



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 684
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Hood and Brinkman

Carol Napp, Research Analyst

SUMMARY

Academic content standards and model curricula

- Requires that any revision to the statewide academic content standards be approved by both houses of the General Assembly by concurrent resolution.
- Prohibits the State Board of Education from adopting academic content standards that are developed at the national level or by a multistate consortium.
- Prohibits the State Board from adopting the Common Core State Standards, or any standards developed by any similar initiative, as the state's academic content standards for English language arts, math, science, or social studies, and prohibits the implementation of such standards.
- Voids any prior actions taken to adopt or implement the Common Core State Standards.
- Requires the State Board, within 30 days after the bill's effective date, to provide on the Department of Education's website an online opportunity to make comments about the academic content standards.
- Eliminates the separate academic standards review committees for each of the subjects of English language arts, math, science, and social studies.
- Prohibits the State Board from adopting any model curricula.
- Makes other miscellaneous changes to the standards and curricula provisions.

State achievement assessments

- Requires new state elementary and high school achievement assessments to be administered beginning in the 2022-2023 school year, and specifies the entities that are involved in identifying, reviewing, recommending, and approving the new state assessments.

- Assigns percentiles to each performance level of the elementary achievement assessments.
- Revises the minimum performance level for promotion to the fourth grade under the Third-Grade Reading Guarantee.
- Requires a student to be retained if the student performs at the “limited” level, instead of the “basic” level as under current law, on the third-grade English language arts assessment.
- Permits the parent of a third-grade student who performs at the “basic” level to have the student retained and receive remediation services.
- Requires the State Board (rather than the Department as under current law) to adopt standards regarding the reading proficiency that a student receiving remediation services must demonstrate prior to the start of fourth grade.
- Permits a student who is subject to retention to be promoted to fourth grade if the student’s parent requests in writing that the student not be retained, and requires the school to provide the student with remediation services.
- Eliminates the fall administration of the third-grade English language arts assessment.
- Requires students who read below grade level to receive intervention services that include systematic, intensive phonetics instruction.
- Replaces the high school testing system with “a series of nationally norm-referenced, standardized assessments in the areas of English language arts, mathematics, science, American history, and American government.”
- Eliminates an exemption from taking the college readiness assessment (SAT or ACT) for a student who has attained a “remediation-free” score on that assessment and has presented evidence of that fact to the student’s district or school.
- Eliminates a provision authorizing a school district to retain a student (1) who does not take a state achievement assessment or (2) who does not take within nine days a missed assessment that was missed due to health reasons “or other good cause,” unless the student was specifically excused as an English learner.
- Repeals a provision requiring the Department to assign a weight of zero to the assessment score of a student who does not take a state achievement assessment.
- Prohibits the Department from using the assessments related to the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, the AIR assessments, or any other assessments developed by a multistate consortium as any of the state’s achievement assessments.
- Prohibits to the appropriation of funds for the purchase assessments developed by the Smarter Balanced assessment consortium.

- Revises the excusal from state assessments for special education students by stating that the student’s individualized education program must provide an opportunity to take an assessment “that is determined to approximate the student’s grade level capacity, with reasonable accommodations.”
- Permits the State Board (in addition to the Department as under current law) to approve an alternate assessment method that may be specified in an individualized education program that excuses students receiving special education services from state assessments.
- Permits the State Board (in addition to the Department as under current law) to determine an alternative standardized assessment that chartered nonpublic schools may administer instead of the state assessments when those schools are required to administer assessments under continuing law.
- Requires each school district with a graduation rate of less than 75% to determine for each of its high schools whether the school must provide intervention services to students who took the high school state assessments.
- Requires the State Board to establish a “percentile range” for satisfaction of the high school assessment graduation pathway.
- Specifies that the elementary and high school achievement assessments must be “norm-referenced.”

Safe harbor

- Prohibits the issuance of the overall report card grades on the state report card for school districts and other public schools for the 2019-2020, 2020-2021, and 2021-2022 school years.
- Extends to the 2019-2020, 2020-2021, and 2021-2022 school years the safe harbor provisions for students, school districts, and other public schools related to the state achievement assessment score results and report card ratings that were in effect for the 2016-2017 school year.
- Prohibits a school district or school from using the value-added ratings from assessments administered in the 2014-2015 through 2020-2021 school years for (1) assessing student academic growth for teacher and principal evaluations and (2) making decisions regarding the dismissal, retention, tenure, or compensation.
- Specifies that, for a teacher of a grade level and subject area for which the value-added progress dimension applies and if no other measure is available to determine student academic growth, the evaluation for that teacher or principal must be based solely on teacher or principal performance.
- Suspends until the 2022-2023 school year, the requirement for an Internet- or computer-based community school (“e-school”) to withdraw a student from enrollment if a student fails for two consecutive school years to take any required state achievement assessment.

- Requires an “e-school” student who does not take a state achievement assessment for any reason, to take an assessment equivalent to the assessment for which the student was absent.
- Prohibits the Department of Education from using the academic performance component when calculating the overall ratings of community school sponsors for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years.
- Delays until the 2022-2023 school year the consequences that may be applied to a community school sponsor that receives an overall rating of “ineffective” or “poor.”

