

As Referred by the House Rules and Reference Committee

133rd General Assembly

Regular Session

2019-2020

H. B. No. 239

Representatives Manning, G., Crawley

Cosponsors: Representatives Jones, Hillyer, Hambley, Riedel, Patterson, Boyd, Carruthers, Kent, Robinson, Crossman, Miranda, Leland, O'Brien, West, Kelly, Rogers, Sobecki, Edwards

A BILL

To amend sections 3301.0712 and 3301.0729 of the Revised Code to reduce the number of end-of-course assessments required for high school graduation and to require each school district to form a work group to evaluate the amount of time students spend on testing.

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

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

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

Revised Code as a measure of student academic performance and 18
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, nationally standardized 34
assessments selected under division (B) (1) (a) of this section 35
shall not be required for graduation. The assessments shall be 36
offered to all eleventh-grade students in the spring of each 37
school year but participation in the assessment is voluntary. 38

~~(2) Seven~~ (a) Except as provided in division (B) (2) (b) of 39
this section, seven end-of-course examinations, one in each of 40
the areas of English language arts I, English language arts II, 41
science, Algebra I, geometry, American history, and American 42
government. The end-of-course examinations shall be selected 43
jointly by the state superintendent and the chancellor in 44
consultation with faculty in the appropriate subject areas at 45
institutions of higher education of the university system of 46
Ohio. Advanced placement examinations and international 47

baccalaureate examinations, as prescribed under section 48
3313.6013 of the Revised Code, in the areas of science, American 49
history, and American government may be used as end-of-course 50
examinations in accordance with division (B) (4) (a) (i) of this 51
section. Final course grades for courses taken under any other 52
advanced standing program, as prescribed under section 3313.6013 53
of the Revised Code, in the areas of science, American history, 54
and American government may be used in lieu of end-of-course 55
examinations in accordance with division (B) (4) (a) (ii) of this 56
section. 57

(b) Beginning with students who enter ninth grade for the 58
first time on or after July 1, 2018, three end-of-course 59
examinations, one in each areas of English language arts II, 60
science, and algebra I. 61

(3) (a) Not later than July 1, 2013, each school district 62
board of education shall adopt interim end-of-course 63
examinations that comply with the requirements of divisions (B) 64
(3) (b) (i) and (ii) of this section to assess mastery of American 65
history and American government standards adopted under division 66
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 67
required under division (M) of section 3313.603 of the Revised 68
Code. Each high school of the district shall use the interim 69
examinations until the state superintendent and chancellor 70
select end-of-course examinations in American history and 71
American government under division (B) (2) of this section. 72

(b) Not later than July 1, 2014, the state superintendent 73
and the chancellor shall select the end-of-course examinations 74
in American history and American government. 75

(i) The end-of-course examinations in American history and 76
American government shall require demonstration of mastery of 77

the American history and American government content for social 78
studies standards adopted under division (A) (1) (b) of section 79
3301.079 of the Revised Code and the topics required under 80
division (M) of section 3313.603 of the Revised Code. 81

(ii) At least twenty per cent of the end-of-course 82
examination in American government shall address the topics on 83
American history and American government described in division 84
(M) of section 3313.603 of the Revised Code. 85

(4) (a) Notwithstanding anything to the contrary in this 86
section, beginning with the 2014-2015 school year, both of the 87
following shall apply: 88

(i) If a student is enrolled in an appropriate advanced 89
placement or international baccalaureate course, that student 90
shall take the advanced placement or international baccalaureate 91
examination in lieu of the science, American history, or 92
American government end-of-course examinations prescribed under 93
division (B) (2) of this section. The state board shall specify 94
the score levels for each advanced placement examination and 95
international baccalaureate examination for purposes of 96
calculating the minimum cumulative performance score that 97
demonstrates the level of academic achievement necessary to earn 98
a high school diploma. 99

