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133rd General Assembly  
Regular Session  
2019-2020

Sub. H. B. No. 239

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**A BILL**

To amend sections 3301.0712 and 3301.0729 of the 1  
Revised Code to remove the requirement that 2  
students take a nationally standardized 3  
assessment for graduation and to require each 4  
school district to form a work group to evaluate 5  
the amount of time students spend on testing. 6

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

**Section 1.** That sections 3301.0712 and 3301.0729 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 3301.0712.** (A) The state board of education, the 9  
superintendent of public instruction, and the chancellor of 10  
higher education shall develop a system of college and work 11  
ready assessments as described in division (B) of this section 12  
to assess whether each student upon graduating from high school 13  
is ready to enter college or the workforce. Beginning with 14  
students who enter the ninth grade for the first time on or 15  
after July 1, 2014, the system shall replace the Ohio graduation 16  
tests prescribed in division (B)(1) of section 3301.0710 of the 17  
Revised Code as a measure of student academic performance and 18



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one determinant of eligibility for a high school diploma in the 19  
manner prescribed by rule of the state board adopted under 20  
division (D) of this section. 21

(B) The college and work ready assessment system shall 22  
consist of the following: 23

(1) ~~Nationally~~ (a) Except as provided in division (B) (1) 24  
(b) of this section, nationally standardized assessments that 25  
measure college and career readiness and are used for college 26  
admission. The assessments shall be selected jointly by the 27  
state superintendent and the chancellor, and one of which shall 28  
be selected by each school district or school to administer to 29  
its students. The assessments prescribed under division (B) (1) 30  
of this section shall be administered to all eleventh-grade 31  
students in the spring of the school year. 32

(b) Beginning with students who enter the ninth grade for 33  
the first time on or after July 1, 2018, the nationally 34  
standardized assessment selected under division (B) (1) (a) of 35  
this section shall not be required for graduation. However, the 36  
assessment shall be administered to all eleventh-grade students 37  
in the spring of each school year, unless, in accordance with 38  
procedures prescribed by the department of education, the parent 39  
or guardian of a student enrolled in the school submits notice 40  
to the principal or chief administrative officer of the 41  
student's school that the parent or guardian does not wish to 42  
have the student take the assessment described under division 43  
(B) (1) (a) of this section. If a parent or guardian submits an 44  
opt-out notice, the school shall not administer the assessment 45  
to that student. 46

(2) (a) Except as provided in division (B) (2) (b) of this 47  
section, seven end-of-course examinations, one in each of the 48

areas of English language arts I, English language arts II, 49  
science, Algebra I, geometry, American history, and American 50  
government. The end-of-course examinations shall be selected 51  
jointly by the state superintendent and the chancellor in 52  
consultation with faculty in the appropriate subject areas at 53  
institutions of higher education of the university system of 54  
Ohio. Advanced placement examinations and international 55  
baccalaureate examinations, as prescribed under section 56  
3313.6013 of the Revised Code, in the areas of science, American 57  
history, and American government may be used as end-of-course 58  
examinations in accordance with division (B) (4) (a) (i) of this 59  
section. Final course grades for courses taken under any other 60  
advanced standing program, as prescribed under section 3313.6013 61  
of the Revised Code, in the areas of science, American history, 62  
and American government may be used in lieu of end-of-course 63  
examinations in accordance with division (B) (4) (a) (ii) of this 64  
section. 65

(b) Beginning with students who enter ninth grade for the 66  
first time on or after July 1, 2019, five end-of-course 67  
examinations, one in each areas of English language arts II, 68  
science, Algebra I, American history, and American government. 69  
However, only the end-of-course examinations in English language 70  
arts II and Algebra I shall be required for graduation. 71

