

**As Reported by the House Education Committee**

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

**Sub. H. B. No. 228**

**Representative Brenner**

—

**A BILL**

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 56  
3313.608 of the Revised Code, the state board shall determine and 57  
designate a level of achievement, not lower than the level 58  
designated in division (A)(2)(e) of this section, on the third 59  
grade English language arts assessment for a student to be 60  
promoted to the fourth grade. The state board shall review and 61  
adjust upward the level of achievement designated under this 62  
division each year the test is administered until the level is set 63  
equal to the level designated in division (A)(2)(c) of this 64  
section. 65

(B)(1) The assessments prescribed under division (B)(1) of 66  
this section shall collectively be known as the Ohio graduation 67  
tests. The state board shall prescribe five statewide high school 68  
achievement assessments, one each designed to measure the level of 69  
reading, writing, mathematics, science, and social studies skill 70  
expected at the end of tenth grade. The state board shall 71  
designate a score in at least the range designated under division 72  
(A)(2)(c) of this section on each such assessment that shall be 73  
deemed to be a passing score on the assessment as a condition 74  
toward granting high school diplomas under sections 3313.61, 75  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 76  
assessment system prescribed by section 3301.0712 of the Revised 77  
Code is implemented in accordance with division (B)(2) of this 78  
section. 79

(2) The state board shall prescribe an assessment system in 80  
accordance with section 3301.0712 of the Revised Code that shall 81

replace the Ohio graduation tests beginning with students who 82  
enter the ninth grade for the first time on or after July 1, 2014. 83

(3) The state board may enter into a reciprocal agreement 84  
with the appropriate body or agency of any other state that has 85  
similar statewide achievement assessment requirements for 86  
receiving high school diplomas, under which any student who has 87  
met an achievement assessment requirement of one state is 88  
recognized as having met the similar requirement of the other 89  
state for purposes of receiving a high school diploma. For 90  
purposes of this section and sections 3301.0711 and 3313.61 of the 91  
Revised Code, any student enrolled in any public high school in 92  
this state who has met an achievement assessment requirement 93  
specified in a reciprocal agreement entered into under this 94  
division shall be deemed to have attained at least the applicable 95  
score designated under this division on each assessment required 96  
by division (B)(1) or (2) of this section that is specified in the 97  
agreement. 98

(C) The superintendent of public instruction shall designate 99  
dates and times for the administration of the assessments 100  
prescribed by divisions (A) and (B) of this section. 101

In prescribing administration dates pursuant to this 102  
division, the superintendent shall designate the dates in such a 103  
way as to allow a reasonable length of time between the 104  
administration of assessments prescribed under this section and 105  
any administration of the national assessment of educational 106  
progress given to students in the same grade level pursuant to 107  
section 3301.27 of the Revised Code or federal law. 108

Beginning with assessments administered on or after July 1, 109  
2015, the duration of the administration for each assessment 110  
prescribed by division (A) of this section and for each assessment 111  
prescribed by division (B)(2) of section 3301.0712 of the Revised 112  
Code shall not exceed four hours per year. The limitation 113

prescribed by this paragraph shall not apply to assessments for 114  
students with disabilities, the English language arts assessment 115  
prescribed by division (A)(1)(a) of section 3301.0710 of the 116  
Revised Code or any related diagnostic assessment for students who 117  
failed to attain a passing score on that English language arts 118  
achievement assessment, the nationally standardized assessment 119  
that measures college and career readiness as prescribed by 120  
division (B)(1) of section 3301.0712 of the Revised Code, or 121  
substitute examinations as prescribed by division (B)(4) of 122  
section 3301.0712 of the Revised Code. 123

(D) The state board shall prescribe a practice version of 124  
each Ohio graduation test described in division (B)(1) of this 125  
section that is of comparable length to the actual test. 126

(E) Any committee established by the department of education 127  
for the purpose of making recommendations to the state board 128  
regarding the state board's designation of scores on the 129  
assessments described by this section shall inform the state board 130  
of the probable percentage of students who would score in each of 131  
the ranges established under division (A)(2) of this section on 132  
the assessments if the committee's recommendations are adopted by 133  
the state board. To the extent possible, these percentages shall 134  
be disaggregated by gender, major racial and ethnic groups, 135  
limited English proficient students, economically disadvantaged 136  
students, students with disabilities, and migrant students. 137

**Sec. 3301.0715.** (A) Except as otherwise required under 138  
division (B)(1) of section 3313.608 of the Revised Code, the board 139  
of education of each city, local, and exempted village school 140  
district shall administer each applicable diagnostic assessment 141  
developed and provided to the district in accordance with section 142  
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 Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the measure prescribed by divisions (B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code.

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

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

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



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

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

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

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

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

- (1) Completely in an online format;
- (2) Completely in a paper format;
- (3) In any combination of online and paper formats.

**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 in 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