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H.B. 67*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Primary & Secondary Education

Primary Sponsors: Reps. Koehler and Bird

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SUMMARY

Assessment related provisions

- Exempts public and chartered nonpublic schools from administering the state required American history end-of-course exam in the 2020-2021 school year.
- Mandates dates for spring testing windows for the 2020-2021 school year.
- Requires the Department of Education or any entity with which the Department contracts for the scoring of the third-grade English language arts assessments to send to each school district or school a list of individual scores on that assessment by June 28, 2021.

High school graduation

- For the 2020-2021 school year, permits an 11th or 12th grade student who takes or retakes or who is unable to take or retake an end-of-course exam to use the final course grade in a course associated with the exam in lieu of a score on that exam to satisfy conditions for a high school diploma.
- Permits school districts, other public schools, and chartered nonpublic schools to grant a high school diploma in the 2020-2021 school year 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.
- Permits a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements to elect to require only the minimum

* This analysis was prepared before the report of the Senate Primary and Secondary Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

curriculum for the purpose of determining high school graduation for the 2020-2021 school year.

- For the 2020-2021 school year, permits a student to qualify for a high school diploma by both successfully completing the curriculum requirements and earning the OhioMeansJobs-Readiness Seal.

Data reporting

- Requires the Department to report any data that it has regarding the performance of school districts and buildings for the 2020-2021 school year by October 14, 2021, instead of by September 15, 2021, as under current law.

Community school sponsor ratings

- For the 2020-2021 school year, prohibits the Department of Education from issuing a rating to a community school sponsor for the academic performance component.
- Requires that a sponsor's rating for the 2020-2021 school year be based on only the adherence to quality practices and compliance with laws and rules components, and not include the academic performance component.
- States that a sponsor's rating for the 2020-2021 school year does not qualify the sponsor for any incentive for which the sponsor was not previously eligible prior to receiving that rating.

Home instructed students

- Exempts parents of homeschooled students from the administrative rule requirement to submit an academic assessment record for the 2020-2021 school year to the student's resident school district superintendent as a condition of allowing the student to continue receiving home instruction in 2021-2022.

Federal waiver

- Requires the Department to seek a waiver from the U.S. Secretary of Education from federal accountability and school identification requirements.

Emergency clause

- Declares an emergency.

DETAILED ANALYSIS

Assessment related provisions

Waiver of the American history end-of-course examination

For the 2020-2021 school year only, the bill exempts public and chartered nonpublic schools from administering the state required end-of-course exam in American history.¹

Background on testing requirements

Current state law requires achievement assessments in English language arts (ELA) and math for each of grades three through eight and science in grades five and eight. 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).²

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.³

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.⁴

State aid to districts

The bill prohibits the Department from subtracting from a district or school's student count for state funding any students to whom a district or school did not administer the American history end-of-course exam in the 2020-2021 school year.⁵

E-school students

The bill also prohibits an internet- or computer-based school from withdrawing students who were not administered the American history end-of-course exam for the 2020-2021 school year.⁶

¹ Section 3(A).

² R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill.

³ 20 United States Code 6311(b)(2).

⁴ R.C. 3301.0712(B)(2)(b), not in the bill.

⁵ Section 3(B). See also R.C. 3314.08(L)(3), 3317.03(E)(3), and 3326.37, none in the bill.

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 American history end-of-course exam in the 2020-2021 school year.⁷

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.⁸ One of those requirements is that the student take all required state assessments unless otherwise excused.

Spring testing windows

The bill mandates specific dates for the spring administration of assessments. They are as follows:⁹

For online testing:

1. English language arts for all grades – March 22 to May 7, 2021;
2. Mathematics, science, and social studies for all grades – March 29 to May 21, 2021.

For paper format testing:

1. Third-grade English language arts assessment – March 22 to April 23, 2021;
2. English language arts assessment for grades 4-12 – March 22 to April 30, 2021;
3. Mathematics, science, and social studies for all grades – March 29 to May 14, 2021.

The bill additionally requires the Superintendent of Public Instruction to designate times for the above administrations and to adjust or extend any deadlines related to the assessments accordingly.¹⁰

Third-grade ELA assessment results

The bill requires the Department or an entity with which the Department contracts for the scoring of the third-grade English language arts assessment to send to each school district or school a list of individual scores for all students taking this assessment by June 28, 2021.¹¹

⁶ Section 3(C).

⁷ Section 3(D).

⁸ R.C. 3301.0711(K), 3310.03(F), 3310.522, and 3313.976(A)(11), none in the bill.

⁹ Section 5(A).

¹⁰ Section 5(B).

¹¹ Section 5(C).

As otherwise required under continuing law, the Department or other entity must report those results within 45 days after the assessment but no later than June 15 following the administration.¹²

High school graduation

Course grades in lieu of end-of course exam scores

For the 2020-2021 school year, the bill permits a student who is in the 11th or 12th grade who takes or retakes an end-of-course exam or who is unable to take or retake an end-of-course exam for any reason in that school year to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma.

For the purposes of determining whether a student satisfies a condition for a high school diploma, the bill establishes how final grades are equivalent to a competency score and end-of-course exam performance levels.¹³

A similar uncodified provision was enacted by H.B. 164 of the 133rd General Assembly for the 2019-2020 school year.¹⁴ For a full description of these equivalencies, see pp. 11-12 of the final analysis of that act at <https://www.legislature.ohio.gov/download?key=14305&format=pdf>.