Teacher and principal evaluations

- Eliminates the state frameworks for teacher and principal evaluations.
- Requires, for teacher evaluations, each district, school, or educational service center to adopt a teacher evaluation policy with the teachers and the teachers' labor organization.
- Requires, for principal evaluations, requires each board to adopt procedures for the evaluation of its principals and to evaluate those employees in accordance with those procedures.
- Maintains the teacher and administrator evaluation systems currently in place for a municipal school district (Cleveland).

Legislative Office of Education Oversight

- Creates the Legislative Office of Education Oversight (LOEO), subject to the oversight and direction of the Legislative Service Commission.
- Requires LOEO to (1) serve as a resource on education issues for the members of the General Assembly, and (2) propose for adoption by the General Assembly revised academic content standards for each of grades K-12 in English language arts, math, science, and social studies.

Education Management Information System

- Revises provisions regarding the Education Management Information System, including student privacy data and student academic performance data.

Miscellaneous changes

- Repeals a provision that 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.
- Requires each school district to provide parents, or students if the student is at least 18 years old, a formal written explanation of the goals and capabilities of any digital-learning platform or survey that is used by the district or school, and specifies procedures for the use of digital-learning platforms or surveys.

- Permits the State Board (in addition to the Department as under current law) to create the performance index system for the performance index score for school district report cards.
- Requires the State Board by December 31, 2021, to make recommendations to the General Assembly on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures that comprise the state report card.
- Requires the Department, within 180 days after the bill’s effective date, to convene a group of experts in norm-referenced assessments to make recommendations to the State Board on how to incorporate aggregate data from the results of norm-referenced assessments into a format similar to the state report card ratings.
- Requires the State Board, Superintendent of Public Instruction, and the Department to take necessary steps to terminate Ohio’s contract with the Partnership for Assessment of Readiness for College and Careers (PARCC).
- Makes other miscellaneous changes.

TABLE OF CONTENTS

I. Academic content standards and model curricula	6
Online opportunity to comment on standards	7
Elimination of standards review committees	7
Model curricula	7
Repeal of miscellaneous standards-related provisions	8
II. State achievement assessments	8
Elementary assessments	8
Score ranges on elementary achievement assessments	8
Third-Grade Reading Guarantee	8
Fall administration of the third-grade English language arts assessment	9
Services to students reading below grade level	9
High school assessments	9
Selection of new elementary and high school assessments	10
Other assessment provisions	11
Retention of a student based on failure to take a state assessment	11
Score of zero on missed assessments	11
Prohibition on use of certain assessments	11
Excusal from tests for special education and English learners	11
Alternative assessments for chartered nonpublic schools	12
Intervention services for high school students	12
Graduation pathway – minimum performance required	12

“Norm-referenced” assessments	13
Fairness Sensitivity Review Committee	13
Repealed provisions	13
III. Safe harbor for schools, students, sponsors, and teachers.....	15
Delay of overall report card grade	15
Districts, schools, and students.....	15
Teachers and administrators.....	16
“E-school” students.....	16
Community school sponsors	17
Background on community school sponsor evaluation system.....	17
IV. Teacher and principal evaluations.....	17
Appeal of a teacher’s evaluation.....	18
Cleveland Municipal School District.....	18
Background.....	18
V. Legislative Office of Education Oversight.....	18
VI. Education Management Information System	19
VII. Miscellaneous provisions.....	20
Student enrollment calculation for state funding.....	20
Digital-learning platforms, assessment platforms, or surveys.....	20
Other miscellaneous changes	21

DETAILED ANALYSIS

I. Academic content standards and model curricula

The bill revises the process by which state academic content standards are adopted and become effective. Currently, the State Board of Education adopts standards for grades K-12 in English language arts, mathematics, science, and social studies. Under the bill, new or revised standards are no longer effective simply by decision of the State Board. Instead, standards are proposed by the Legislative Office of Education Oversight (see “**V. Legislative Office of Education Oversight**” below), and the standards are effective only if approved by both houses of the General Assembly by concurrent resolution.¹ Prior to a vote on a concurrent resolution, the standing committees having jurisdiction over education legislation must conduct at least one public hearing on the proposed standards.² The General Assembly must take action to approve or reject the standards within 90 days after the standards are proposed.³

¹ R.C. 3301.0718(A).

² R.C. 3301.0718 and 3301.65.

³ R.C. 3301.65(C).

The bill specifies that standards proposed by LOEO must be based on general content areas, must be aligned with norm-referenced assessments that were developed prior to 2010, and must not be based on specific course subject areas.⁴

The bill also explicitly prohibits the State Board from adopting the academic content standards for English language arts, mathematics, science, or social studies developed by the Common Core State Standards Initiative or any similar initiative process or program. It prohibits the implementation of such standards. And it voids any prior action taken to adopt or implement the Common Core State Standards.⁵

Finally, the bill prohibits the State Board from adopting academic content standards that are developed at the national level or by a multistate consortium.⁶

Online opportunity to comment on standards

Within 30 days after the bill's effective date, the State Board of Education must provide on the Department of Education's website an online opportunity to make comments on the academic content standards.⁷

Elimination of standards review committees

The bill eliminates the current separate academic standards review committees for each of the subjects of English language arts, math, science, and social studies.⁸ These committees are composed of parents, educators, and state officials and are charged with reviewing and commenting on the standards and their respective assessments.

