history and American government as under current law.
- Requires each school district and other public school to form a work group to examine the amount of time students spend on district required testing and to make recommendations to the district board or school governing authority or body on how to reduce testing.
- Permits a district or school to exceed the statutory time limitations that students may spend on state testing through an annual resolution after considering recommendations from the testing work group.
- Requires the Department of Education to publish an annual report on the amount of time students spent on required state and district or school testing.
- For the 2020-2021 school year only, prohibits student retention under the Third Grade Reading Guarantee.

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## DETAILED ANALYSIS

### High school testing requirements

#### Nationally standardized college admission assessments

Beginning with the class of 2022 (students who entered ninth grade on or after July 1, 2018), the bill eliminates the current requirement for high school students to take a nationally standardized college admission assessment. The bill further specifies that the assessment may be given only to eleventh-grade students in the spring of each school year whose parents or guardians gives permission to the school to administer the assessment to them.<sup>1</sup>

#### American history and government end-of-course exam

Beginning with the class of 2023 (students who entered ninth grade on or after July 1, 2019), the bill also reduces from five to four the number of required high school end-of-course exams. Under the bill, the four exams are English language arts II; science; Algebra I; and American history and government.<sup>2</sup> Current law for the class of 2023 and beyond requires two separate exams for American history and for American government.

The bill requires the Department of Education to develop the new American history and government exam in a manner so that it is comparable in both administration and length to other end-of-course exams.<sup>3</sup> It also specifies that the new exam must continue to assess mastery of American history and American government content standards adopted by the State Board of Education and the founding documents as required for the minimum high school curriculum. Those curriculum provisions require the study of the Declaration of Independence, the Northwest Ordinance, the U.S. Constitution with an emphasis on the Bill of Rights, and the Ohio Constitution, including study of those documents in their “original context.”<sup>4</sup>

Additionally, the bill specifies that students who wish to take an Advanced Placement (AP) or International Baccalaureate (IB) exam in lieu of taking the new end-of-course exam in American history and government must take the AP or IB exams in both American history and American government. Under current law, AP and IB examinations or final course grades in another advanced standing program may be used in the areas of science, American history, and American government in lieu of the end-of-course exams in those subject areas.<sup>5</sup>

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<sup>1</sup> R.C. 3301.0712(B)(1)(b).

<sup>2</sup> R.C. 3301.0712(B)(2)(b).

<sup>3</sup> R.C. 3301.0712(B)(3)(c).

<sup>4</sup> R.C. 3313.603(M), not in the bill.

<sup>5</sup> R.C. 3303.0712(B)(4)(a)(i).

## Testing work groups

Within 90 days after the bill's effective date, each school district, community school, and STEM school must form a work group to examine the amount of time students spend on district or school required testing.<sup>6</sup> The work group must consist of the following members:

1. The district superintendent (or equivalent of a community school or STEM school);
2. A curriculum or testing administrator or designee of the superintendent;
3. Three building principals, one each from an elementary, middle, and high school;
4. Three classroom teachers selected by the local teachers' association, one each from an elementary, middle, and high school; and
5. Three parents of students enrolled in the district or school selected by the local parent-teacher organization or similar organization, one each from elementary, middle, and high school.

The bill specifies that if a district or school does not employ enough individuals to meet the prescribed membership requirements it is exempt from those requirements.<sup>7</sup>

## Duties

Each work group must examine all of the following:

1. Time students spend on district or school required testing;
2. The current district or school testing calendar;
3. Identifying if there are groups of students being tested at a greater rate than others;
4. The purpose of testing and if that purpose has been achieved;
5. The use of testing data to drive instructional decisions;
6. The financial cost of testing;
7. If tests are duplicative; and
8. Any previous testing audit or examination of testing the district or school may have.

The bill requires the work group to report findings and any recommendations to the district board of education or school governing authority or body within six months after its formation. Upon completion of this report, the work group may be dissolved, continue to meet, or be reconstituted in the future based on local need.

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<sup>6</sup> R.C. 3301.0729(D). That section applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill.

<sup>7</sup> R.C. 3301.0729(D)(1)(e).

## Limits on test duration

Under current law, school districts and schools must ensure that students do not spend more than a cumulative amount of time of (1) two percent of the school year on state and district required assessments, and (2) one percent of the school year taking practice or diagnostic assessments. However, current law also authorizes a school district or school to exceed its prescribed assessment time limitations through the adoption of a resolution (after at least one public hearing on the proposed resolution).

The bill specifies that if a district or school wishes to exceed these time limits it must do so through an *annual* resolution, after considering any recommendations from the testing work group described above. The district or school still must hold at least one public hearing on the proposed resolution too.<sup>8</sup>

The bill states the intent of the General Assembly is to reduce the time students spend on standardized testing and restore classroom instructional time and that the Department of Education or other state entities should not require increased testing or create policies that result in further testing as part of any improvement plan.<sup>9</sup>

## Department of Education annual report on testing

The bill requires the Department to annually publish a report on the amount of time students spent on required state and district or school testing. The report must include the following:

1. Information disaggregated by required state testing and by additional testing required by a district or school;
2. Efforts to reduce testing time and increase instructional time;
3. Caps on testing time as prescribed under current law, and a list of any district or school that exceeded the cap;
4. The purpose and use of the required state and district or school tests; and
5. Any resources available to parents to ask questions regarding the testing of their children.

The bill specifies that the report must be published on the Department's website and delivered to the Governor and the respective standing committees of the House of Representatives and Senate that consider primary and secondary education legislation.<sup>10</sup>

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<sup>8</sup> R.C. 3301.0729(C).

<sup>9</sup> R.C. 3301.0729(F).

<sup>10</sup> R.C. 3301.0729(E).

## Third Grade Reading Guarantee

For the 2020-2021 school year only, the bill prohibits school districts, community schools, STEM schools, and chartered nonpublic schools from retaining in the third grade students who do not attain the required score on the third-grade English language arts achievement assessment.<sup>11</sup> (A similar provision, enacted in H.B. 197 of the 133<sup>rd</sup> General Assembly, applies to the 2019-2020 school year.)<sup>12</sup>

The Third Grade Reading Guarantee is a program created to identify students in grades kindergarten through three who are reading below grade level. Schools must administer diagnostic assessments in reading for grades kindergarten through two to identify students who are reading below grade level and to provide intervention services for those students prior to taking the third-grade English language arts assessment. If a third grader does not take this assessment or fails to attain the required score, unless otherwise exempted, the student may not be promoted to the fourth grade. A similar guarantee applies to students attending chartered nonpublic schools with state scholarships.<sup>13</sup>

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### HISTORY

Action	Date
Introduced	05-08-19
Referred by H. Rules & Reference	05-14-19
Reported, H. Primary and Secondary Education	05-28-20
Passed House (78-14)	05-28-20

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<sup>11</sup> Section 3 of the bill.

<sup>12</sup> Section 17(C) of H.B.197.

<sup>13</sup> R.C. 3301.163 and 3313.608, neither in the bill.