



Ohio Legislative Service Commission

Bill Analysis

William Schwartz

Sub. H.B. 7

131st General Assembly
(As Reported by S. Education)

- 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

BILL SUMMARY

- 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 2014-2015 year school 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 state elementary assessments and high school end-of-course examinations 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 examination at a later time in the student's academic career if the student did not take, for any reason, an end-of-course examination on that examination's scheduled administration date.
- Authorizes a student to retake any end-of-course examination 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 bill's provisions regarding the retaking and excused delay in taking of the end-of-course examinations.

- Specifies that the current prohibition on including a student who did not take a state achievement assessment administered during the previous school year in a district's or school's enrollment count used for state operating funding *does not apply* to any student who did not take such an assessment during the 2014-2015 school year.
- Declares an emergency.

CONTENT AND OPERATION

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

The bill 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 elementary-level state 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 bill also prohibits the release of individual student score reports on those assessments and examinations 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

The bill explicitly states that the provisions described above 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 examinations

The bill authorizes a student to take any end-of-course examination at a later time in the student's academic career if, for any reason, the student did not take an end-of-course examination on the scheduled administration date. The Department of Education must make available to a student an examination, or a substantially similar examination, for which a student was absent. The bill also permits a student to retake any end-of-course examination during the student's academic career at a time designated by the Department. Finally, the bill requires the State Board of Education to adopt rules to implement the bill's provisions regarding end-of-course examinations.³

¹ R.C. 3302.036(C).

² Section 3.

³ R.C. 3301.0728.

English language arts assessment

The bill contains a provision that is identical in concept to a current law provision that requires the third-grade English language arts assessment that is administered in the 2014-2015 school year to be the Ohio Achievement Assessment English language arts assessment.⁴

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 prohibits including 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 in a district's or school's enrollment used for state operating funding, unless the student was specifically excused as a special education student or a limited English proficient student.⁵

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 examination that was administered during the 2014-2015 school year.⁶

Background on state achievement assessments

State law, in part in compliance with the federal "No Child Left Behind Act,"⁷ 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).⁸ The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and other public schools.⁹ 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

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. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C), none in the bill.

⁶ Section 4.

⁷ Public Law No. 107-110, 20 United States Code 6301 *et seq.*

⁸ R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill.

⁹ R.C. 3302.03 and 3314.017, neither in the bill.



Program, Jon Peterson Special Needs Scholarship Program, Cleveland Scholarship Program, and Autism Scholarship Program).¹⁰

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.¹¹ 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.¹³

| | 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 examinations in the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.¹⁴ In addition, eleventh-grade students in public and chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness.¹⁵

¹⁰ R.C. 3301.0711(B)(11), 3310.14, 3310.522, and 3313.976(A)(11), none in the bill.

¹¹ R.C. 3301.0711(K)(1)(a).

¹² R.C. 3301.0711(K)(1)(c).

¹³ R.C. 3301.0710(A).

¹⁴ R.C. 3301.0711(B)(11) and 3301.0712(B)(2).

¹⁵ R.C. 3301.0712(B)(1).

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.¹⁶ 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.¹⁷

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 |

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¹⁶ Section 12 of Sub. H.B. 367 of the 130th General Assembly.

¹⁷ R.C. 3313.612(B)(2), (D), and (G), not in the bill.