Model curricula

Current law requires the State Board to adopt model curricula for each of grades K-12 in each of the subject areas for which academic content standards are required. The law specifically permits, but does not require, school districts and schools to use any of the model curricula.

The bill removes the requirement for the State Board to adopt model curricula, and it further prohibits the State Board from adopting any model curricula for any of the new standards.⁹

⁴ R.C. 3301.65(B)(2), second paragraph.

⁵ R.C. 3301.078(F).

⁶ R.C. 3301.079(A)(1).

⁷ Section 5.

⁸ R.C. 3301.079(I).

⁹ R.C. 3301.079(B); conforming changes in R.C. 3301.079(A)(1)(b), (A)(2), (C), (D), (F), (G), and (J), 3301.0710, 3301.0712(C), 3313.60(G)(4), and 3313.6020(B)(1); repealed R.C. 3301.0721.

Repeal of miscellaneous standards-related provisions

The bill removes the current law provisions specifying that the State Board must ensure that the current standards (1) include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century, (2) include the development of skill sets that promote information, media, and technological literacy, (3) include interdisciplinary, project-based, real-world learning opportunities, (4) instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as STEM and career-technical education, and (5) be clearly written, transparent, and understandable by parents, educators, and the general public.¹⁰

II. State achievement assessments

Elementary assessments

The bill makes several changes to the elementary state achievement assessments, but, in general, it maintains the grade levels and subject areas tested for the current elementary assessments.

Score ranges on elementary achievement assessments

Currently, students receive one of the following five score levels on the elementary achievement assessments, ranging from best to worst: “advanced,” “accelerated,” “proficient,” “basic,” and “limited.” The bill maintains these levels, but also assigns a range to each level so that an “advanced” skill level consists of the 81st through 100th percentile, an “accelerated” skill level consists of the 61st through 80th percentile, a “proficient” skill level consists of the 41st through the 60th percentile, a “basic” skill level consists of the 21st through 40th percentile, and a “limited” skill level consists of the first through the 20th percentile.¹¹

Third-Grade Reading Guarantee

Current law, revised by the bill, generally requires a student to be retained in the third grade if the student scores at either the “basic” or “limited” levels on the third-grade English language arts assessment. The bill makes the following changes to the Third-Grade Reading Guarantee:

1. Requires a student to be retained only if the student receives an assessment result that is in the 20th percentile or lower;¹²
2. Permits the parent of a student who performs at the “basic” level to choose to have the student retained and receive remediation services;¹³

¹⁰ R.C. 3301.079(A)(1)(a).

¹¹ R.C. 3301.0710(A)(2).

¹² R.C. 3301.0710(A)(3) and 3313.608(A)(2).

¹³ R.C. 3301.0710(A)(3).

3. Requires the State Board (rather than the Department as under current law) to adopt standards regarding the reading proficiency that a student receiving remediation services must demonstrate prior to the start of fourth grade;¹⁴
4. States that a student who performs at the “basic” level or higher cannot be retained under the Third-Grade Reading Guarantee and cannot “be retained solely on the student’s percentile score”,¹⁵ and
5. Permits a student who is subject to retention to be promoted to fourth grade if the student’s parent requests in writing that the student not be retained, and requires the school to provide the student with remediation services.¹⁶

Fall administration of the third-grade English language arts assessment

Beginning with the school year that follows the bill’s effective date, the bill eliminates the fall administration of the third-grade English language arts state assessment, and instead requires only one administration of that assessment, which is in the spring.¹⁷

Services to students reading below grade level

Current law requires districts to provide to students who are reading below grade level specified intervention services, including reading instruction services and regular diagnostic assessments. The bill specifies that the intervention services must include systematic, intensive phonetics instruction.¹⁸

High school assessments

The bill replaces the current statewide testing system with a series of nationally norm-referenced, standardized assessments in the areas of English language arts, math, science, American history, and American government. For those students who entered ninth grade for the first time prior to July 1, 2019, the current system consists of seven end-of-course exams in the areas of English language arts I, English language arts II, biology, Algebra I, geometry, American history, and American government. However, for those students who entered ninth grade for the first time on or after July 1, 2019, the current system consists of five end-of-course exams in the areas of English language arts II, science, Algebra I, American history, and American government. In addition, eleventh-grade students in public and most chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness, which is either the SAT or ACT.¹⁹

¹⁴ R.C. 3313.608(B)(3).

¹⁵ R.C. 3301.0710(A)(3).

¹⁶ R.C. 3313.608(A)(2)(f).

¹⁷ R.C. 3301.0711(B)(1)(b); conforming changes in 3302.03(K)(2)(b).

¹⁸ R.C. 3313.608(B)(2)(b).

¹⁹ R.C. 3301.0712 and 3301.0728.

