

**As Pending in the House Education Committee
(L# 0927-2)**

**130th General Assembly
Regular Session
2013-2014**

Sub. H. B. No. 228

Representative Brenner

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A B I L L

To amend sections 3301.0710 and 3301.0715 and to 1
enact section 3301.132 of the Revised Code, and to 2
amend Section 10 of Am. Sub. H.B. 487 of the 130th 3
General Assembly with regard to the administration 4
of state primary and secondary education 5
assessments and to reform the system of funding 6
elementary and secondary education. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.0710 and 3301.0715 be amended 8
and section 3301.132 of the Revised Code be enacted to read as 9
follows: 10

Sec. 3301.0710. The state board of education shall adopt 11
rules establishing a statewide program to assess student 12
achievement. The state board shall ensure that all assessments 13
administered under the program are aligned with the academic 14
standards and model curricula adopted by the state board and are 15
created with input from Ohio parents, Ohio classroom teachers, 16
Ohio school administrators, and other Ohio school personnel 17
pursuant to section 3301.079 of the Revised Code. 18

The assessment program shall be designed to ensure that 19

students who receive a high school diploma demonstrate at least 20
high school levels of achievement in English language arts, 21
mathematics, science, and social studies. 22

(A)(1) The state board shall prescribe all of the following: 23

(a) Two statewide achievement assessments, one each designed 24
to measure the level of English language arts and mathematics 25
skill expected at the end of third grade; 26

(b) Three statewide achievement assessments, one each 27
designed to measure the level of English language arts, 28
mathematics, and social studies skill expected at the end of 29
fourth grade; 30

(c) Three statewide achievement assessments, one each 31
designed to measure the level of English language arts, 32
mathematics, and science skill expected at the end of fifth grade; 33

(d) Three statewide achievement assessments, one each 34
designed to measure the level of English language arts, 35
mathematics, and social studies skill expected at the end of sixth 36
grade; 37

(e) Two statewide achievement assessments, one each designed 38
to measure the level of English language arts and mathematics 39
skill expected at the end of seventh grade; 40

(f) Three statewide achievement assessments, one each 41
designed to measure the level of English language arts, 42
mathematics, and science skill expected at the end of eighth 43
grade. 44

(2) The state board shall determine and designate at least 45
five ranges of scores on each of the achievement assessments 46
described in divisions (A)(1) and (B)(1) of this section. Each 47
range of scores shall be deemed to demonstrate a level of 48
achievement so that any student attaining a score within such 49

range has achieved one of the following:	50
(a) An advanced level of skill;	51
(b) An accelerated level of skill;	52
(c) A proficient level of skill;	53
(d) A basic level of skill;	54
(e) A limited level of skill.	55
(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.	56 57 58 59 60 61 62 63 64 65
(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(c) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with division (B)(2) of this section.	66 67 68 69 70 71 72 73 74 75 76 77 78 79

(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests beginning with students who enter the ninth grade for the first time on or after July 1, 2014.

(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B)(1) or (2) of this section that is specified in the agreement.

(C) The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section.

In prescribing administration dates pursuant to this division, the superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of assessments prescribed under this section and any administration of the national assessment of educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.

Beginning with assessments administered on or after July 1, 2015, the duration of the administration for each assessment prescribed by division (A) of this section and for each assessment

prescribed by division (B)(2) of section 3301.0712 of the Revised Code shall not exceed four hours per year. The limitation prescribed by this paragraph shall not apply to assessments for students with disabilities, the English language arts assessment prescribed by division (A)(1)(a) of section 3301.0710 of the Revised Code or any related diagnostic assessment for students who failed to attain a passing score on that English language arts achievement assessment, the nationally standardized assessment that measures college and career readiness as prescribed by division (B)(1) of section 3301.0712 of the Revised Code, or substitute examinations as prescribed by division (B)(4) of section 3301.0712 of the Revised Code.

(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(1) of this section that is of comparable length to the actual test.

(E) Any committee established by the department of education for the purpose of making recommendations to the state board regarding the state board's designation of scores on the assessments described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A)(2) of this section on the assessments if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, limited English proficient students, economically disadvantaged students, students with disabilities, and migrant students.

