



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 37
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Fedor and Manning

Allison Schoeppner, Research Analyst

SUMMARY

High school graduation

- Permits public and nonpublic schools, through September 30, 2021, to grant a diploma to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines has successfully completed the high school curriculum or individualized education program.
- Extends to the 2020-2021 school year the permission for a student who was scheduled to take or re-take an end-of-course exam in that school year, but did not do so because the exam was cancelled, to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma.
- Specifies that a student also may use a final course grade in lieu of an exam score if the student meets conditions related to being quarantined, medically compromised, or subject to a stay-at-home order, or if the student is receiving instruction through a remote learning model.
- Extends to the 2020-2021 school year a provision that specifies that a student who was scheduled to take an end-of-course exam for the first time in that school year may use a final grade for a course completed in that year, while a student who was scheduled to re-take an exam that was cancelled may use a grade for a course completed in that year or a prior year.

State assessments

- Exempts all public, chartered nonpublic schools, the State School for the Deaf, and the State School for the Blind from administering certain state assessments for the 2020-2021 school year.

- Requires the Superintendent of Public Instruction to consult with specified stakeholders regarding whether to seek a waiver from federal testing requirements if one becomes available.
- Authorizes the state Superintendent to submit a waiver request to the U.S. Secretary of Education after consulting with specified stakeholders.

State aid to districts

- Extends to the 2021-2022 school year the prohibition for the Department of Education from subtracting from a district or school's student count for state funding any students to whom a district or school did not administer assessments in the 2020-2021 school year.

E-school students

- Extends to the 2020-2021 school year the prohibition for an internet- or computer-based school from withdrawing students who were unable to complete assessments.

Scholarship students

- Extends to the 2021-2022 school year the provision that specifies that students participating in certain state scholarship programs may apply to renew their scholarships regardless of whether they took the state assessments in the 2020-2021 school year.

Homeschooled students

- Extends to the 2021-2022 school year the waiver of the administrative requirement that the parents of a homeschooled student must submit assessment data to the resident school district as a condition of the district allowing the student to continue to receive home instruction.
- Declares an emergency.

DETAILED ANALYSIS

High school graduation

High school diplomas

The bill permits public and nonpublic schools, through September 30, 2021, to grant a diploma to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines that the student has successfully completed the high school curriculum or individualized education program.¹

¹ Division (B) of Section 5 of the bill.

The bill also expressly states that if a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements, it may elect to require only the minimum curriculum for the purpose of determining high school graduation for the 2020-2021 school year.²

A similar provision for the 2019-2020 school year (effective through September 30, 2020) was enacted in H.B. 197 of the 133rd General Assembly.³

High school diploma qualifications

H.B. 164 of the 133rd General Assembly permits a student who was scheduled to take or re-take an end-of-course exam in the 2019-2020 school year, but did not do so because the exam was cancelled, to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma. The bill extends this provision to the 2020-2021 school year.

It also adds a provision permitting a student to use a final course grade for either the 2019-2020 or 2020-2021 school year in lieu of an exam score if:

1. The student is being quarantined;
2. The student, or a member of the student's family, is medically compromised and the student cannot attend school, or another physical location outside of the home, for the testing;
3. The student resides in a geographic area that is subject to an order issued by the Governor, the Department of Health, or the board of health of a city or general health district that requires all persons in that area to remain in their residences; or
4. The student is receiving instruction primarily through a remote learning model up through the deadline for the prescribed assessments and they cannot be administered remotely.

A student who was scheduled to take an end-of-course exam for the first time in either school year may use the final grade the student received in that school year, while a student who was scheduled to re-take an exam may use a grade from that school year or a prior school year.⁴

For the purposes of determining whether a student satisfies a condition for a high school diploma, the bill relies on competency score and end-of-course exam performance levels equivalencies established by H.B. 164. A table describing these equivalencies can be found on p. 11 of the H.B. 164 Final Analysis at <https://www.legislature.ohio.gov/download?key=14305&format=pdf>.

² Division (C) of Section 5 of the bill. See also R.C. 3313.603(E), not in the bill.

³ Section 17(D) of H.B. 197 of the 133rd General Assembly.

⁴ Section 12(A) and (B) of H.B. 164 of the 133rd General Assembly, amended by Section 1 of the bill.

