



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 74

131st General Assembly  
(As Introduced)

Rep. Brenner

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## BILL SUMMARY

- Requires the State Board of Education to provide, within 30 days of the bill's effective date, an online opportunity on the website of the Department of Education to make comments on specific academic content standards.
- Requires the State Board, by June 30, 2016, to review the current academic content standards, taking into consideration the input from the academic standards review committees (established under current law) and the comments posted on the Department's website, and to adopt revised academic content standards for each of grades K-12 in English language arts, mathematics, science, and social studies.
- Requires the Department of Education to issue, within 30 days of the bill's effective date, a request for proposals to provide the elementary achievement assessments and the high school end-of-course examinations for administration by school districts and schools beginning with the 2015-2016 school year.
- Prohibits multistate consortia from being eligible to submit a proposal to provide the elementary assessments and end-of-course examinations.
- Limits to three hours per assessment the duration of the administration of each state elementary achievement assessment beginning with the 2015-2016 school year.
- Limits to three hours per *year* the duration of the administration of each high school end-of-course examination beginning with the 2015-2016 school year.
- Specifies that the bill's time limits *do not* apply to (1) assessments for students with disabilities, (2) the nationally standardized assessments that measure college and career readiness, (3) the third-grade English language arts assessment, (4) any diagnostic assessment for students who did not pass the third-grade English

language arts assessment, or (5) substitute examinations in science, American history, or American government.

- Reduces, from twice annually to once annually, the administration of the third-grade English language arts assessment beginning with the 2015-2016 school year, and prohibits school districts from being required to administer that assessment in the fall.
- Eliminates the requirement for school districts and schools to administer all of the writing diagnostic assessments in grades K-3, and the requirement for the mathematics diagnostic assessments to be administered in kindergarten and first grade.
- Requires the Department to specify not less than two mathematics diagnostic assessments that are approved for (1) identifying students as gifted in superior cognitive ability and specific academic ability and (2) the student academic growth component of teacher evaluations.
- Requires the reading diagnostic assessment to be completed by September 30 of each year for students in grades one to three.
- Limits the duration of the administration of the kindergarten readiness diagnostic assessment to one hour.
- Specifies August 1, instead of "the first day of the school year" as under current law, as the earliest date by which a student may take the kindergarten readiness diagnostic assessment.
- Permits a school district or school to administer the kindergarten readiness diagnostic assessment all at one time or in portions at different times, so long as the assessment has been administered in its entirety by November 1 of the school year.
- Eliminates the English language arts II and geometry end-of-course examinations.
- Requires the State Board of Education to compile by March 1, 2016, a list of multiple assessments that are equivalent to the end-of-course examinations for use instead of the end-of-course examinations.
- Beginning with the 2016-2017 school year, requires a district or school to notify the Department of any assessment in a subject area that it elects to use as an equivalent examination, and requires that the notification be made by September 15 of each year.



- Beginning with the 2016-2017 school year, authorizes a school district to use end-of-course examinations, substitute examinations, or equivalent examinations as final examinations for the related subject-area class or course of study.
- Specifies that, for purposes of substitute examinations and equivalent examinations, a score of 2 on an Advance Placement (AP) examination and a score of 3 on an International Baccalaureate (IB) examination are to be considered equivalent to a "proficient" score.
- Prohibits a school district from charging a student for (1) any of the nationally standardized assessments that measure college and career readiness, (2) any end-of-course examination, (3) any substitute examination, or (4) any equivalent examination, unless the examination is an AP or IB examination.
- Requires the Department to identify and approve at least two assessments that can be used for multiple purposes, including (1) a diagnostic assessment administered to third-grade students, (2) an assessment that permits a student to demonstrate an acceptable level of performance for purposes of the third-grade reading guarantee, and (3) an assessment used to identify students as gifted in specific academic ability fields in reading, writing, or both.
- Requires the Department to develop a table of assessments that may be used for multiple purposes and for which a measure of student performance or aptitude is required, in order to reduce the total number of assessments administered by a school district or school.
- Requires the Department to determine which components of the resident educator performance-based assessment may be used as part of the teacher evaluation system.
- Extends through the 2015-2016 school year a current provision prohibiting the Department from requiring school districts, other public schools, and chartered nonpublic schools to administer any state achievement assessment in an online format.
- Requires the Department to conduct a comprehensive survey of the capacity and readiness of each school district for the online administration of the state achievement assessments based on recommended specifications for such administration of the assessments and to report the results of the survey to the Governor, the State Board of Education, and the chairpersons and ranking members of the House and Senate Education Committees by June 30, 2016.