In replacing the current testing system, the bill also eliminates the associated provisions, including those prescribing scoring levels, substituting Advanced Placement or International Baccalaureate exams for state assessments, and using a final course grade in lieu of an end-of-course exam.²⁰

Selection of new elementary and high school assessments

The bill prescribes a system under which several entities identify, review, recommend, and approve the state achievement assessments for use beginning with the 2022-2023 school year. That system is as follows.

First, the Department of Education must issue a request for proposals (RFP) within 30 days after the bill's effective date to provide the elementary and high school achievement assessments. When reviewing the elementary assessments, the Department must consider only "nationally norm-referenced, standardized assessments that were developed prior to 2010 and have specific attributes, which include validity, reliability, percentile scores, identified stanine ranges, and useful diagnostic information." When reviewing the high school assessments, preference must be given to nationally norm-referenced assessments and assessments that were developed prior to 2010. In conducting its RFP, the Department must solicit input from teachers and administrators when reviewing proposals. Multistate consortia, subsidiary of multistate consortia, or affiliates acting on behalf of multistate consortia are ineligible to submit a proposal.²¹

The Department then must submit the proposals that meet the bill's conditions to the Legislative Office of Education Oversight (LOEO) (see "**V. Legislative Office of Education Oversight**" below).²² LOEO must evaluate the academic content standards aligned to the assessments that are submitted by ODE and submit to the State Board of Education its recommended assessments.²³ The State Board must select assessments from the list provided by LOEO. No assessment can be adopted by the State Board until the assessments are approved via concurrent resolution by both houses of the General Assembly.²⁴

The entity that ultimately provides the state achievement assessments must ensure that the assessments are aligned with the statewide academic content standards.²⁵

²⁰ R.C. 3301.0712(B); conforming change in R.C. 3302.02.

²¹ Section 6(A)(1).

²² Section 6(A)(2).

²³ Section 6(B).

²⁴ Section 6(C).

²⁵ Section 6(D).

Other assessment provisions

Retention of a student based on failure to take a state assessment

The bill eliminates the current provision authorizing a school district board to retain a student who (1) does not take a state achievement assessment or (2) does not take, within nine days, an assessment that was missed due to medical reasons “or other good cause,” unless the student was specifically excused as an English learner.²⁶

Score of zero on missed assessments

The bill repeals the current provision requiring the Department, for the state report cards for districts and schools, to assign a weight of zero to the assessment score of a student who does not take a state achievement assessment.²⁷

Prohibition on use of certain assessments

The bill explicitly prohibits the Department from using the assessments related to the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, the American Institutes for Research (AIR) assessments, or any other assessments developed by a multistate consortium as any of the state’s achievement assessments on or after July 1, 2021.²⁸ It also prohibits funds from being appropriated by the General Assembly to be used to purchase assessments developed by the Smarter Balanced assessment consortium. Current law already prohibits state funds from being spent on assessments developed by PARCC.²⁹

Excusal from tests for special education and English learners

The bill revises a provision regarding the excusal from state assessments for students receiving special education services and for whom an individualized education program (IEP) has been developed. Specifically, it revises the law by stating that the student’s IEP must provide the student with an opportunity to take an assessment “that is determined to approximate the student’s grade level capacity, with reasonable accommodations.” Accordingly, it eliminates the current provision specifying that a student’s IEP must not “excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment.”³⁰

²⁶ R.C. 3301.0711(E).

²⁷ R.C. 3302.01(A)(2), second paragraph.

²⁸ R.C. 3301.078(A).

²⁹ R.C. 3301.078(C).

³⁰ R.C. 3301.0711(C)(1)(a).

Additionally, the bill permits the State Board (in addition to the Department as under current law) to approve an alternate assessment method that may be specified in an IEP that excuses students receiving special education services from state assessments.³¹

Alternative assessments for chartered nonpublic schools

The bill permits the State Board (in addition to the Department as under current law) to determine an alternative standardized assessment that chartered nonpublic schools may administer instead of the state assessments under all of the following provisions:

1. The requirement for each chartered nonpublic school that enrolls students participating in state scholarship programs to administer elementary and high school assessments to those students;
2. The requirement for each chartered nonpublic school for which at least 65% of its total enrollment is made up of students participating in state scholarship programs to administer elementary assessments to all of its students; and
3. The requirement for each chartered nonpublic school that is not accredited through the Independent Schools Association of the Central States to administer high school assessments to all of its students.³²

Intervention services for high school students

The bill requires each school district with a graduation rate of less than 75% to determine for each of its high schools whether the school must provide intervention services to students who took the high school state assessments. The determination must consider each school's graduation rate and scores on any practice assessments. A school selected to provide intervention services must provide services to any student whose results indicate that the student is failing to make satisfactory progress toward attaining a proficient-level result on the high school state assessments.³³

Current law affords these intervention services to students who failed to attain specified scores on practice versions of the Ohio Graduation Tests.

Graduation pathway – minimum performance required

The bill requires the State Board of Education to establish a “percentile range” in which a student must perform to satisfy completion of the high school assessment graduation pathway.³⁴

³¹ R.C. 3301.0711(C)(1)(a) and (b).