Sec. 3301.0715. (A) Except as otherwise required under division (B)(1) of section 3313.608 of the Revised Code, the board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment developed and provided to the district in accordance with section

3301.079 of the Revised Code to the following: 143

(1) Any student who transfers into the district or to a 144
different school within the district if each applicable diagnostic 145
assessment was not administered by the district or school the 146
student previously attended in the current school year, within 147
thirty days after the date of transfer. If the district or school 148
into which the student transfers cannot determine whether the 149
student has taken any applicable diagnostic assessment in the 150
current school year, the district or school may administer the 151
diagnostic assessment to the student. However, if a student 152
transfers into the district prior to the administration of the 153
diagnostic assessments to all students under division (B) of this 154
section, the district may administer the diagnostic assessments to 155
that student on the date or dates determined under that division. 156

(2) Each kindergarten student, not earlier than the first day 157
of ~~the school year~~ August and not later than the first day of 158
November, except that the language and reading skills portion of 159
the assessment shall be administered by the thirtieth day of 160
September to fulfill the requirements of division (B) of section 161
3313.608 of the Revised Code. 162

For the purpose of division (A)(2) of this section, the 163
district shall administer the kindergarten readiness assessment 164
provided by the department of education. In no case shall the 165
results of the readiness assessment be used to prohibit a student 166
from enrolling in kindergarten. 167

A district or school may administer the kindergarten 168
readiness diagnostic assessment all at one time or may administer 169
it in portions at different times, so long as the assessment has 170
been administered in its entirety not later than the first day of 171
November. 172

(3) Each student enrolled in first, second, or third grade. 173

Division (A) of this section does not apply to students with 174
significant cognitive disabilities, as defined by the department 175
of education. 176

(B) Each district board shall administer each diagnostic 177
assessment when the board deems appropriate, provided the 178
administration complies with section 3313.608 of the Revised Code. 179
However, the board shall administer any diagnostic assessment at 180
least once annually to all students in the appropriate grade 181
level. A district board may administer any diagnostic assessment 182
in the fall and spring of a school year to measure the amount of 183
academic growth attributable to the instruction received by 184
students during that school year. 185

(C) Any district that received a grade of "A" or "B" for the 186
performance index score under division (A)(1)(b), (B)(1)(b), or 187
(C)(1)(b) of section 3302.03 of the Revised Code or for the 188
value-added progress dimension under division (A)(1)(e), 189
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 190
the immediately preceding school year may use different diagnostic 191
assessments from those adopted under division (D) of section 192
3301.079 of the Revised Code in order to satisfy the requirements 193
of division (A)(3) of this section. 194

(D) Each district board shall utilize and score any 195
diagnostic assessment administered under division (A) of this 196
section in accordance with rules established by the department. 197
After the administration of any diagnostic assessment, each 198
district shall provide a student's completed diagnostic 199
assessment, the results of such assessment, and any other 200
accompanying documents used during the administration of the 201
assessment to the parent of that student, and shall include all 202
such documents and information in any plan developed for the 203
student under division (C) of section 3313.608 of the Revised 204
Code. Each district shall submit to the department, in the manner 205

the department prescribes, the results of the diagnostic 206
assessments administered under this section, regardless of the 207
type of assessment used under section 3313.608 of the Revised 208
Code. The department may issue reports with respect to the data 209
collected. The department may report school and district level 210
kindergarten diagnostic assessment data and use diagnostic 211
assessment data to calculate the measure prescribed by divisions 212
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 213

(E) Each district board shall provide intervention services 214
to students whose diagnostic assessments show that they are 215
failing to make satisfactory progress toward attaining the 216
academic standards for their grade level. 217

Sec. 3301.132. (A) The department of education shall 218
determine which components of the resident educator 219
performance-based assessment, as prescribed by rule of the state 220
board of education for purposes of the Ohio teacher residency 221
program established under section 3319.223 of the Revised Code, 222
may be used as part of the teacher evaluations required by section 223
3319.111 of the Revised Code. 224