The department of education shall, as necessary to 72  
implement division (B) (2) (b) of this section, seek a waiver from 73  
the United States secretary of education for testing 74  
requirements prescribed under federal law to allow for the use 75  
and implementation of Algebra I as the primary assessment of 76  
high school mathematics. If the department does not receive a 77  
waiver under this division, the end-of-course examinations for 78  
students described in division (B) (2) (b) of this section also 79

shall include an end-of-course examination in the area of 80  
geometry. However, the geometry end-of-course examination shall 81  
not be required for graduation. 82

(3) (a) Not later than July 1, 2013, each school district 83  
board of education shall adopt interim end-of-course 84  
examinations that comply with the requirements of divisions (B) 85  
(3) (b) (i) and (ii) of this section to assess mastery of American 86  
history and American government standards adopted under division 87  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 88  
required under division (M) of section 3313.603 of the Revised 89  
Code. Each high school of the district shall use the interim 90  
examinations until the state superintendent and chancellor 91  
select end-of-course examinations in American history and 92  
American government under division (B) (2) of this section. 93

(b) Not later than July 1, 2014, the state superintendent 94  
and the chancellor shall select the end-of-course examinations 95  
in American history and American government. 96

(i) The end-of-course examinations in American history and 97  
American government shall require demonstration of mastery of 98  
the American history and American government content for social 99  
studies standards adopted under division (A) (1) (b) of section 100  
3301.079 of the Revised Code and the topics required under 101  
division (M) of section 3313.603 of the Revised Code. 102

(ii) At least twenty per cent of the end-of-course 103  
examination in American government shall address the topics on 104  
American history and American government described in division 105  
(M) of section 3313.603 of the Revised Code. 106

(4) (a) Notwithstanding anything to the contrary in this 107  
section, beginning with the 2014-2015 school year, both of the 108

following shall apply: 109

(i) If a student is enrolled in an appropriate advanced 110  
placement or international baccalaureate course, that student 111  
shall take the advanced placement or international baccalaureate 112  
examination in lieu of the science, American history, or 113  
American government end-of-course examinations prescribed under 114  
division (B) (2) of this section. The state board shall specify 115  
the score levels for each advanced placement examination and 116  
international baccalaureate examination for purposes of 117  
calculating the minimum cumulative performance score that 118  
demonstrates the level of academic achievement necessary to earn 119  
a high school diploma. 120

(ii) If a student is enrolled in an appropriate course 121  
under any other advanced standing program, as described in 122  
section 3313.6013 of the Revised Code, that student shall not be 123  
required to take the science, American history, or American 124  
government end-of-course examination, whichever is applicable, 125  
prescribed under division (B) (2) of this section. Instead, that 126  
student's final course grade shall be used in lieu of the 127  
applicable end-of-course examination prescribed under that 128  
section. The state superintendent, in consultation with the 129  
chancellor, shall adopt guidelines for purposes of calculating 130  
the corresponding final course grades that demonstrate the level 131  
of academic achievement necessary to earn a high school diploma. 132

Division (B) (4) (a) (ii) of this section shall apply only to 133  
courses for which students receive transcribed credit, as 134  
defined in section 3365.01 of the Revised Code. It shall not 135  
apply to remedial or developmental courses. 136

(b) No student shall take a substitute examination or 137  
examination prescribed under division (B) (4) (a) of this section 138

in place of the end-of-course examinations in English language 139  
arts I, English language arts II, Algebra I, or geometry 140  
prescribed under division (B) (2) of this section. 141

(c) The state board shall consider additional assessments 142  
that may be used, beginning with the 2016-2017 school year, as 143  
substitute examinations in lieu of the end-of-course 144  
examinations prescribed under division (B) (2) of this section. 145

(5) The state board shall do all of the following: 146

(a) Determine and designate at least five ranges of scores 147  
on each of the end-of-course examinations prescribed under 148  
division (B) (2) of this section, and substitute examinations 149  
prescribed under division (B) (4) of this section. Not later than 150  
sixty days after the designation of ranges of scores, the state 151  
superintendent, or the state superintendent's designee, shall 152  
conduct a public presentation before the standing committees of 153  
the house of representatives and the senate that consider 154  
primary and secondary education legislation regarding the 155  
designated range of scores. Each range of scores shall be 156  
considered to demonstrate a level of achievement so that any 157  
student attaining a score within such range has achieved one of 158  
the following: 159

