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H.B. 67
134th General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsors: Reps. Koehler and Bird

Effective date: Emergency: March 20, 2021

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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.
- Specifies dates for spring achievement 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 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 school's 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.

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 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 home-instructed students from the administrative rule requirement to submit an academic assessment record for the 2020-2021 school year as a condition of allowing the student to continue home instruction in the 2021-2022 school year.

Federal waiver

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

DETAILED ANALYSIS

Waiver of the American history end-of-course exam

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

Related provisions

The act 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 the American history end-of-course exam in the 2020-2021 school year.²

¹ Section 3(A).

² Section 3(B). See also R.C. 3314.08(L)(3), 3317.03(E)(3), and 3326.37, none in the act.

It 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.

Finally, the act 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.³

Spring testing windows

The act establishes specific dates for the spring administration of assessments. They are as follows:⁴

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.

Additionally, it 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.⁵

Third-grade ELA assessment results

The act 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, 2021.⁶

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.⁷

³ Section 3(D).

⁴ Section 5(A).

⁵ Section 5(B).

⁶ Section 5(C).

⁷ R.C. 3310.0711(G)(2)(b), not in the act.

High school graduation

Course grades in lieu of end-of course exam scores

For the 2020-2021 school year, the act permits a student 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 determining whether a student satisfies a condition for a high school diploma, the act establishes how final grades are equivalent to a competency score and end-of-course exam performance levels. The following table indicates how a final course grade is equivalent to an exam performance level under the act, and how many graduation points a student may earn for each exam performance level under continuing law.

Final grade	Exam performance level	Graduation points
Any "A"	Advanced	5
Any "B"	Accelerated	4
Any "C"	Proficient	3
Any "D"	Basic	2
"F"	Limited	1

Under the act, any "C" grade or higher is equivalent to a competency score. The act also specifies that for a course where only a pass or fail designation is used, a "fail" designation is equivalent to a "F" letter grade. In the case of a "pass" designation, the student's school district or school must determine to which exam performance level a student's performance in the class is equivalent. However, the act specifies that earning a "pass" designation is equivalent to a competency score.⁸

A similar provision was enacted by H.B. 164 of the 133rd General Assembly for the 2019-2020 school year.⁹

High school diplomas for the 2020-2021 school year

The act 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

⁸ Section 9.

⁹ Section 12 of H.B. 164 of the 133rd General Assembly.

program.¹⁰ Additionally, it 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.¹¹ Similar provisions were enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.¹²

A separate provision of the act 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.¹³ Under continuing 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. 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.¹⁴

Data reporting

The act 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 continuing law, for data reporting after the 2020-2021 school year.¹⁵

Community school sponsor ratings

For the 2020-2021 school year, the act prohibits the Department of Education from issuing a rating to a community school sponsor for the academic performance component, as otherwise required by law. It also prohibits the Department from including academic performance in the calculation of an overall rating for a sponsor.¹⁶

Thus, the act 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.

It 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.

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

¹⁰ Section 4(B).

¹¹ Section 4(C).

¹² Section 17(D)(2) and (3) of H.B. 197 of the 133rd General Assembly.

¹³ Section 10.

¹⁴ See R.C. 3313.6112, not in the act.

¹⁵ Section 8. See R.C. 3302.03. See also Section 6(A) of H.B. 409 of the 133rd General Assembly.

¹⁶ Section 6(D) of H.B. 409 of the 133rd General Assembly, amended in Section 1 of the act.

that rating into the sponsor's overall rating for the 2019-2020 school year.¹⁷ H.B. 164 of the 133rd General Assembly later prohibited the Department from issuing *any* community sponsor ratings for that school year.¹⁸

Home-instructed students

The act 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 the student's resident school district superintendent as a condition of allowing the student to continue receiving home instruction in 2021-2022.¹⁹

A similar provision was enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.²⁰

Federal waiver

The act requires the Department to seek a waiver from the U.S. Secretary of Education from federal accountability and school identification requirements.²¹

On February 22, 2021, the Secretary released a guidance document for the 2020-2021 school year indicating state waivers from federally required achievement tests will not be granted, but states may apply for waivers from accountability and school identification requirements.²²

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	03-17-21
Passed Senate (32-1)	03-17-21
House concurred in Senate amendments (96-0)	03-17-21

20-HB67-134/ks

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

¹⁸ 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.

¹⁹ Section 6. See Ohio Administrative Code 3301-34-04.

²⁰ Section 17(L) of H.B. 197, as amended by H.B. 164, both of the 133rd General Assembly.

²¹ Section 7.

²² See <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>.