³² R.C. 3301.0711(K)(1)(a) and (b) and (L)(1) and (3)(b); R.C. 3313.619. See also R.C. 3310.14, not in the bill.

³³ R.C. 3301.0711(D)(2).

³⁴ R.C. 3313.618(A)(2).

“Norm-referenced” assessments

The bill specifies that the elementary and high school achievement assessments must be “norm-referenced.” To that end, the bill defines norm-referenced to “refer to a standardized test or evaluative instrument that is not aligned to the Common Core State Standards and for which the resulting scores are interpreted or are used to acquire additional meaning in terms of comparisons made to a reference age or grade group to which an individual belongs.”³⁵

Fairness Sensitivity Review Committee

The bill removes the following statement from current law: “The decision of the [Fairness Sensitivity Review Committee] shall be final. This section does not create a private cause of action.”³⁶ The Fairness Sensitivity Review Committee, which is maintained under the bill, ensures that no question on a state achievement or diagnostic assessment is written to promote or inquire individual moral or social values or beliefs.

Repealed provisions

The bill eliminates the following provisions related to state achievement assessments:

1. The requirement for the Department to “[annually] furnish to, grade, and score all assessments . . .”,³⁷
2. The requirement for the Department to make the questions on state high school assessments a public record (however, elementary assessments are still required to become public records on July 31 following the school year in which the assessments were administered);³⁸
3. The requirement for the State Board, the Superintendent of Public Instruction, and the Chancellor of Higher Education to develop a system of college and work ready assessments to assess whether each student upon graduating from high school is ready to enter college or the workforce;³⁹
4. The requirement for the Department to adopt rules for the administration and scoring of state high school achievement assessments taken by students in nonchartered nonpublic schools or by students receiving home instruction (home-instructed students are not required to take state tests, but are afforded the opportunity to do so);⁴⁰

³⁵ R.C. 3301.079(J)(3). See also R.C. 3301.0710(D) third paragraph, 3301.0711(P)(6), 3301.0712(G), 3301.65(C), and Sections 6 and 7 of the bill.

³⁶ R.C. 3301.079(H).

³⁷ R.C. 3301.0711(A)(1) (stricken).

³⁸ R.C. 3301.0711(O)(2), (3), (4), (5), (6), and (7) (stricken).

³⁹ R.C. 3301.0712(A) (stricken).

⁴⁰ R.C. 3301.0712(E) (currently division (E)(2)).

5. The requirement for the state achievement assessments to be “created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel”;⁴¹
6. The requirement for the Department to ensure the interchangeability of the state achievement assessments in the event the Department contracts with more than one outside entity for the development of the assessments;⁴²
7. The specification of “College and Work Ready Assessment System” as the moniker for the state high school achievement assessments that must be taken by public school students and certain chartered nonpublic school students;⁴³
8. The requirement for the Department to give preference to Ohio-based entities employing Ohio residents when awarding contracts for grading state achievement assessments;⁴⁴
9. The requirement for the State Board to convene a group of national and state experts and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the state high school achievement assessments;⁴⁵
10. The authority for the State Board to enter into a reciprocal agreement with another state that has similar assessment requirements for receiving high school diplomas, under which a student who has met an assessment requirement of one state is considered to have met the similar requirement of the other state for purposes of receiving a high school diploma;⁴⁶
11. The requirement for the State Board to prescribe a practice version of each Ohio Graduation Test (OGT) that is of comparable length to the actual test;⁴⁷
12. The requirement for a committee established by the Department to inform the State Board of the probable scoring percentages of students on the state achievement assessments and to disaggregate those percentages by gender, major racial and ethnic groups, English learners, economically disadvantaged students, students with disabilities, and migrant students;⁴⁸

⁴¹ R.C. 3301.0710.

⁴² R.C. 3301.079(F), second paragraph.

⁴³ R.C. 3301.0712(A) and (B), 3310.14, and 3310.522.

⁴⁴ R.C. 3301.0711(A)(1) (stricken).

⁴⁵ R.C. 3301.0712(C).

⁴⁶ R.C. 3301.0710(B)(3).

⁴⁷ R.C. 3301.0710(D).

⁴⁸ R.C. 3301.0710(E).

13. The requirement for each school district, if it has a three-year average graduation rate of less than 75%, to administer a practice version of the OGT in September to all ninth-grade students who entered the ninth grade prior to July 1, 2014;⁴⁹
14. The requirement specifying that the OGT not be administered after the date specified by the State Board, unless a test is being administered to a person who has fulfilled the school's curriculum requirements but has not passed one or more of the required tests;⁵⁰ and
15. The requirement for the Department to be responsible for adopting rules for the ethical use of state achievement assessments and prescribing the manner in which the state assessments are administered to students. The bill transfers those duties to the State Board.⁵¹

III. Safe harbor for schools, students, sponsors, and teachers

Delay of overall report card grade

The bill prohibits the issuance of the overall report card grades on the state report card for school districts and other public schools for the 2019-2020, 2020-2021, and 2021-2022 school years.⁵² Under current law, overall report card grades must be issued for each school year other than the 2019-2020 school year.⁵³