(i) An advanced level of skill; 160

(ii) An accelerated level of skill; 161

(iii) A proficient level of skill; 162

(iv) A basic level of skill; 163

(v) A limited level of skill. 164

(b) Determine a method by which to calculate a cumulative 165  
performance score based on the results of a student's end-of- 166

course examinations or substitute examinations;	167
(c) Determine the minimum cumulative performance score	168
that demonstrates the level of academic achievement necessary to	169
earn a high school diploma under division (A) (2) of section	170
3313.618 of the Revised Code. However, the state board shall not	171
determine a new minimum cumulative performance score after the	172
effective date of this amendment October 17, 2019.	173
(d) Develop a table of corresponding score equivalents for	174
the end-of-course examinations and substitute examinations in	175
order to calculate student performance consistently across the	176
different examinations.	177
A score of two on an advanced placement examination or a	178
score of two or three on an international baccalaureate	179
examination shall be considered equivalent to a proficient level	180
of skill as specified under division (B) (5) (a) (iii) of this	181
section.	182
(6) (a) A student who meets both of the following	183
conditions shall not be required to take an end-of-course	184
examination:	185
(i) The student received high school credit prior to July	186
1, 2015, for a course for which the end-of-course examination is	187
prescribed.	188
(ii) The examination was not available for administration	189
prior to July 1, 2015.	190
Receipt of credit for the course described in division (B)	191
(6) (a) (i) of this section shall satisfy the requirement to take	192
the end-of-course examination. A student exempted under division	193
(B) (6) (a) of this section may take the applicable end-of-course	194
examination at a later date.	195

(b) For purposes of determining whether a student who is 196  
exempt from taking an end-of-course examination under division 197  
(B) (6) (a) of this section has attained the cumulative score 198  
prescribed by division (B) (5) (c) of this section, such student 199  
shall select either of the following: 200

(i) The student is considered to have attained a 201  
proficient score on the end-of-course examination from which the 202  
student is exempt; 203

(ii) The student's final course grade shall be used in 204  
lieu of a score on the end-of-course examination from which the 205  
student is exempt. 206

The state superintendent, in consultation with the 207  
chancellor, shall adopt guidelines for purposes of calculating 208  
the corresponding final course grades and the minimum cumulative 209  
performance score that demonstrates the level of academic 210  
achievement necessary to earn a high school diploma. 211

(7) (a) Notwithstanding anything to the contrary in this 212  
section, the state board may replace the algebra I end-of-course 213  
examination prescribed under division (B) (2) of this section 214  
with an algebra II end-of-course examination, beginning with the 215  
2016-2017 school year for students who enter ninth grade on or 216  
after July 1, 2016. 217

(b) If the state board replaces the algebra I end-of- 218  
course examination with an algebra II end-of-course examination 219  
as authorized under division (B) (7) (a) of this section, both of 220  
the following shall apply: 221

(i) A student who is enrolled in an advanced placement or 222  
international baccalaureate course in algebra II shall take the 223  
advanced placement or international baccalaureate examination in 224

lieu of the algebra II end-of-course examination.	225
(ii) A student who is enrolled in an algebra II course	226
under any other advanced standing program, as described in	227
section 3313.6013 of the Revised Code, shall not be required to	228
take the algebra II end-of-course examination. Instead, that	229
student's final course grade shall be used in lieu of the	230
examination.	231
(c) If a school district or school utilizes an integrated	232
approach to mathematics instruction, the district or school may	233
do either or both of the following:	234
(i) Administer an integrated mathematics I end-of-course	235
examination in lieu of the prescribed algebra I end-of-course	236
examination;	237
(ii) Administer an integrated mathematics II end-of-course	238
examination in lieu of the prescribed geometry end-of-course	239
examination.	240
(8) (a) For students entering the ninth grade for the first	241
time on or after July 1, 2014, but prior to July 1, 2015, the	242
assessment in the area of science shall be physical science or	243
biology. For students entering the ninth grade for the first	244
time on or after July 1, 2015, the assessment in the area of	245
science shall be biology.	246
(b) Until July 1, 2019, the department shall make	247
available the end-of-course examination in physical science for	248
students who entered the ninth grade for the first time on or	249
after July 1, 2014, but prior to July 1, 2015, and who wish to	250
retake the examination.	251
(c) Not later than July 1, 2016, the state board shall	252
adopt rules prescribing the requirements for the end-of-course	253