- Requires the Department to study the impact on student performance of the online administration of the state achievement assessments and submit results of the study to the General Assembly and Governor by June 30, 2016.
- Requires the Department, except as otherwise prescribed by federal law, to consider as an acceptable measure of technical skill attainment (1) an industry-recognized credential or (2) a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license and prohibits the Department from requiring a student with such credential or license to take additional technical assessments.
- Prescribes the manner in which the governing body of a school district, community school, STEM school, or educational service center must evaluate the student academic growth component of a teacher for purposes of teacher evaluations.
- Requires, for the 2014-2015 school year only, a school district or school to use a different measure of student progress for purposes of teacher evaluations, if under current law the district or school has entered into memorandum of understanding with the teachers' labor union stipulating that the value-added progress dimension rating for the 2014-2015 school year will not be used when making decisions regarding dismissal, retention, tenure, or compensation.
- Requires the State Board to review and revise by July 1, 2016, the framework for the evaluation of teachers to reduce the estimated time necessary to complete teacher evaluations.

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## **CONTENT AND OPERATION**

### **Academic content standards**

The bill requires the State Board of Education to provide, within 30 days of the bill's effective date, an online opportunity on the website of the Department of Education to make comments on the state academic content standards.<sup>1</sup>

The bill further requires the State Board to do the following by June 30, 2016:

(1) Review the current academic content standards, taking into consideration the input from the academic standards review committees established under current law<sup>2</sup> and the comments posted on the Department's website (as described above); and

(2) Adopt revised academic content standards for each of grades K-12 in English language arts, mathematics, science, and social studies.<sup>3</sup>

### **Request for proposal for state achievement assessments**

The bill requires the Department of Education to issue, within 30 days of the bill's effective date, a request for proposals to provide the elementary achievement assessments and the high school end-of-course examinations for administration by school districts and schools beginning with the 2015-2016 school year. In reviewing proposals, the Department must consider, at a minimum, ease of administration, content, format, overall quality, performance benchmarks, and cost. The Department also must solicit input from teachers and administrators when reviewing proposals.<sup>4</sup>

The bill explicitly prohibits multistate consortia from being eligible to submit a proposal.

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<sup>1</sup> Section 8(A).

<sup>2</sup> R.C. 3301.079(I).

<sup>3</sup> Section 8(B).

<sup>4</sup> Section 9.



## Duration of state achievement assessments

Beginning with the 2015-2016 school year, the bill limits to three hours per assessment the duration of the administration of each required elementary achievement assessment, and limits to three hours per *year* the duration of the administration of each required high school end-of-course examination. The bill specifies, however, that its time limitations do not apply to (1) assessments for students with disabilities, (2) the nationally standardized assessments that measure college and career readiness, (3) the third-grade English language arts assessment, (4) any diagnostic assessment for students who did not pass the third-grade English language arts assessment, or (5) substitute examinations in science, American history, or American government.<sup>5</sup>

Current law does not specify any time limitation on the testing administration for any state assessment.

## Administration of state assessments

### Third-grade English language arts achievement assessment

Current law requires the third-grade English language arts assessment to be administered twice annually to third-grade students who have not attained the score designated by the State Board of Education for promotion to the third grade.

