



Ohio Legislative Service Commission

Bill Analysis

William Schwartz

Sub. H.B. 481

131st General Assembly
(As Reported by H. Education)

Reps. Thompson and Koehler, Becker, Hood, Zeltwanger, Brenner

BILL SUMMARY

- Specifies that the prohibition on including a student who did not take a state achievement assessment during the previous school year in a district's or school's enrollment count for state funding does not apply to any student who did not take an assessment during the 2015-2016 school year.
 - Specifies that a student attending a chartered nonpublic school under a state scholarship program who does not take a required elementary achievement assessment or high school end-of-course exam that is administered in the 2015-2016 school year, is eligible to continue receiving the scholarship, provided the student satisfies all other conditions of the scholarship program.
 - Removes new Educational Choice scholarship district and building designations from the temporary state report card safe harbor provisions.
 - Requires the Department of Education, within 30 days after the bill's effective date, to update the list of school districts and schools that are Ed Choice-eligible as a result of the bill's changes.
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CONTENT AND OPERATION

Student enrollment calculation

Under the school funding formula, state aid to school districts, community schools, and STEM schools is based on student enrollment. Continuing law, temporarily suspended for the 2014-2015 school year, prohibits including in a district's or school's enrollment count a student who was enrolled in the district or school during the previous school year and did not take one or more of the state-required assessments,

unless the student was specifically excused as a special education student or a limited English proficient student.¹

The bill extends this suspension through the 2015-2016 school year, so that the prohibition does not apply in the case of a student who did not take an elementary achievement assessment or high school end-of-course exam that was administered during either the 2014-2015 or 2015-2016 school year.²

Students attending chartered nonpublic schools with a state scholarship

Continuing law, temporarily suspended for the 2014-2015 school year, requires a student who attends a chartered nonpublic school under the Educational Choice Scholarship Program, Pilot Project (Cleveland) Scholarship Program, Autism Scholarship Program, or Jon Peterson Special Needs Scholarship Program to take the state elementary and secondary achievement assessments, including the end-of-course exams.³ A student who does not take an assessment is considered ineligible to receive a scholarship under those programs.

The bill extends this suspension through the 2015-2016 school year. Thus, a student who is attending a chartered nonpublic school under a state scholarship program and who does not take an elementary achievement assessment or high school end-of-course exam that is administered in either the 2014-2015 or 2015-2016 school year may continue to receive or be eligible for a scholarship, provided the student satisfies all other conditions of the scholarship program.⁴

Eligibility for Educational Choice scholarships

Current law prescribes a "safe harbor" under which the state report card ratings for the 2014-2015 through 2016-2017 school years may not be considered when determining whether a school district or other public school is subject to prescribed sanctions or penalties. Thus, public schools are temporarily held harmless for scores on state achievement assessments during those years. One of the provisions from which a district or school is exempt during those school years is the designation of districts and schools that would otherwise be newly eligible for the Educational Choice (Ed Choice) Scholarship Program due to the district's or school's performance on state assessments.

¹ R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C), none in the bill.

² Section 4 of H.B. 7 of the 131st General Assembly, as amended by Sections 3 and 4 of the bill.

³ R.C. 3310.14, 3310.522, and 3313.976, none in the bill, and Ohio Administrative Code (O.A.C.) 3301-103-04.

⁴ Section 5 of H.B. 7 of the 131st General Assembly, as amended by Sections 3 and 4 of the bill.

The bill removes Ed Choice from the safe harbor provision, thus allowing for districts and schools to be designated as newly eligible Ed Choice districts or schools based on the report card ratings for those three school years.⁵ It also requires the Department of Education, within 30 days after the bill's effective date, to update the list of districts and schools that are Ed Choice-eligible as a result of the bill's changes.⁶

Background

State assessments

State law prescribes a series of elementary and secondary achievement assessments, which must be administered to students enrolled in public schools (school district-operated schools, community schools, STEM schools, and college-preparatory boarding schools).⁷ The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and other public schools.⁸ The assessments and end-of-course exams are also administered to students enrolled in a chartered nonpublic school under a state scholarship program (EdChoice, Jon Peterson Special Needs, Cleveland, and Autism Scholarship Programs).⁹

Chartered nonpublic schools are not required to administer the elementary achievement assessments to nonscholarship students, except when at least 65% of the school's enrollment is made up of students who are participating in any of the state scholarship programs. Such a school must administer the elementary assessments to all of its students, but the law authorizes the parent of a nonscholarship student to opt the student out of the assessments. Such a school may also be exempted from the requirement if the school has received a waiver from the Superintendent of Public Instruction under certain conditions.¹⁰

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

⁵ R.C. 3302.036.