examination in science for students who entered the ninth grade 254  
for the first time on or after July 1, 2014, but prior to July 255  
1, 2015, and who have not met the requirement prescribed by 256  
section 3313.618 of the Revised Code by July 1, 2019, due to a 257  
student's failure to satisfy division (A)(2) of section 3313.618 258  
of the Revised Code. 259

(9) Neither the state board nor the department of 260  
education shall develop or administer an end-of-course 261  
examination in the area of world history. 262

(10) Not later than March 1, 2020, the department, in 263  
consultation with the chancellor and the governor's office of 264  
workforce transformation, shall determine a competency score for 265  
both of the Algebra I and English language arts II end-of-course 266  
examinations for the purpose of graduation eligibility. 267

(C) The state board shall convene a group of national 268  
experts, state experts, and local practitioners to provide 269  
advice, guidance, and recommendations for the alignment of 270  
standards and model curricula to the assessments and in the 271  
design of the end-of-course examinations prescribed by this 272  
section. 273

(D) Upon completion of the development of the assessment 274  
system, the state board shall adopt rules prescribing all of the 275  
following: 276

(1) A timeline and plan for implementation of the 277  
assessment system, including a phased implementation if the 278  
state board determines such a phase-in is warranted; 279

(2) The date after which a person shall meet the 280  
requirements of the entire assessment system as a prerequisite 281  
for a diploma of adult education under section 3313.611 of the 282

Revised Code;	283
(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code;	284 285 286 287 288
(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;	289 290 291 292 293 294 295
(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.	296 297 298 299
(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.	300 301 302 303 304 305 306 307
(F) (1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of	308 309 310 311

assessments administered under divisions (B) (1) and (2) of this 312  
section. However, no such person shall be required to 313  
participate in the system of assessments. 314

(2) The department shall adopt rules for the 315  
administration and scoring of any assessments under division (F) 316  
(1) of this section. 317

(G) Not later than December 31, 2014, the state board 318  
shall select at least one nationally recognized job skills 319  
assessment. Each school district shall administer that 320  
assessment to those students who opt to take it. The state shall 321  
reimburse a school district for the costs of administering that 322  
assessment. The state board shall establish the minimum score a 323  
student must attain on the job skills assessment in order to 324  
demonstrate a student's workforce readiness and employability. 325  
The administration of the job skills assessment to a student 326  
under this division shall not exempt a school district from 327  
administering the assessments prescribed in division (B) of this 328  
section to that student. 329

**Sec. 3301.0729.** (A) Except as provided for in divisions 330  
(B) and (C) of this section, beginning with assessments 331  
administered on or after July 1, 2017, the board of education of 332  
each city, local, and exempted village school district shall 333  
ensure that no student is required to do either of the 334  
following: 335

(1) Spend a cumulative amount of time in excess of two per 336  
cent of the school year taking the following assessments 337  
combined: 338

(a) The applicable state assessments prescribed by 339  
division (A) of section 3301.0710 and division (B) (2) of section 340

3301.0712 of the Revised Code; 341

(b) Any assessment required by the district board to be 342  
administered district-wide to all students in a specified 343  
subject area or grade level. 344

(2) Spend a cumulative amount of time in excess of one per 345  
cent of the school year taking practice or diagnostic 346  
assessments used to prepare for assessments described in 347  
divisions (A) (1) (a) and (b) of this section. 348