The bill, instead, limits to once annually the administration of that assessment beginning with the 2015-2016 school year. It further prohibits the Department of Education from requiring school districts to administer that assessment in the fall.<sup>6</sup>

### Diagnostic assessments

Current law generally requires school districts and community schools to administer diagnostic assessments in reading and writing to students in grades K through 3, and in mathematics to students in grades K through 2. The law also requires each kindergarten student to take the kindergarten readiness diagnostic assessment "not earlier than the first day of the school year" and not later than the first day of November.<sup>7</sup>

The bill makes the following changes to the diagnostic assessments:

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<sup>5</sup> R.C. 3301.0710(B)(3), second paragraph.

<sup>6</sup> R.C. 3301.0711(B)(1). Conforming changes in R.C. 3302.02, 3302.03(K)(2)(b), 3302.13.

<sup>7</sup> R.C. 3301.0715(A)(2). See also R.C. 3301.079(D), 3314.03(A)(11)(d), and 3326.11, the latter two sections not in the bill.



(1) Eliminates all of the writing diagnostic assessments;<sup>8</sup>

(2) Eliminates the mathematics diagnostic assessments in kindergarten and first grade;<sup>9</sup>

(3) Requires the Department of Education to specify not less than two mathematics diagnostic assessments that are approved for (a) identifying students as gifted in superior cognitive ability and specific academic ability and (b) the student academic growth component of teacher evaluations;<sup>10</sup>

(4) Requires the reading diagnostic assessment to be completed by September 30 of each year for students in grades one to three;

(5) Limits the duration of the administration of the kindergarten readiness diagnostic assessment to one hour;<sup>11</sup>

(6) Specifies August 1, instead of "the first day of the school year," as the earliest date by which a student may take the kindergarten readiness diagnostic assessment;<sup>12</sup> and

(7) Authorizes a district or school to administer the kindergarten readiness diagnostic assessment all at one time or in portions at different times, so long as the assessment has been administered in its entirety by November 1 of the school year.<sup>13</sup>

The bill contains two provisions that may be in conflict regarding the deadline for the administration of reading assessments for kindergarten students. In one provision,<sup>14</sup> it requires that the language and reading skills portion of the kindergarten readiness assessment be administered by September 30 of each year, and another provision<sup>15</sup> requires the "reading skills assessment" to be completed by November 1 of each year for students in kindergarten.

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<sup>8</sup> R.C. 3301.079(D)(1).

<sup>9</sup> R.C. 3301.079(D)(1).

<sup>10</sup> R.C. 3301.079(D)(1).

<sup>11</sup> R.C. 3301.0715(A)(2), third paragraph.

<sup>12</sup> R.C. 3301.0715(A)(2).

<sup>13</sup> R.C. 3301.0715(A)(2), third paragraph.

<sup>14</sup> R.C. 3301.0715(A)(2).

<sup>15</sup> R.C. 3313.608(B)(1).

## High school end-of-course examinations

Current law requires the administration of seven end-of-course examinations in English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.

The bill eliminates the English language arts II and geometry end-of-course examinations.<sup>16</sup>

### Equivalent examinations

The bill requires the State Board of Education to compile by March 1, 2016, a list of multiple assessments that are equivalent to the end-of-course examinations for use by school districts, public schools, and chartered nonpublic schools instead of the end-of-course examinations. For purposes of calculating the measures that comprise the state report card, the State Board is authorized to require the entity that scores an equivalent examination to provide the student score data on the equivalent examination on behalf of the district or school. Finally, the State Board may update or revise its list of equivalent examinations.<sup>17</sup>

Beginning with the 2016-2017 school year, a district or school must notify the Department of Education which assessment or assessments in a subject area that it elects to use as an equivalent examination. This notification must be made by September 15 of each year.

