



Ohio Legislative Service Commission

Anthony Kremer

Fiscal Note & Local Impact Statement

Bill: H.B. 420 of the 131st G.A.
(LSC 131 1904-4)

Date: February 8, 2016

Status: In House Education

Sponsor: Rep. Roegner

Local Impact Statement Procedure Required: No

Contents: Requires the Department of Education to assign two separate grades for the performance index score for the 2014-2015 school year, prohibits a public school employee from making suggestions to students that they not take state assessments, and declares an emergency

State Fiscal Highlights

- The bill requires the Department of Education (ODE) to assign two separate grades for school district and building performance index (PI) scores for the 2014-2015 school year only. This provision will temporarily increase ODE's administrative duties and will likely result in a delay to the release date of PI scores and grades for that school year.
- The bill requires that the license of a district or school employee, if the employee holds a license issued by the State Board of Education, be suspended for one year for suggesting that a student should choose not to take a required state assessment. Violations of these provisions are likely to be few in number, making any effect on the ODE Office of Professional Conduct's investigation workload small.

Local Fiscal Highlights

- The bill makes the negligent suggestion that a student choose not to take a required state assessment a minor misdemeanor. This and other sanctions in the bill are anticipated to act as a deterrent to these activities. As a result, violations are presumed to be few in number, with fiscal effects on local law enforcement, courts, and public districts and schools likely to be minimal.

Detailed Fiscal Analysis

Performance index score calculations

The performance index (PI) score, ranging from zero to 120, is a weighted measure of student performance on the state achievement assessments and is one component of district and school report cards.¹ Currently, the Ohio Department of Education (ODE) calculates one PI score for each traditional district and applicable school building. This score takes into account students that did not take an assessment but should have (i.e., students that have opted out of the assessments) by assigning such students a weight of zero.

The bill requires ODE to assign two separate grades for the PI score for any school district or building for the 2014-2015 school year only. One score must include the scores of all students required to take state assessments, as under current law, and the other score must exclude the scores of those students who are required to take state assessments but choose not to take them. Since the additional PI calculation required under the bill excludes students who opt out of state assessments, the result will be higher PI scores and letter grades for some schools and districts than under the traditional calculation.²

The bill's modification of the report cards will temporarily increase ODE's administrative duties. While there is no expected increase in monetary costs due to this provision, ODE indicated that this new requirement will likely delay the release of the PI scores for the 2014-2015 school year, currently scheduled for February 25, 2016.

Sanctions for suggesting a student not take a required assessment

In general, the bill prohibits public school employees from negligently suggesting to any student or parent, guardian, or custodian of a student that the student should choose not to take a required state assessment. Public school employees who violate this prohibition are subject to several sanctions, including a criminal penalty, license suspension, and possible termination. These sanctions are anticipated to act as a deterrent to this activity. As a result, violations are presumed to be few in number with fiscal effects on the state and political subdivisions likely minimal. The specific sanctions are described in more detail below.

¹ For additional background about the PI score, please see the LSC Bill Analysis.

² Two different PI scores and grades will not have an effect on the districts and schools subject to consequences for poor academic performance on report cards. Under "safe harbor" provisions in continuing law, most of the consequences based on the report card results for the 2014-2015 school year and the following two school years or more are suspended.

The bill makes the negligent suggestion that a student choose not to take a required state assessment a minor misdemeanor. The time and cost for local law enforcement agencies and courts to process a minor misdemeanor is relatively low, with most persons cited typically opting to pay the fine, court costs, and fees, and waive a court appearance. In many cases the fines, court costs, and fees collected will offset some, if not all, of the cost associated with processing citations for the new prohibition.

The bill also requires that the license of a school district or school employee, if the employee holds a license issued by the State Board of Education, be suspended for one year for suggesting that a student should choose not to take a required state assessment. The Office of Professional Conduct within ODE investigates allegations of educator misconduct. Since violations of these provisions are likely to be few in number, any effect on the Office's workload is likely to be small as well. Finally, the bill states that suggesting that a student should choose not to take a required state assessment is grounds for termination. Presumably, termination proceedings would be an option of last resort for public districts and schools, with less costly methods of discipline imposed first.