(B) The limitations prescribed by division (A) of this 349  
section shall not apply to assessments for students with 350  
disabilities, any related diagnostic assessment for students who 351  
failed to attain a passing score on the English language arts 352  
achievement assessment prescribed by division (A) (1) (a) of 353  
section 3301.0710 of the Revised Code, substitute examinations 354  
as prescribed by division (B) (4) of section 3301.0712 of the 355  
Revised Code, or additional assessments administered to identify 356  
a student as gifted under Chapter 3324. of the Revised Code. 357

(C) The board of education of each city, exempted village, 358  
and local school district may exceed the limitations prescribed 359  
by division (A) of this section by annual resolution of the 360  
district board. ~~However, prior~~ Prior to the adoption of such a 361  
resolution, the board shall conduct at least one public hearing 362  
on the proposed resolution and consider recommendations from the 363  
testing work group formed under division (D) of this section. 364  
Resolutions adopted under division (C) of this section shall be 365  
reported to the department of education and made available to 366  
the public. 367

(D) (1) Within ninety days of the effective date of this 368  
amendment, each school district shall form a work group to 369

examine the amount of time students spend on district-required 370  
testing and make recommendations to the district board of 371  
education on how to reduce testing amounts. The work group shall 372  
consist of the following members: 373

(a) The district superintendent; 374

(b) A district curriculum or testing administrator or 375  
designee of the superintendent; 376

(c) Three building principals, one each from an 377  
elementary, middle, and high school; 378

(d) Three classroom teachers selected by the local 379  
teacher's association, one each from an elementary, middle, and 380  
high school; 381

(e) Three parents of students enrolled in the district 382  
selected by the local parent-teacher organization or similar 383  
organization, one each from an elementary, middle, and high 384  
school. 385

If a district does not employ enough individuals to meet 386  
the membership requirements under division (D) (1) of this 387  
section, the district is exempt from those requirements it 388  
cannot meet. 389

(2) In order to make testing reduction recommendations, 390  
the work group described in division (D) (1) of this section 391  
shall consider the following: 392

(a) Time students spend on district required testing; 393

(b) The current district testing calendar; 394

(c) Identifying if there are groups of students being 395  
tested at a greater rate than others; 396

<u>(d) The purpose of testing and if that purpose has been achieved;</u>	397 398
<u>(e) The use of testing data to drive instructional decisions;</u>	399 400
<u>(f) The financial cost of testing;</u>	401
<u>(g) If tests are duplicative;</u>	402
<u>(h) Any previous testing audit or examination of testing the district may have.</u>	403 404
<u>(3) The work group shall report any findings and recommendations to the district board of education not later than six months after formation. Upon completion of this report, the work group may be dissolved, continue to meet, or be reconstituted in the future based on local need.</u>	405 406 407 408 409
<u>(E) The department annually shall publish a report on the amount of time students spent on required state and district testing. The report shall include all of the following:</u>	410 411 412
<u>(1) Information disaggregated by required state testing and by additional testing required by a district;</u>	413 414
<u>(2) Efforts to reduce testing time and increase instructional time;</u>	415 416
<u>(3) Caps on testing time as described in division (A) of this section and a list of any district that exceeded them;</u>	417 418
<u>(4) The purpose and use of the required state and district tests;</u>	419 420
<u>(5) Resources for parents to ask questions regarding testing of their child.</u>	421 422
<u>The report shall be published on the department's web site</u>	423

and delivered to the governor and the respective standing 424  
committees of the house of representatives and senate that 425  
consider primary and secondary education legislation. 426

(F) It is the intent of the general assembly to reduce the 427  
time students spend on standardized testing and restore 428  
classroom instructional time. The department of education or 429  
other state entity should not require local school districts to 430  
increase testing for Ohio students or create policies that 431  
result in further testing as part of an improvement plan. 432

**Section 2.** That existing sections 3301.0712 and 3301.0729 433  
of the Revised Code are hereby repealed. 434