(B) The department shall develop a table of assessments that 225
may be used for multiple purposes for which a measure of student 226
performance or aptitude is required, in order to reduce the total 227
number of assessments administered by a district or school. The 228
table shall include achievement assessments, diagnostic 229
assessments, end-of-course examinations, substitute examinations, 230
examinations related to student academic growth measures, and 231
other assessments. The department shall make the table available 232
to school districts, community schools established under Chapter 233
3314. of the Revised Code, STEM schools established under Chapter 234
3326. of the Revised Code, college-preparatory boarding schools 235
established under Chapter 3328. of the Revised Code, and chartered 236

nonpublic schools. 237

Section 2. That existing sections 3301.0710 and 3301.0715 of 238
the Revised Code are hereby repealed. 239

Section 3. That Section 10 of Am. Sub. H.B. 487 of the 130th 240
General Assembly be amended to read as follows: 241

Sec. 10. (A) For the 2014-2015 and 2015-2016 school ~~year~~ 242
years, no school district, community school, STEM school, 243
college-preparatory boarding school, or chartered nonpublic school 244
shall be required to administer in an online format any 245
assessments prescribed by sections 3301.0710 and 3301.0712 of the 246
Revised Code. However, a district or school may administer any of 247
those assessments in an online format at the discretion of the 248
district board or school governing authority, or in any 249
combination of online and paper formats. The Department of 250
Education shall furnish, free of charge, all such assessments for 251
that school year regardless of the format selected by the district 252
or school. 253

(B) Not later than December 31, 2014, the Department shall 254
submit a report to the Governor and the General Assembly, in 255
accordance with section 101.68 of the Revised Code, on the 256
security of student data with regard to the administration of 257
online assessments. 258

(C) Not later than July 1, 2015, the Department shall publish 259
the number of districts and schools that administered the 260
assessments required under sections 3301.0710 and 3301.0712 of the 261
Revised Code in all of the following formats: 262

(1) Completely in an online format; 263

(2) Completely in a paper format; 264

(3) In any combination of online and paper formats. 265

Section 4. That existing Section 10 of Am. Sub. H.B. 487 of 266
the 130th General Assembly is hereby repealed. 267

Section 5. (A) The Department of Education shall study the 268
impact on student performance of the online administration of the 269
state assessments prescribed under sections 3301.0710 and 270
3301.0712 of the Revised Code. Not later than June 30, 2015, the 271
Department shall submit the results of its study to the General 272
Assembly, in accordance with section 101.68 of the Revised Code, 273
and to the Governor. 274

(B)(1) The Department shall conduct a comprehensive survey of 275
the capacity and readiness of each school district for online 276
administration of the assessments prescribed by sections 3301.0710 277
and 3301.0712 of the Revised Code based on recommended 278
specifications for such administration of the assessments. The 279
survey conducted under this section shall include information 280
regarding hardware, software, bandwidth, technical support, 281
security requirements, training for teachers regarding the 282
administration of assessments, and training for students regarding 283
taking the assessments. 284

(2) Not later than June 30, 2015, the Department shall 285
compile and present to the Governor, the chairpersons and ranking 286
members of the Education Committees of the Senate and House of 287
Representatives, and the State Board of Education the results of 288
the survey conducted under this section and a detailed 289
implementation plan to address any issues or problems identified 290
in the survey. 291

Section 6. Not later than April 1, 2015, the Department of 292
Education shall submit to the General Assembly, in accordance with 293
section 101.68 of the Revised Code, an estimate of the cost to the 294
state for each of fiscal years 2016 and 2017 if it were to pay 295

each city, local, and exempted village school district a funding 296
guarantee an amount equal to the district's formula ADM, as 297
defined in section 3317.02 of the Revised Code, multiplied by the 298
following: 299

{The greater of \$1,000 or [(the sum of the amounts computed for 300
the district for fiscal year 2013 under Sections 267.30.50, 301
267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 129th General 302
Assembly)/the district's formula ADM for fiscal year 2013]} - 303
[(the sum of the district's payments under sections 3317.022 and 304
3317.0212 of the Revised Code for the current fiscal year)/the 305
district's formula ADM for the current fiscal year] 306

For purposes of this estimate, "current fiscal year" shall 307
mean fiscal year 2016 or fiscal year 2017, respectively. The 308
Department shall estimate a district's statutory payments and 309
formula ADM for each of those years to derive the overall 310
estimates of the cost of the additional guarantee payment proposed 311
under this section. 312