



# Ohio Legislative Service Commission

## Bill Analysis

William Schwartz

### H.B. 138

131st General Assembly  
(As Introduced)

**Reps.** Zeltwanger and Koehler

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## BILL SUMMARY

- Specifies that, if the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) are used as any of the state elementary and secondary achievement assessments, then school districts and schools are required to administer only the "performance-based" portion of those assessments and are not required to administer the "end-of-year" portion of those assessments.
- Authorizes a district or school to administer the end-of-year portion of the assessments.
- Prohibits the results of the end-of-year portion of the assessments developed by PARCC from being used for (1) calculating report card ratings and the performance measures and components that compile a report card rating, (2) evaluating teachers and administrators, (3) retention of third-grade students for purposes of the Third-Grade Reading Guarantee, and (4) determining eligibility for high school graduation.
- Requires the Ohio Department of Education, within 30 days after the bill's effective date, to apply to the United States Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," in order to implement the bill's provisions.
- Declares an emergency.

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## CONTENT AND OPERATION

### Administration of the state achievement assessments

The bill specifies that, if the State Board of Education selects the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) for use as any of the state elementary and secondary achievement assessments, then school districts and schools are required to administer *only* the "performance-based" portion of those assessments and are *not required* to administer the "end-of-year" portion of those assessments. Nevertheless, the bill explicitly authorizes a district or school to administer the "end-of-year" portion of the assessments.<sup>1</sup>

Currently, the assessments developed by PARCC are prescribed by the State Board as the state's elementary-level assessments in English language arts and mathematics and as the high school end-of-course exams in English language arts I, English language arts II, Algebra I, and geometry. Additionally, the remaining elementary-level assessments in science and social studies and the high school end-of-course exams in science, American history, and American government are state-developed assessments.<sup>2</sup> Each of the PARCC-developed assessments and the state-developed assessments are administered in two separate portions – first, as a "performance-based" assessment and second, as an end-of-year assessment.

Thus, it appears that the bill's provision regarding the requirement to administer only the end-of-year portions of an assessment *does not apply* to the assessments in the subject areas of science, social studies, American history, and American government, because those assessments were not developed by PARCC.

Currently, students in grades 10-12 are required to take and pass the Ohio Graduation Tests (OGT), which are phased out beginning with ninth-grade students in the 2014-2015 school year in favor of seven end-of-course examinations and a nationally standardized assessment that measures college and career readiness.<sup>3</sup> The bill's provisions also do not apply to the OGT.

Additionally, for the 2014-2015 school year only, the state's third-grade English language arts assessment that is used for purposes of the Third-Grade Reading Guarantee is the Ohio Achievement Assessment – not an assessment developed by

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<sup>1</sup> R.C. 3301.0727.

<sup>2</sup> At the Department of Education website (<http://education.ohio.gov>), click on "Topics," then "Testing," then "English Language Arts and Math" or click on "Science and Social Studies."

<sup>3</sup> R.C. 3301.0710(B), not in the bill.



PARCC.<sup>4</sup> Therefore, the bill's provisions do not apply to that assessment either. However, for the 2015-2016 school year and thereafter, the third-grade English language arts assessment will be the assessment developed by PARCC.

### **Use of assessment results**

The bill prohibits the results of the end-of-year portion of the assessments developed by PARCC from being used for (1) calculating state report card ratings and the performance measures and components that compile a report card rating, (2) evaluating teachers and administrators, (3) retention of third-grade students for purposes of the Third-Grade Reading Guarantee, and (4) determining eligibility for high school graduation.<sup>5</sup> The bill is silent on which specific assessment or assessments may be used for those purposes. Presumably, the performance-based portion may be used for those purposes.

### **Waiver from federal law**

The bill requires the Ohio Department of Education, within 30 days after the bill's effective date, to apply to the United States Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," in order to implement the bill's provisions regarding the state achievement assessments.<sup>6</sup>

### **Student enrollment calculation**

Under the state's school funding formula, state aid to school districts, community schools, and STEM schools is based on student enrollment. Current law generally prohibits including in a district's or school's enrollment for state operating funding a student who was enrolled in the district or school during the previous school year and who did not take one or more of the state-required elementary and high school achievement assessments, unless the student was specifically excused as a special education student or a limited English proficient student.<sup>7</sup>

The bill 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

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<sup>4</sup> 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.

<sup>5</sup> R.C. 3301.0727.

<sup>6</sup> Section 3.

<sup>7</sup> R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C), none in the bill.



that was administered during the 2014-2015 school year.<sup>8</sup> An identical provision is included in Am. Sub. H.B. 7 of the 131st General Assembly, which was effective March 16, 2015.<sup>9</sup>

## **Background on state achievement assessments**

State law, in part in compliance with the federal "No Child Left Behind Act,"<sup>10</sup> 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).<sup>11</sup> The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and other public schools.<sup>12</sup> The state assessments and end-of-course examinations are also administered to students enrolled in a chartered nonpublic school under a state scholarship program (EdChoice Scholarship Program, Jon Peterson Special Needs Scholarship Program, Cleveland Scholarship Program, and Autism Scholarship Program).<sup>13</sup>

Chartered nonpublic schools are not required to administer the elementary achievement assessments to nonscholarship students, except in cases in which 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.<sup>14</sup> 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.<sup>15</sup>

The composition of elementary-level achievement assessments are shown in the table below.<sup>16</sup>

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<sup>8</sup> Section 2.

<sup>9</sup> See Section 4 of Am. Sub. H.B. 7 of the 131st General Assembly.

<sup>10</sup> Public Law No. 107-110, 20 United States Code 6301 *et seq.*

<sup>11</sup> R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill.

<sup>12</sup> R.C. 3302.03 and 3314.017, neither in the bill.

<sup>13</sup> R.C. 3301.0711(B)(11), 3310.14, 3310.522, and 3313.976(A)(11), none in the bill.

<sup>14</sup> R.C. 3301.0711(K)(1)(a).

<sup>15</sup> R.C. 3301.0711(K)(1)(c).

<sup>16</sup> R.C. 3301.0710(A).



	<b>English language arts</b>	<b>Math</b>	<b>Science</b>	<b>Social studies</b>
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 examinations in the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.<sup>17</sup> In addition, eleventh-grade students in public and chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness.<sup>18</sup>

### **End-of-course examination exemption for chartered nonpublic schools**

For the 2014-2015 school year only, chartered nonpublic schools are exempted from being required to administer the end-of-course examinations, and students in such schools are exempted from being required to take those examinations.<sup>19</sup> After that school year, a chartered nonpublic school may be exempt from the end-of-course examination 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.<sup>20</sup>

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## **HISTORY**

### **ACTION**

### **DATE**

Introduced

04-01-15

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<sup>17</sup> R.C. 3301.0711(B)(11) and 3301.0712(B)(2).

<sup>18</sup> R.C. 3301.0712(B)(1).

<sup>19</sup> Section 12 of Sub. H.B. 367 of the 130th General Assembly.

<sup>20</sup> R.C. 3313.612(B)(2), (D), and (G), not in the bill.