⁶ Section 5 of the bill.

⁷ R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill. Currently, there are no college-preparatory boarding schools operating in the state.

⁸ R.C. 3302.03 and 3314.017, neither in the bill.

⁹ R.C. 3301.0711(B)(11), 3310.14, 3310.522, and 3313.976(A)(11), none in the bill.

¹⁰ R.C. 3301.0711(K)(1)(c).



	English language arts	Math	Science	Social studies
Grade 3	X	X		
Grade 4	X	X		X
Grade 5	X	X	X	
Grade 6	X	X		X
Grade 7	X	X		
Grade 8	X	X	X	

Students enrolled in public high schools must take seven end-of-course exams in the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. In addition, eleventh-grade students in public high schools must take a nationally standardized assessment that measures college and career readiness.¹¹

The law regarding students in chartered nonpublic high schools and state assessments is summarized in the table below.

Student status	Requirement
Student in an ISACS-accredited chartered nonpublic school attending under a state scholarship	Take (1) the college and career readiness assessment and (2) each of the seven end-of-course exams ¹²
Student in an ISACS-accredited chartered nonpublic school <i>not attending</i> under a state scholarship	No requirement ¹³
Student in a non-ISACS chartered nonpublic school attending under a state scholarship	One of the following: (1) take the college and career readiness assessment and each of the seven end-of-course exams, ¹⁴ (2) take only the college and career readiness assessment, but the student's school must publish the aggregate results of that assessment for all its students, ¹⁵ or (3) take an alternative

¹¹ R.C. 3301.0711(B)(11) and 3301.0712(B).

¹² R.C. 3301.0711(K)(1)(b), 3310.03(E)(2), 3310.14, and 3310.522, and O.A.C. 3301-103-04(C).

¹³ R.C. 3301.0711(K)(1)(b)(i).

¹⁴ R.C. 3301.0711(K)(1)(b), 3310.03(E)(2), 3310.14, and 3310.522.

¹⁵ R.C. 3313.612(B)(2) and (D)(1), not in the bill.

Student status	Requirement
	assessment approved by the Department of Education ¹⁶
Student in a non-ISACS chartered nonpublic school <i>not attending</i> under a state scholarship	One of the following: (1) take the college and career readiness assessment and each of the seven end-of-course exams, ¹⁷ (2) take only the college and career readiness assessment, but the student's school must publish the aggregate results of that assessment for all its students, ¹⁸ or (3) take an alternative assessment approved by the Department ¹⁹

Ed Choice

The Educational Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for certain students to enroll in participating chartered nonpublic schools.²⁰ It is available to students who are assigned or would be assigned to district-operated schools that have persistently low academic achievement based on certain prescribed grades on the state report cards and other academic performance factors.²¹ These scholarships are deducted from the state aid accounts of the students' resident school districts.

In addition, students whose family incomes are at or below 200% of the federal poverty guidelines also qualify for Ed Choice scholarships. Students who qualify under this provision are phased in by grade level over 13 years. Awards granted under this qualification are funded by an appropriation from the General Assembly.²²

The amount of a student's annual scholarship is the lesser of (1) the tuition charged by the chartered nonpublic school in which the student is enrolled or (2) the prescribed "maximum" amount,²³ which is as shown in the table below:

¹⁶ R.C. 3310.03(E)(2), not in the bill, 3310.14(B)(2), 3310.522, and 3313.612(B)(2) and (D)(2) and (3).

¹⁷ R.C. 3301.0711(K)(1)(b).

¹⁸ R.C. 3313.612(B)(2) and (D)(1).

¹⁹ R.C. 3313.612(B)(2) and (D)(2) and (3).

²⁰ R.C. 3310.02, not in the bill.

²¹ R.C. 3310.03, not in the bill.

²² R.C. 3310.032, not in the bill.

²³ R.C. 3310.09, not in the bill.



	2015-2016 school year	2016-2017 school year and thereafter
Grades K-8	\$4,650	\$4,650
Grades 9-12	\$5,900	\$6,000

HISTORY

ACTION

DATE

Introduced
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