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Sponsor Testimony on House Bill 181  
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Chairman Brenner and members of the Ohio House Education and Career Readiness Committee, thank you for the opportunity to present sponsor testimony on HB 181, the Ohio Student and Teacher Liberty Act. This piece of legislation responds to concerns developed over the past two decades following Ohio's shift to a system that leans heavily on the use of criterion-referenced assessments to gauge the success of a student's educational experience.

From the beginning, with the use of professional advisory committees working under the direction of the Ohio General Assembly, we began using assessments that were assigned cut off scores (percentage of questions answered correctly) to identify the "proficiency" of students. These scores were always intended to be revised every few years or, as we have seen in actual practice, much more frequently. From the initial proposals of the Ohio Department of Education to the State Board of Education in the mid-90's we have labeled students as proficient in Mathematics and Reading when they have answered 50% of the questions correctly, or 45%, or 35%, or even 32%. The threshold just seems to bounce around the lower end of expectancies for students. For most of us, if we can remember, when we were in school anything below 50% correct was considered to be an F.

While the system change may have been well intended to create stability between what is taught and what is tested, it has actually had the opposite effect in layers of unintended consequences since 1994. Our policies over the past 23 years have created a one size fits all system of state assessments for students - and students are cognitively not one size fits all. In other words, when the bar for proficiency is set to the number of questions answered correctly on a given test, there is a tendency to manipulate the level of difficulty of the questions and the actual cut off scores to create a perception of improvement.

This has led to a common practice today in the classroom and even district wide for educators to teach to the test. Consequently, classroom instruction has become more narrowly focused and prescriptive. HB 181 will restore our state to a more stable norm-referenced assessment system. This form of summative assessment will not have score standards that frequently change and will provide more reliable diagnostic information for teachers to use to help guide their instruction.

There is instability when the score standards are revised every couple of years. This practice also makes it difficult, if not impossible, to compare student performance from one year to another. There is also

instability when the “list” of state standards constantly changes. We have spent over two decades expecting teachers and administrators to hit a moving target. HB 181 will restore genuine opportunities for classroom teachers to work with students more effectively and will restore genuine local control to every school district.

Regarding the Third Grade Reading Guarantee, HB 181 will use quintile ranges, rather than arbitrary cut scores, that create a bell curve to institute a safety net that will identify third-grade students who would academically benefit from retention. This will provide parents with the flexibility to seek remedial help for their children who are above the lowest quintile.

In 2009, the Federal Race to the Top grant included criteria for a statewide teacher evaluation system as a condition of receiving federal funds. More recently under federally enacted Every Student Succeeds Act, the U.S. Congress acknowledged that teacher and principal evaluations were better left in the hands of local school districts. HB 181 repeals the state driven systems of OTEs and OPES, replacing them with a restoration of local control over these elements of accountability. It allows for the use of norm-referenced assessment data, but caps the inclusion of this portion to 20% of a teacher’s evaluation. This will encourage local districts to create meaningful evaluations and avoids the unintended consequence of super-gluing the performance of a teacher to assessments when the underperformance of students on a test could be due to many more factors in the students’ experiences.

To be clear, this legislation will eliminate state-driven end-of-course exams and other criterion-referenced assessments, which effectively eliminate local control over what is taught. It replaces state-driven teacher and principal evaluation systems with locally developed and more meaningful plans for evaluation. And it stamps out the nationally-driven Common Core State Standards system.

However, it’s important to understand that HB 181 also requires that Ohio’s academic standards be aligned to the norm-referenced assessments selected by the state. It will be a more generalized list of standards that will be drawn from the norm-referenced assessment blueprint, which will serve to protect Ohio’s existing federal education funds.

To accomplish this task, legislative input and guidance over the standards and assessments are incorporated into HB 181. Both processes outlined within the legislation involve the Legislative Office of Education Oversight (LOEO), as a research arm of LSC, to provide review and recommendations to the legislature.

HB 181 also addresses student data privacy concerns. Since the move to digital learning platforms, Chrome Books or iPads in nearly every school, and computerized assessments, student data privacy concerns have multiplied. Tracking and targeted marketing through personal data collection has become a real threat to every student in Ohio.

HB 181 strives to close the gaps in Ohio’s current data privacy laws and protect student data privacy from marketing and unauthorized disclosure. Parents would be notified regarding the types of data to be collected through digital learning platforms or assessments at the beginning of each year. Districts would also be expected to post local policies about data collection and use on their websites.

To sum up what you have heard today, HB 181 - the Student and Teacher Liberty Act, acts upon state authority under current federal laws to return control of education back to local districts without jeopardizing Federal funding.

Local districts will benefit from the flexibility in developing their own graded courses of study, which was an effective tool in years past. Districts will also benefit from using the state adopted norm-referenced assessments as a proven method of demonstrating and reporting student academic progress.

Teachers and principals will benefit from ending the stressful, politically driven, punitive evaluation system begun under Race to the Top and will have more time to enjoy creatively teaching and helping students meet their individual potential.

Students, especially our third-graders, will have less pressure learning to read and more time to enjoy reading, while their teachers and parents have accurate and useful diagnostic information to make informed decisions about interventions or remediation.

Parents will be provided tools to truly partner with local districts and teachers for academic success and protection of their children's data privacy.

By utilizing our state autonomy and restoring local control, everyone wins. We will set Ohio on the path of academic success for generations.

Thank you for your consideration of this important legislation. We would be glad to answer any questions you may have.