Districts, schools, and students

The bill extends to the 2019-2020, 2020-2021, and 2021-2022 school years the safe harbor provisions for students, school districts, and other public schools related to the state achievement assessment score results and report card ratings that were in effect through the 2016-2017 school year.⁵⁴

Essentially, the bill's provisions do the following:

1. Prohibit the Department from (a) assigning an overall letter grade for school districts and schools for the 2019-2020, 2020-2021, and 2021-2022 school years (see above), and (b) ranking districts and schools based on operating expenditures, performance achievements, and other specified items for the 2019-2020, 2020-2021, and 2021-2022 school years;
2. Prohibits the overall grades issued for the 2017-2018 and 2018-2019 school years, and the report card ratings issued for the 2017-2018, 2018-2019, 2019-2020, 2020-2021,

⁴⁹ R.C. 3301.0711(B)(10), first paragraph.

⁵⁰ R.C. 3301.0711(B)(10), second paragraph.

⁵¹ R.C. 3301.0711(A), (K)(3), and (M).

⁵² R.C. 3302.03(B)(4).

⁵³ Section 17(B) of H.B. 197 of the 133rd General Assembly.

⁵⁴ R.C. 3302.03, 3302.036, 3302.05, 3310.03, 3314.02, and 3314.05.

and 2021-2022 school years from being considered in determining whether a school district or school is subject to prescribed sanctions or penalties or from being considered as a new starting point for determinations that are based on ratings over multiple years;

3. Prohibits public schools from utilizing, at any time during a student's academic career, a student's score on any elementary-level state assessment or high school end-of-course examination that is administered in the 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years as a factor in any decision to (a) retain the student, (b) promote the student to a higher grade level, or (c) grant course credit; and
4. Prohibits the release of individual student score reports on the state elementary assessments and high school end-of-course exams administered in the 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years, except to a student's school district or school or to a student or student's parent or guardian.

Teachers and administrators

The bill prohibits a school district or school from using the value-added ratings from assessments administered in the 2014-2015 through 2020-2021 school years for the purposes of (1) assessing student academic growth for teacher and principal evaluations and (2) making decisions regarding the dismissal, retention, tenure, or compensation of the teachers or principals.⁵⁵

However, the bill does permit a district or school to enter into a memorandum of understanding collectively with its teachers or principals stipulating that value-added ratings from those school years may be used for the purposes described above.⁵⁶ In such a case, for a teacher of a grade level and subject area for which the value-added rating is applicable and if no other measure is available to determine student academic growth, that evaluation must be based solely on teacher or principal performance.⁵⁷

“E-school” students

The bill temporarily suspends, until the 2022-2023 school year, the current provision that requires an Internet- or computer-based community school (“e-school”) to withdraw a student from enrollment if a student fails for two consecutive school years to take any state achievement assessment, unless the student was specifically excused as a special education student or an English learner.⁵⁸

Additionally, the bill requires an “e-school” student who does not take a state achievement assessment for any reason until the 2021-2022 school year to take an assessment equivalent to the assessment for which the student was absent. Each “e-school” must report to

⁵⁵ Section 4(A)(1).

⁵⁶ Section 4(A)(2).

⁵⁷ Section 4(A)(3).

⁵⁸ R.C. 3314.26.

the Department (1) which assessment a student did not take, (2) proof that the student took an equivalent assessment, and (3) the results of that equivalent assessment.⁵⁹

Community school sponsors

The bill temporarily revises the community school sponsor evaluation system by prohibiting the Department from using the academic performance component when calculating the overall ratings of community school sponsors for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years.⁶⁰

It also specifies that, from the bill's effective date until the 2022-2023 school year, consequences must not be applied to a sponsor that receives an overall rating of "ineffective" or "poor."⁶¹ Examples of those consequences include being subjected to a quality improvement plan and revocation of sponsorship authority.

Background on community school sponsor evaluation system

Current law requires an entity that sponsors a community school to receive an annual overall rating based on three prescribed areas: (1) the academic performance of students enrolled in community schools sponsored by the same entity, (2) the sponsor's adherence to quality practices, and (3) the sponsor's compliance with laws and administrative rules. Each component receives an individual rating, and the overall rating is derived from an equally weighted calculation of those individual ratings. The ratings are "exemplary," "effective," "ineffective," and "poor."⁶²

IV. Teacher and principal evaluations

The bill eliminates the standard and alternative frameworks that are the basis for the Ohio Teacher Evaluation System (OTES) and the Ohio Principal Evaluation System (OPES).⁶³ More specifically, it eliminates the requirement for school districts, schools, and educational service centers (ESC) to evaluate their teachers and principals based on the state evaluation frameworks.

For teacher evaluations, each district, school, or ESC must adopt a teacher evaluation policy with the teachers and the district's teacher's labor organization. The policy can, but is not required to, use measures of student academic growth as a component of a teacher evaluation. If a policy uses student academic growth, that component cannot account for more than 20% of an evaluation.⁶⁴

⁵⁹ Section 9.