High school diplomas for the 2020-2021 school year

The bill permits school districts, other public schools, and chartered nonpublic schools to grant a high school diploma in the 2020-2021 school year 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.¹⁵ The bill additionally permits a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements to elect to require only the minimum curriculum for the purpose of determining high school graduation for the 2020-2021 school year.¹⁶ Similar provisions were enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.¹⁷

A separate provision of the bill permits a student, for the 2020-2021 school year only, to qualify for a high school diploma by both (1) successfully completing the student's high school's curriculum requirements and (2) earning the OhioMeansJobs-Readiness Seal.¹⁸ Under current

¹² R.C. 3310.0711(G)(2)(b), not in the bill.

¹³ Section 9.

¹⁴ Section 12 of H.B. 164 of the 133rd General Assembly.

¹⁵ Section 4(B).

¹⁶ Section 4(C).

¹⁷ Section 17(D)(2) and (3) of H.B. 197 of the 133rd General Assembly.

¹⁸ Section 10.

law, that seal is one of several state diploma seals that combined with other requirements a student may use to qualify for a high school diploma (see below). A student earns the seal by demonstrating work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency, that are set by the state Superintendent, in consultation with the Chancellor of Higher Education and the Governor's Office of Workforce Transformation.¹⁹

Background on graduation requirements

Under continuing law, one way a student who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, (the Classes of 2018 through 2022) may qualify for a high school diploma is by attaining a cumulative performance score on the end-of-course exams prescribed by the State Board. The State Board prescribed a system under which a student earns a cumulative performance score by earning points toward graduation based on the student's performance levels on the end-of-course exams.

Continuing law also requires a student who entered ninth grade for the first time on or after July 1, 2019 (the Classes of 2023 and on), and permits a student in the Classes of 2018 through 2022, to qualify for a high school diploma by attaining a "competency score" on each of the Algebra I and English Language Arts II end-of-course exams and earning at least two state diploma seals. Several of the state diploma seals involve attaining a proficient or higher score on one or more end-of-course exams. For more information on the diploma provisions and state seals, see the following guidance from the Department's website: <http://education.ohio.gov/getattachment/Topics/Ohio-s-Graduation-Requirements/Earning-an-Ohio-High-School-Diploma-for-the-Cl-2/GradReq2021.pdf.aspx?lang=en-US>.

Additionally, a student who does not attain a competency score on both the Algebra I and English Language Arts II end-of-course exams after at least two administrations of those exams is permitted to demonstrate competency in the failed subject areas using one of several alternative options prescribed under continuing law.²⁰

Data reporting

The bill requires the Department to report any data that it has regarding the performance of school districts and buildings for the 2020-2021 school year by October 14, 2021, instead of by September 15, as under current law.²¹

H.B. 409 of the 133rd General Assembly prescribes the September 15, 2021, date for reporting data. That bill also prohibits the Department from publishing and issuing ratings for overall grades, components, and individual measures on the state report cards for any school

¹⁹ See R.C. 3313.6112, not in the bill.

²⁰ R.C. 3301.0712(B), 3313.618(A) and (B), and 3313.6114, none in the act. Information about the State Board's system of graduation points can be found at <http://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements/18-Points-on-State-Tests>.

²¹ Section 8.

districts or schools for the 2020-2021 school year.²² The latter provision is not affected by the bill. For a full description of changes made to state report cards under that act please see pp. 5-7 of the final analysis of that act at <https://www.legislature.ohio.gov/download?key=15456&format=pdf>.

Community school sponsor ratings

For the 2020-2021 school year, the bill prohibits the Department of Education from issuing a rating to a community school sponsor for the academic performance component, as otherwise required under current law. It also prohibits the Department from including academic performance in the calculation of an overall rating for a sponsor.²³

Thus, the bill requires that a sponsor's rating for the 2020-2021 school year be based on only the adherence to quality practices and compliance with laws and rules components.

The bill also states that a sponsor's rating for the 2020-2021 school year does not qualify the sponsor for any incentive for which the sponsor was not previously eligible prior to receiving that rating.

Under continuing law, the Department annually rates and assigns an overall rating to community school sponsors. The evaluation system is based on the following components:

1. Academic performance;
2. Adherence to quality practices;
3. Compliance with laws and rules.²⁴

H.B. 197 of the 133rd General Assembly enacted a similar prohibition against the Department issuing to a sponsor a rating for the academic performance component or factoring that rating into the sponsor's overall rating for the 2019-2020 school year.²⁵ H.B. 164 of the 133rd General Assembly later prohibited the Department from issuing *any* community sponsor ratings for that school year.²⁶

Home instructed students

The bill exempts parents of students receiving home instruction from the administrative rule requirement to submit an academic assessment record for the 2020-2021 school year to

²² Section 6(A) of H.B. 409 of the 133rd General Assembly.

²³ Section 6(D) of H.B. 409 of the 133rd General Assembly, amended in Section 1 of the bill.

²⁴ R.C. 3314.016, not in the bill.

²⁵ Section 17(F) of H.B. 197 of the 133rd General Assembly.

²⁶ Section 17(F) of H.B. 197 of the 133rd General Assembly, as amended in Section 5 of H.B. 164 of the 133rd General Assembly.

the student's resident school district superintendent as a condition of allowing the student to continue receiving home instruction in 2021-2022.²⁷

A similar provision was enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.²⁸

Federal waiver

The bill requires the Department to seek a waiver from the U.S. Secretary of Education from federal accountability and school identification requirements.²⁹

On February 22, 2021, the U.S. Secretary of Education released the following guidance related to various federal education requirements for the 2020-2021 school year: <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>.

HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Primary & Secondary Education	03-04-21
Passed House (93-1)	03-04-21
Reported, S. Primary & Secondary Education	---

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²⁷ Section 6. See Ohio Administrative Code 3301-34-04.

²⁸ Section 17(L) of H.B. 197, as amended by H.B. 164, both of the 133rd General Assembly.

²⁹ Section 7.