A separate provision of current law, maintained by the bill, pertains to "substitute examinations" that *must be* used in lieu of certain end-of-course examinations. That provision, which does not conflict with the bill's provisions for equivalent examinations, requires students enrolled in an Advanced Placement (AP) or International Baccalaureate (IB) course or other advanced standing course to take the corresponding AP, IB, or advanced standing program examination in lieu of the corresponding science, American history, or American government end-of-course examinations.<sup>18</sup>

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<sup>16</sup> R.C. 3301.0712(B)(2), (B)(4)(b), and (B)(7)(c).

<sup>17</sup> R.C. 3301.0712(B)(2), second paragraph.

<sup>18</sup> R.C. 3301.0712(B)(2), (B)(4), and (B)(5).





## **Use of examinations in courses as final examinations**

The bill authorizes, beginning with the 2016-2017 school year, a school district to use the end-of-course examinations, substitute examinations, or equivalent examinations as final examinations for the related subject-area class or course of study.<sup>19</sup>

### **Scoring levels for AP and IB examinations**

The bill specifies the following scoring equivalence levels for students enrolled in an AP course or IB course on the corresponding examination that is used as either a substitute examination or equivalent examination:

(1) A score of 2 on an AP examination is equivalent to a "proficient" score;

(2) A score of 3 on an IB examination is equivalent to a "proficient" score.<sup>20</sup>

### **Charging students for high schools examinations**

The bill explicitly prohibits a school district or school from charging a student for (1) the nationally standardized assessments that measure college and career readiness, (2) any end-of-course examination, (3) any substitute examination, or (4) any equivalent examination.<sup>21</sup> However, it specifically permits school districts and schools to charge a student for an AP or IB examination.<sup>22</sup>

## **Use of assessments for multiple purposes**

### **Assessments**

The bill requires the Department of Education to identify and approve at least two assessments that can be used for multiple purposes, including (1) a diagnostic assessment administered to third-grade students, (2) an assessment that permits a student to demonstrate an acceptable level of performance for purposes of the third-grade reading guarantee, and (3) an assessment used to identify students as gifted in specific academic ability fields in reading, writing, or both.<sup>23</sup>

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<sup>19</sup> R.C. 3301.0712(I).

<sup>20</sup> R.C. 3301.0712(B)(5)(d), second paragraph.

<sup>21</sup> R.C. 3301.0712(H)(1).

<sup>22</sup> R.C. 3301.0711(F) and 3301.0712(H)(2).

<sup>23</sup> R.C. 3301.0711(B)(1)(b), second paragraph.



## Table

In order to reduce the total number of assessments administered by a district or school, the bill also requires the Department to develop a table of assessments that may be used for multiple purposes for which a measure of student performance or aptitude is required. The table must include achievement assessments, diagnostic assessments, end-of-course examinations, substitute examinations, examinations related to student academic growth measures, assessments used to identify gifted students, and other assessments. The Department must make the table available to school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools.<sup>24</sup>

### **Resident educator performance-based assessment**

Finally the bill requires the Department to determine which components of the resident educator performance-based assessment used for the Ohio Teacher Residency Program may be used as part of the required teacher performance evaluations.<sup>25</sup>

Currently, most newly licensed educators are issued either a resident educator license or an alternative resident educator license under which they also must complete a four-year teacher residency program.<sup>26</sup> Separate law requires school districts and many community schools and STEM schools to evaluate each of their teachers on an annual, two-year, or three-year basis depending upon certain conditions.<sup>27</sup> Many of the assessments used for these separate purposes are student assessments, the scores of which are used to measure teacher performance. The bill requires the Department to determine which components of one program's student assessments may be used to suffice for those of the other.

### **Online administration of assessments**

Current law prohibits, for the 2014-2015 school year only, school districts and schools from being required to administer the state achievement assessments in an online format, and permits a district or school to administer such assessments in any combination of online and paper formats. Regardless of which format a district or

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<sup>24</sup> R.C. 3301.132(B).

<sup>25</sup> R.C. 3301.132(A).

<sup>26</sup> R.C. 3319.22 and 3319.223, neither in the bill.

