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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 67*
134th General Assembly

Bill Analysis

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Version: As Reported by House Primary & Secondary Education

Primary Sponsors: Reps. Koehler and Bird

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SUMMARY

Assessment related provisions

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

High school graduation

- For the 2020-2021 through 2023-2024 school years, permits a student to use the final course grade in a course associated with an end-of-course examination in lieu of a score on that examination to satisfy conditions for a high school diploma.
- Permits school districts, other public schools, and chartered nonpublic schools to grant a high school diploma in the 2020-2021 school year to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines has successfully completed the high school curriculum or individualized education program.
- Permits a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements to elect to require only the minimum

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

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

Data reporting

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

Home instructed students

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

Federal waiver

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

Emergency clause

- Declares an emergency.

DETAILED ANALYSIS

Assessment related provisions

Waiver of the American history end-of-course examination

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

Background on testing requirements

Current state law requires achievement assessments in English language arts (ELA) and math for each of grades three through eight and science in grades five and eight. Further, state law requires high school end-of-course exams, starting with the class of 2023, in English language arts II, Algebra I, science, American history, and American government. High school students also must take a nationally standardized assessment (ACT or SAT).²

Federal law requires one assessment in reading and one assessment in mathematics for each of grades three through eight. Students in grades nine through twelve are required to take one assessment each in reading and math between grades ten and twelve. One science

¹ Section 2(A).

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

assessment is required between grades three and five, one between grades six and nine, and one between grades ten and twelve.³

Current state law also requires the Department of Education to seek a waiver from the U.S. Secretary of Education to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the Department does not receive a waiver, the end-of-course examinations also must include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination may not be required for graduation.⁴

State aid to districts

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

E-school students

The bill also prohibits an internet- or computer-based school from withdrawing students who were unable to complete assessments for the 2020-2021 school year.⁶

Scholarship students

The bill specifies that students participating in the Educational Choice Scholarship Program, the Jon Peterson Special Needs Scholarship Program, or the Pilot Project (Cleveland) Scholarship Program may apply to renew their scholarships for the 2021-2022 school year regardless of whether they took the state assessments in the 2020-2021 school year.⁷

Continuing law specifies that a student who receives a state scholarship will remain eligible for that scholarship and may continue to receive that scholarship in subsequent school years if the student meets certain eligibility requirements.⁸ One of those requirements is that the student take all required state assessments unless otherwise excused.

Spring testing windows

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

³ 20 United States Code 6311(b)(2).

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

⁵ Section 2(B). See also R.C. 3314.08(L)(3), 3317.03(E)(3), and 3326.37, none in the bill.

⁶ Section 2(C).

⁷ Section 2(D).

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

⁹ Section 4(A).

For online testing:

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

For paper format testing:

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

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

Third-grade ELA assessment results

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

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

High school graduation

Course grades in lieu of end-of course exam scores

For the 2020-2021 through 2023-2024 school years, the bill permits a student to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma.

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

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

¹⁰ Section 4(B).

¹¹ Section 4(C).

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

¹³ R.C. 3313.6120.

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

High school diplomas for the 2020-2021 school year

The bill permits school districts, other public schools, and chartered nonpublic schools to grant a high school diploma in the 2020-2021 school year to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines that the student has successfully completed the high school curriculum or individualized education program.¹⁵

The bill additionally permits a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements to elect to require only the minimum curriculum for the purpose of determining high school graduation for the 2020-2021 school year.¹⁶

Similar provisions were enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.¹⁷

Background on graduation requirements

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

Continuing law also requires a student who entered ninth grade for the first time on or after July 1, 2019 (the Classes of 2023 and on), and permits a student in the Classes of 2018 through 2022, to qualify for a high school diploma by attaining a "competency score" on each of the Algebra I and English Language Arts II end-of-course exams and earning at least two state diploma seals. Several of the state diploma seals involve attaining a proficient or higher score on one or more end-of-course exams.

Additionally, a student who does not attain a competency score on both the Algebra I and English Language Arts II end-of-course exams after at least two administrations of those exams is permitted to demonstrate competency in the failed subject areas using one of several alternative options prescribed under continuing law.¹⁸

¹⁵ Section 3(B).

¹⁶ Section 3(C).

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

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

Data reporting

The bill requires the Department to report any data that it has regarding the performance of school districts and buildings for the 2020-2021 school year by October 14, 2021, instead of by September 15, as under current law.¹⁹

H.B. 409 of the 133rd General Assembly prescribes the September 15, 2021, date for reporting data. That bill also prohibits the Department from publishing and issuing ratings for overall grades, components, and individual measures on the state report cards for any school districts or schools for the 2020-2021 school year.²⁰ The latter provision is not affected by the bill. For a full description of changes made to state report cards under that act please see pp. 5-7 of the final analysis of that act at <https://www.legislature.ohio.gov/download?key=15456&format=pdf>.

Home instructed students

The bill exempts parents of students receiving home instruction from the administrative rule requirement to submit an academic assessment record for the 2020-2021 school year to the student's resident school district superintendent as a condition of allowing the student to continue receiving home instruction in 2021-2022.²¹

A similar provision was enacted by H.B. 197 of the 133rd General Assembly for the 2019-2020 school year.²²

Federal waiver

The bill requires the Department to seek a waiver from the U.S. Secretary of Education from federal accountability and school identification requirements.²³

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

¹⁹ Section 7.

²⁰ Section 6(A) of H.B. 409 of the 133rd General Assembly.

²¹ Section 5. See Ohio Administrative Code 3301-34-04.

²² Section 17(L) of H.B. 197, as amended by H.B. 164, both of the 133rd General Assembly.

²³ Section 6.

HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Primary & Secondary Education	---