In addition, the bill extends to the 2020-2021 school year a provision that specifies that a student who completes a course associated with an end-of-course exam for that year must be considered to have completed an administration of that exam for the purposes of determining whether the student may use an alternative demonstration competency in lieu of attaining a competency score.⁵

Finally, the bill extends to the 2020-2021 school year permission to a student who completed a course associated with an end-of-course exam to choose to take that exam in a subsequent school year.⁶

Assessment related provisions

State assessments that are not federally required

For the 2020-2021 school year only, the bill exempts schools from administering state assessments that are *not* required by federal law. Thus, public, chartered nonpublic schools, the State School for the Deaf, and the State School for the Blind are not required to administer the English language arts I, American History, American Government, and, if a waiver has been received (as described below), Geometry. They also are not required to administer locally social studies assessments for grades 4 and 6.⁷

Waiver from federal testing requirements

The bill requires the Superintendent of Public Instruction to consult with stakeholders regarding whether to seek a waiver from testing requirements prescribed under federal law for the 2020-2021 school year if one becomes available from the U.S. Secretary of Education. Specifically, the state Superintendent must consult with at least:

1. The Buckeye Association of School Administrators;
2. The Ohio School Boards Association;
3. The Ohio Association of School Business Officials;
4. The Ohio Education Association;
5. The Ohio Federation of Teachers;
6. The Ohio Parent Teacher Association;
7. The Ohio Chamber of Commerce; and
8. Ohio Excels.

After consulting with those stakeholders, the state Superintendent is authorized to submit to the Secretary of Education a waiver request. If a waiver request is granted, public and

⁵ Section 12(C) of H.B. 164 of the 133rd General Assembly, amended by Section 1 of the bill.

⁶ Section 12(D) of H.B. 164 of the 133rd General Assembly, amended by Section 1 of the bill.

⁷ Division (A)(1)(b) of Section 17 of H.B. 197 of the 133rd General Assembly; amended by Section 3 of the bill.

chartered nonpublic schools are not required to administer the elementary state achievement assessments and high school end-of-course exams. The provision also waives the Ohio English Language Proficiency Assessment administered to English learners, WebXams for career-technical education students, and the Alternate Assessment for Students with Significant Cognitive Disabilities. However, districts and schools must still administer the nationally standardized assessments (ACT or SAT) as required under continuing law.⁸

Background on testing requirements

Current state law requires achievement assessments in English language arts and math for each of grades three to eight and science in grades four and eight. In addition, school districts and schools must teach and assess social studies in at least grades four and six, but are not required to report results of any assessment to the Department of Education. Further, state law requires high school end-of-course exams, starting with the class of 2023, in English language arts II, Algebra I, science, American history, and American government. High school students also must take a nationally standardized assessment (ACT or SAT).⁹

Federal law requires one assessment in reading and one assessment in mathematics for each of grades three through eight. Students in grades nine through twelve are required to take one assessment each in reading and math between grades ten and twelve. One science assessment is required between grades three and five, one between grades six and nine, and one between grades ten and twelve.¹⁰

Current state law also requires the Department of Education to seek a waiver from the U.S. Secretary of Education to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the Department does not receive a waiver, the end-of-course examinations also must include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination may not be required for graduation.¹¹

State aid to districts

The bill prohibits the Department of Education from subtracting from a district or school's student count for state funding any students to whom a district or school did not administer assessments in the 2020-2021 school year.¹²

⁸ Section 6 of the bill.

⁹ R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill.

¹⁰ 20 United States Code 6311(b)(2).

¹¹ R.C. 3301.0712(B)(2)(b), not in the bill.

¹² Division (D) of Section 6 of the bill. See also R.C. 3314.08(L)(3), 3317.03(E)(3), and 3326.37, none in the bill.

E-school students

The bill also prohibits an internet- or computer-based school from withdrawing students who were unable to complete assessments for the 2020-2021 school year.¹³

Scholarship students

The bill specifies that students participating in the Educational Choice Scholarship Program, the Jon Peterson Special Needs Scholarship Program, or the Pilot Project (Cleveland) Scholarship Program may apply to renew their scholarships for the 2021-2022 school year regardless of whether they took the state assessments in the 2020-2021 school year.¹⁴

Continuing law specifies that a student who receives a state scholarship will remain eligible for that scholarship and may continue to receive that scholarship in subsequent school years if the student meets certain eligibility requirements.¹⁵ One of those requirements is that the student take all required state assessments unless otherwise excused.

Homeschooled students

The bill extends to the 2020-2021 school year H.B. 197's waiver of the administrative requirement that the parents of a homeschooled student must submit assessment data to the resident school district as a condition of the district allowing the student to continue to receive home instruction.¹⁶

HISTORY

Action	Date
Introduced	02-02-21

S0037-I-134/ks

¹³Division (E) of Section 6 of the bill.

¹⁴ Division (F) of Section 6 of the bill.

¹⁵ R.C. 3301.0711(K), 3310.03(F), 3310.522, and 3313.976(A)(11), none in the bill.

¹⁶ Section 17(L) of H.B. 197 of the 133rd General Assembly, amended by Section 3 of the bill. See Ohio Administrative Code 3301-34-04.