<sup>27</sup> R.C. 3319.111, 3319.112, and 3319.114, the latter two sections not in the bill.



school chooses, the Department is required to furnish, free of charge, all required state assessments for that school year.<sup>28</sup>

The bill extends through the 2015-2016 school year the prohibition on requiring online administration of assessments and the requirement for the Department to furnish, free of charge, the assessments in any format.<sup>29</sup>

### **Study on capacity and readiness**

The bill requires the Department to conduct a comprehensive survey of the capacity and readiness of each school district for the online administration of the state achievement assessments based on recommended specifications for such administration of the assessments. The survey must include information regarding hardware, software, bandwidth, technical support, security requirements, training for teachers regarding the administration of assessments, and training for students regarding taking the assessments. The results of the survey and a detailed implementation plan to address any issues or problems identified in the survey must be compiled and presented to the Governor, the State Board of Education, and the chairpersons and ranking members of the House and Senate Education Committees within ninety days after the bill's effective date.<sup>30</sup>

### **Study of impact on student performance**

Separately, the bill requires the Department to study the impact on student performance of the online administration of the state achievement assessments and submit results of the study to the General Assembly and Governor by June 30, 2016.<sup>31</sup>

### **Career-technical education assessments**

The bill requires the Department of Education, except as otherwise prescribed by federal career-technical education law, to consider the following as an acceptable measure of technical skill attainment: (1) an industry-recognized credential, or (2) a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license. The bill further prohibits the Department from

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<sup>28</sup> Section 10 of Am. Sub. H.B. 487 of the 130th General Assembly.

<sup>29</sup> See Sections 3 and 4 of the bill.

<sup>30</sup> Section 7.

<sup>31</sup> Section 5.



requiring a student with such credential or license to take additional technical assessments.<sup>32</sup>

## **Teacher evaluations**

### **Student academic growth component**

Under continuing law, all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds, must conduct annual teacher evaluations under the Ohio Teacher Evaluation System (OTES) developed by the State Board of Education. OTES provides for multiple evaluation factors, including student academic growth, formal teacher observations, and classroom walkthroughs. The alternative framework also provides for multiple factors, including student academic growth and the teacher performance measure, both defined by the Department of Education, as well as student surveys, teacher self-evaluations, peer review evaluations, and student portfolios.<sup>33</sup>

When using measures of student academic growth as a component of a teacher's evaluation, those measures must include the value-added progress dimension, or an alternative student academic progress measure if adopted by the State Board. For teachers of grade levels and subjects for which those two measures are not available, the district, school, or ESC board must administer student assessments that "measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations."<sup>34</sup> (The value-added progress dimension is a measure of academic gain for a student or group of students over a specific period of time that is calculated using data from student achievement assessments. It tracks the amount of a student's academic growth attributable to a particular district or building. It is available only for grades four through eight and only for English language arts and math.)<sup>35</sup>

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<sup>32</sup> R.C. 3313.903.

<sup>33</sup> R.C. 3319.111, 3319.112, and 3319.114, latter two not in the bill. See also R.C. 3314.03(A)(11)(i) and 3326.111, neither in the bill. For more information about the current law on the teacher evaluation frameworks, as recently amended by H.B. 362 of the 130th General Assembly, effective September 11, 2014, see pp. 8-12 of the LSC Final Analysis for that act, at [www.lsc.ohio.gov/analyses130/14-hb362-130.pdf](http://www.lsc.ohio.gov/analyses130/14-hb362-130.pdf).

<sup>34</sup> R.C. 3302.03(C)(1)(e), 3319.111, 3319.112(B)(2), latter section not in the bill.

<sup>35</sup> See R.C. 3302.021, not in the bill.