⁶⁰ R.C. 3314.016(B)(9).

⁶¹ R.C. 3314.016(B)(7)(c) and (d).

⁶² R.C. 3314.016.

⁶³ R.C. 3319.02(D) and 3319.111; repealed R.C. 3319.112; conforming changes in R.C. 3311.80, 3311.84, 3313.608(H)(1)(c), and 3333.0411.

⁶⁴ R.C. 3319.111(A) and (B).

For principal evaluations, the bill simply requires each board to adopt procedures for the evaluation of its administrators and to evaluate those employees in accordance with those procedures.⁶⁵

The bill also eliminates the requirements outlining teacher and administrator evaluations, such as teacher and administrator ratings, frequency of evaluations, and performance guidelines.⁶⁶

Appeal of a teacher's evaluation

The bill permits a teacher to appeal the result of the evaluation to the ESC with which the district has an agreement. If the teacher's district does not have an agreement with an ESC, the teacher can appeal the result to the ESC of an adjacent district or an ESC selected by the teacher.⁶⁷

Cleveland Municipal School District

While the bill eliminates the frameworks for districts, schools, and educational service centers, it does not, however, eliminate the teacher and principal evaluation system currently in place for a municipal school district (Cleveland). Instead, the bill requires the district to continue to evaluate teachers and principals under the OTES and OPES frameworks.⁶⁸

Background

Current law requires all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds, to adopt a standards-based teacher evaluation system that conforms to a framework developed by the State Board of Education. The evaluation framework provides for multiple evaluation factors and include at least two measures of "high quality student data" to provide evidence of student learning attributable to the teacher being evaluated. One of those two measures must be the value-added progress dimension, when applicable to the grade level or subject area taught by a teacher.

V. Legislative Office of Education Oversight

The bill creates the Legislative Office of Education Oversight (LOEO). The Office must do the following:

1. Serve as a resource on education issues for the members of the General Assembly; and

⁶⁵ R.C. 3319.02(D).

⁶⁶ Repealed R.C. 3319.112.

⁶⁷ R.C. 3319.111(C).

⁶⁸ R.C. 3311.80 and 3311.84.

2. Propose for adoption by the General Assembly revised academic content standards for each of grades K-12 in English language arts, mathematics, science, and social studies (see “**I. Academic content standards and model curricula**” above).⁶⁹

The Legislative Service Commission must appoint and fix the compensation of a director of LOEO and such other employees and services necessary to carry out the powers and duties of the office. The bill adds that all officers and employees of the office serve at the pleasure of the Legislative Service Commission.⁷⁰

VI. Education Management Information System

The bill makes several changes to the Education Management Information System (EMIS), which is the statewide electronic database on elementary and secondary students, staff, and schools, and includes statistical, demographic, enrollment, fiscal, licensure, and student achievement information. The bill makes the following changes:

1. Prohibits the reporting of personally identifiable information about any student to any other person, except for assigning a data verification code or as necessary to fulfill contractual obligations related to state assessments. (This change replaces the current provision that prohibits the reporting of such information to any other person unless such person is employed by the school district or the information technology center and is authorized by the district or technology center to have access to such information or is employed by an entity with which the Department of Education contracts for the scoring or the development of state assessments);⁷¹
2. Prohibits contracted individuals or entities, including information technology centers, from sharing personally identifiable information about any student with any person or entity, unless in the case of fulfilling contractual obligations;⁷²
3. Specifies that the EMIS guidelines must prohibit school districts from requesting Social Security numbers of individual students, instead of “not authorize school districts to request social security numbers of individual students,” as under current law;⁷³
4. Requires the EMIS guidelines to require the data include “aggregate student demographic data” instead of simply “student demographic data,” as under current law;⁷⁴

⁶⁹ R.C. 3301.65(A) and (B).

⁷⁰ R.C. 3301.65(A).

⁷¹ R.C. 3301.0714(D)(1).

⁷² R.C. 3301.0714(D)(1).

⁷³ R.C. 3301.0714(D)(1).

⁷⁴ R.C. 3301.0714(B)(3)(a).

5. Requires the State Board to approve the graduation rate guidelines that are included in the EMIS data reporting guidelines;⁷⁵ and
6. Permits the State Board (in addition to the Department as under current law) to prescribe the manner for the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age to report individual student data to the Department.⁷⁶

VII. Miscellaneous provisions

Student enrollment calculation for state funding

Under the statutory school funding formula, state aid to school districts, community schools, and STEM schools is based on student enrollment. Current law 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 an English learner.⁷⁷

The bill repeals this provision.

Digital-learning platforms, assessment platforms, or surveys

The bill requires each school district to provide parents, or students if the student is at least 18 years old, a formal written explanation of the goals and capabilities of any digital-learning platforms, assessment platforms, or surveys that are used by the district or school. The explanation must include the following:

1. How the platform or survey works and its principal purposes;
2. The title and business address of the school official who is responsible for the platform or survey and the name and business address of any contractor or other outside party maintaining the platform or survey for or on behalf of the school;
3. The information the software is designed to collect from or record about the student, including any data matches with other personally identifiable information;
4. Every element of data that the platform, software, or survey will collect or record about the student, including any personal psychological characteristics, physiological measurements, and noncognitive attributes or skills, such as collaboration, resilience, and perseverance;
5. The purpose of collecting and recording such data;

⁷⁵ R.C. 3301.0714(B)(1)(m).

