



Ohio Legislative Service Commission

Final Analysis

William Schwartz

Am. Sub. H.B. 7

131st General Assembly
(As Passed by the General Assembly)

- Reps.** Buchy, Brenner, Derickson, Henne, Blessing, Hayes, Amstutz, Anielski, Antonio, Baker, Becker, Boose, Boyce, Brinkman, Brown, Burkley, Conditt, Craig, Cupp, Dever, DeVitis, Dovilla, Driehaus, Duffey, Ginter, Green, Grossman, Hackett, Hagan, Hall, Hambley, Hill, Hood, Huffman, T. Johnson, Koehler, Kraus, Kunze, Landis, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McClain, McColley, M. O'Brien, S. O'Brien, Patterson, Pelanda, Perales, Ramos, Reineke, Retherford, Rezabek, Roegner, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, Slesnick, R. Smith, Sprague, Stinziano, Sweeney, Thompson, Vitale, Young, Zeltwanger, Rosenberger
- Sens.** Coley, Gardner, Manning, Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Gentile, Hite, Hottinger, Hughes, Jones, Jordan, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Thomas, Uecker, Widener, Williams, Yuko

Effective date: Emergency, March 16, 2015

ACT SUMMARY

- Prohibits public schools from utilizing, at any time during a student's academic career, a student's score on any state elementary-level achievement assessment or high school end-of-course examination that is administered in the 2014-2015 school year as a factor in any decision to (1) retain the student, (2) promote the student to a higher grade level, or (3) grant course credit.
- Prohibits the release of individual student score reports on the elementary assessments and high school end-of-course exams administered in the 2014-2015 school year, except to a student's school district or school or to a student or student's parent or guardian.
- Authorizes a student to take an end-of-course exam at a later time in the student's academic career if the student did not take the exam on its scheduled administration date.
- Authorizes a student to retake any end-of-course exam during the student's academic career at a time designated by the Department of Education.

- Requires the State Board of Education to adopt rules to implement the act's provisions regarding the retaking of and excused delay in taking the end-of-course exams.
- 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 2014-2015 school year, is eligible to continue receiving the scholarship, provided the student satisfies all other conditions of the scholarship program.
- 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 2014-2015 school year.

CONTENT AND OPERATION

Use of student test scores from the 2014-2015 school year

The act prohibits a school district, community school, or STEM school from utilizing, at any time during a student's academic career, the student's score on any state elementary-level achievement assessment or high school end-of-course examination that is administered in the 2014-2015 school year as a factor in any decision to (1) deny a student promotion to a higher grade level, (2) promote a student to a higher grade level, or (3) grant course credit. The act also prohibits the release of individual student score reports on those assessments and exams administered in the 2014-2015 school year, except to a school district or school or to a student or student's parent or guardian.¹

However, the act states that these provisions do not apply to the third-grade English language arts assessment that is used for purposes of the third-grade reading guarantee.²

Retaking and excused delay in taking end-of-course exams

The act authorizes a student to take any end-of-course exam at a later time in the student's academic career if, for any reason, the student did not take the exam on the scheduled administration date. The Department of Education must make available the exam for which the student was absent, or a substantially similar one. The act also

¹ R.C. 3302.036(C).

² Section 3.



permits a student to retake any end-of-course exam during the student's academic career, at a time designated by the Department. The State Board of Education must adopt rules to implement these provisions.³

Third-grade English language arts assessment

The act requires the third-grade English language arts assessment that is administered in the 2014-2015 school year to be the Ohio Achievement Assessment.⁴ That is, it may not be the assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), as prescribed by the State Board. Rather, it must be the assessment developed by the Department as administered prior to the 2014-2015 school year.

Students attending chartered nonpublic schools with a state scholarship

Continuing law, temporarily suspended for one year by the act, requires a student who attends a chartered nonpublic school under the Educational Choice, Autism, Jon Peterson Special Needs, or the Cleveland Scholarship Program to take the state elementary and secondary achievement assessments, including the end-of-course exams.⁵ A student who does not take an assessment is considered ineligible to receive a scholarship under those programs.

The act makes an exception for the 2014-2015 school year. It specifies that a student who is attending a chartered nonpublic school under any of those scholarship programs and who does not take an elementary achievement assessment or high school end-of-course exam that is administered in the 2014-2015 school year may continue to receive or be eligible for a scholarship, provided the student satisfies all other conditions of the scholarship program.⁶

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 one year by the act, 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,

³ R.C. 3301.0728.

⁴ Section 3, second paragraph. See also Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly, as amended by Sub. H.B. 367 of the 130th General Assembly.

⁵ R.C. 3310.14, 3310.522, and 3313.976, none in the act, and Ohio Administrative Code 3301-103-04.

⁶ Section 5.



unless the student was specifically excused as a special education student or a limited English proficient student.⁷

The act specifies that this 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 the 2014-2015 school year.⁸

Background on state assessments

State law, in part in compliance with the federal "No Child Left Behind Act," 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).⁹ The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and other public schools.¹⁰ 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).¹¹

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.¹²

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

⁷ R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C), none in the act.

⁸ Section 4.

⁹ R.C. 3301.0710, 3301.0711, and 3301.0712, none in the act.

¹⁰ R.C. 3302.03 and 3314.017, neither in the act.

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

¹² 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 and chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness.¹³

For the 2014-2015 school year only, chartered nonpublic schools are exempted from being required to administer the high school end-of-course exams, and students in such schools are exempted from being required to take those exams. After that school year, a chartered nonpublic school may be exempt from the end-of-course exam requirement, if it publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness. That exemption goes into effect on October 15, 2015, but only if the General Assembly does not enact different requirements that are effective by that date regarding end-of-course examinations for chartered nonpublic schools.¹⁴

HISTORY

ACTION	DATE
Introduced	01-28-15
Reported, H. Education	02-11-15
Passed House (96-0)	02-11-15
Reported, S. Education	02-26-15
Passed Senate (31-0)	03-04-15
House concurred in Senate amendments (94-0)	03-10-15

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¹³ R.C. 3301.0712(B).

¹⁴ R.C. 3313.612(B)(2), (D), and (G), not in the act and Section 12 of Sub. H.B. 367 of the 130th General Assembly.