The bill modifies the system of evaluating the student academic growth factor described above in the table below.<sup>36</sup>

Teacher classification	Which student academic growth measure must the district or school use?
Teachers of English language arts or mathematics in any of grades 4-8 for which the value-added progress dimension or the alternative student academic progress measure apply	Use the value-added progress dimension or the alternative student academic progress measure
Teachers of English language arts, mathematics, science, or social studies in any of grades 4-12 for which the value-added progress dimension or alternative student academic progress measure <i>does not apply</i>	Administer the student assessments that "measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations"
Teachers in a subject area other than English language arts, mathematics, science, or social studies in any of grades 4-12 for which the value-added progress dimension or alternative student academic progress measure <i>does not apply</i>	The district or school must establish and use a method for determining the student academic growth measure
Teachers of English language arts or mathematics in any of grades 1-3	Administer the student assessments that "measure mastery of the course content for the appropriate grade level" as described above
Kindergarten teachers and teachers of a subject area other than English language arts or mathematics in any of grades 1-3	The district or school must establish and use a method for determining the student academic growth measure

The bill requires the State Board to prescribe, within 30 days of the bill's effective date, procedures for evaluating the student academic growth component if the governing body of a district, school, or ESC must (1) use the value-added progress dimension or the alternative student academic progress measure or (2) administer the student assessments that "measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations." It also requires the State Board to provide, by that same deadline, guidance to districts for the evaluation of the student academic growth component if the governing body of a district, school, or ESC

<sup>36</sup> R.C. 3319.111(B)(1) to (5).

must establish and use a method for determining the student academic growth measure, as prescribed under the bill.<sup>37</sup>

### **Use of the value-added progress dimension for the 2014-2015 school year**

Current law permits a school district board of education, community school governing authority, or STEM school governing body (that has entered into a collective bargaining agreement with its teachers) to enter into a separate memorandum of understanding with the teachers' labor union stipulating that the value-added progress dimension rating (that is (1) based on the results of the elementary and secondary state achievement assessments administered in the 2014-2015 school year and (2) used to assess student academic growth under the state framework for teacher evaluations) will not be used when making decisions regarding dismissal, retention, tenure, or compensation.<sup>38</sup>

The bill provides that, if such a memorandum is entered into, the district or school must use a different measure of student progress, approved by the Department of Education, for purposes of teacher evaluations.<sup>39</sup>

### **Review on reducing evaluation process**

The bill requires the State Board to review and revise by July 1, 2016, the framework for the evaluation of teachers to reduce the estimated time necessary to complete teacher evaluations.<sup>40</sup>

### **Background on state achievement assessments**

State law, in part in compliance with the federal No Child Left Behind Act, requires the administration of annual reading and math assessments to students in grades three through eight and science assessments to students in grades five and eight. The state further requires the administration of an annual social studies assessment to students in grades four and six, but those tests are not required under federal law.

The composition of elementary-level achievement assessments are shown below.

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<sup>37</sup> R.C. 3319.111(B)(5), second paragraph.

<sup>38</sup> Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly.

<sup>39</sup> See Sections 3 and 4 of the bill.

<sup>40</sup> Section 6.



	English language arts	Math	Science	Social Studies
<b>Grade 3</b>	X	X		
<b>Grade 4</b>	X	X		X
<b>Grade 5</b>	X	X	X	
<b>Grade 6</b>	X	X		X
<b>Grade 7</b>	X	X		
<b>Grade 8</b>	X	X	X	

For high school students, state law currently requires the administration of the Ohio Graduation Test (OGT). The OGT includes five different test subjects in reading, writing, mathematics, science, and social studies. It is administered to tenth graders and to eleventh and twelfth graders who failed one or more subject test.<sup>41</sup> However, the OGT will be replaced by the College and Work-Ready Assessment System beginning with students who enter the ninth grade for the first time on or after July 1, 2014. That system consists of:

(1) Nationally standardized assessments that measure college and career readiness, one of which must be selected for administration by school districts and schools; and

(2) A series of seven end-of-course examinations.

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## HISTORY

### ACTION

### DATE

Introduced

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<sup>41</sup> R.C. 3301.0710(B)(1).