⁷⁶ R.C. 3301.0714(D)(2)(a).

⁷⁷ R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C).

6. Every contemplated use or disclosure of such data, the categories of recipients, and the purpose of such use or disclosure;
7. A full explanation of the privacy policy maintained by the provider of the digital-learning platform or survey; and
8. The policies and practices of the school regarding storage, retrievability, access controls, retention, and disposal of the records collected or recorded by the platform or survey.⁷⁸

The bill prohibits a digital-learning platform or survey, or any instructional material in digital format, to be used unless it includes a portal or other mechanism allowing parent access to the platform or survey and all the content available to the student users. It also states that “data of any type collected on a student through his or her use of a digital-learning platform or survey shall be destroyed at the end of the course in which the platform is used.” Finally, the bill provides that a student or the student’s parent or guardian must “be allowed to opt out of using any digital-learning platform or survey.” Students or parents or guardians who opt out must be provided traditional instruction in the academic content covered by such digital-learning platform or survey.⁷⁹

The bill defines “digital-learning platform” or “platform” as “an interactive digital platform that collects and records students’ personally identifiable information, whether maintained or hosted externally by the school or by a third-party provider, and includes any video-gaming platform.” It also defines “personally identifiable information” as “student data that personally identifies a student that, alone or in combination, is linked to information that would allow a reasonable person who does not have personal knowledge of the relevant circumstances to identify the student.”⁸⁰

Other miscellaneous changes

The bill makes the following other miscellaneous provisions:

1. Permits the State Board (in addition to the Department as under current law) to create the performance index system for the performance index score for school district report cards;⁸¹
2. Requires the State Board by December 31, 2021, to make recommendations to the General Assembly on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures that comprise the state report card;⁸²

⁷⁸ R.C. 3319.324(A).

⁷⁹ R.C. 3319.324(B).

⁸⁰ R.C. 3319.324(C).

⁸¹ R.C. 3302.03(C)(1)(b).

⁸² R.C. 3302.03(M).

3. Requires the Department, within 180 days after the bill's effective date, to convene a group of experts in norm-referenced assessments to make recommendations to the State Board on how to incorporate aggregate data from the results of norm-referenced assessments into a format similar to the state report card ratings;⁸³
4. Requires the State Board, Superintendent of Public Instruction, and Department of Education to take necessary steps to terminate Ohio's contract with the Partnership for Assessment of Readiness for College and Careers (PARCC);⁸⁴
5. Eliminates the authority for a school district, community school, and STEM school to use career connection learning strategies to provide students with grade-level examples that link schoolwork to career fields;⁸⁵
6. Prohibits the Department from spending more funds on an assessment for a chartered nonpublic school than it spends on the same assessment for a school district or public school;⁸⁶
7. Makes permissive, instead of mandatory, the requirement for school districts, community schools, and chartered nonpublic schools to (a) "integrate technology into learning experiences across the curriculum . . .," (b) use distance and web-based course delivery . . .," and (c) "utilize technology access and electronic opportunities" provided by specified entities;⁸⁷
8. Requires each school district, community school, and STEM school to provide a student's parent, guardian, or custodian with a copy of a student's success plan, which is a plan that addresses, for at-risk students, the academic pathway to graduation and the role of career-technical education, competency-based education, and experiential learning in that pathway;⁸⁸
9. Permits a school district, community school, and STEM school to allow a student to change the student's selected career pathway specified in the student's success plan;⁸⁹
10. Requires each school district to post on its website a copy of the State Board's statewide report on school districts and public schools;⁹⁰

⁸³ Section 7.

⁸⁴ Section 8.

⁸⁵ R.C. 3313.6020(B)(1), 3314.03(A)(11)(d), and 3326.11, latter two sections not in the bill.

⁸⁶ R.C. 3313.612(E).

⁸⁷ R.C. 3313.603(C)(8), fifth paragraph.

⁸⁸ R.C. 3313.6020(C)(2).

⁸⁹ R.C. 3313.6020(C)(2).

⁹⁰ R.C. 3301.0714(H)(3).

11. Requires each school district to prescribe a “graded course of study” for all schools under its control, instead of “a curriculum” as under current law, and requires each district to post a copy of each graded course of study on its website;⁹¹
12. Eliminates, beginning with the 2021-2022 school year, the requirement for the Chancellor of Higher Education to report the number of teacher preparation program graduates and the percentage of those graduates rated by specified performance levels on teacher evaluations;⁹² and
13. Eliminates the following intent language regarding the state minimum high school curriculum:

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio’s system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.⁹³

HISTORY

Action	Date
Introduced	06-01-20

H0684-I-133/ar

⁹¹ R.C. 3313.60.

⁹² R.C. 3333.0411.

⁹³ R.C. 3313.603(C)(8), second paragraph (stricken).