(ii) If a student is enrolled in an appropriate course 100
under any other advanced standing program, as described in 101
section 3313.6013 of the Revised Code, that student shall not be 102
required to take the science, American history, or American 103
government end-of-course examination, whichever is applicable, 104
prescribed under division (B) (2) of this section. Instead, that 105
student's final course grade shall be used in lieu of the 106
applicable end-of-course examination prescribed under that 107

section. The state superintendent, in consultation with the 108
chancellor, shall adopt guidelines for purposes of calculating 109
the corresponding final course grades that demonstrate the level 110
of academic achievement necessary to earn a high school diploma. 111

Division (B) (4) (a) (ii) of this section shall apply only to 112
courses for which students receive transcribed credit, as 113
defined in section 3365.01 of the Revised Code. It shall not 114
apply to remedial or developmental courses. 115

(b) No student shall take a substitute examination or 116
examination prescribed under division (B) (4) (a) of this section 117
in place of the end-of-course examinations in English language 118
arts I, English language arts II, Algebra I, or geometry 119
prescribed under division (B) (2) of this section. 120

(c) The state board shall consider additional assessments 121
that may be used, beginning with the 2016-2017 school year, as 122
substitute examinations in lieu of the end-of-course 123
examinations prescribed under division (B) (2) of this section. 124

(5) The state board shall do all of the following: 125

(a) Determine and designate at least five ranges of scores 126
on each of the end-of-course examinations prescribed under 127
division (B) (2) of this section, and substitute examinations 128
prescribed under division (B) (4) of this section. Each range of 129
scores shall be considered to demonstrate a level of achievement 130
so that any student attaining a score within such range has 131
achieved one of the following: 132

(i) An advanced level of skill; 133

(ii) An accelerated level of skill; 134

(iii) A proficient level of skill; 135

(iv) A basic level of skill;	136
(v) A limited level of skill.	137
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	138 139 140
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	141 142 143
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	144 145 146 147
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	148 149 150 151 152
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	153 154 155
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	156 157 158
(ii) The examination was not available for administration prior to July 1, 2015.	159 160
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division	161 162 163

(B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	164 165
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	166 167 168 169 170
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	171 172 173
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	174 175 176
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	177 178 179 180 181
(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.	182 183 184 185 186 187
(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:	188 189 190 191
(i) A student who is enrolled in an advanced placement or	192

international baccalaureate course in algebra II shall take the 193
advanced placement or international baccalaureate examination in 194
lieu of the algebra II end-of-course examination. 195

(ii) A student who is enrolled in an algebra II course 196
under any other advanced standing program, as described in 197
section 3313.6013 of the Revised Code, shall not be required to 198
take the algebra II end-of-course examination. Instead, that 199
student's final course grade shall be used in lieu of the 200
examination. 201

(c) If a school district or school utilizes an integrated 202
approach to mathematics instruction, the district or school may 203
do either or both of the following: 204

(i) Administer an integrated mathematics I end-of-course 205
examination in lieu of the prescribed algebra I end-of-course 206
examination; 207

(ii) Administer an integrated mathematics II end-of-course 208
examination in lieu of the prescribed geometry end-of-course 209
examination. 210

(d) Beginning with students who enter ninth grade for the 211
first time on or after July 1, 2018, if a school district or 212
school utilizes an integrated approach to mathematics 213
instructions, the district or school may administer an 214
integrated mathematics I end-of-course examination in lieu of 215
the prescribed algebra I end-of-course examination. 216

(8) (a) For students entering the ninth grade for the first 217
time on or after July 1, 2014, but prior to July 1, 2015, the 218
assessment in the area of science shall be physical science or 219
biology. For students entering the ninth grade for the first 220
time on or after July 1, 2015, the assessment in the area of 221

science shall be biology. 222

(b) Until July 1, 2019, the department of education shall 223
make available the end-of-course examination in physical science 224
for students who entered the ninth grade for the first time on 225
or after July 1, 2014, but prior to July 1, 2015, and who wish 226
to retake the examination. 227

(c) Not later than July 1, 2016, the state board shall 228
adopt rules prescribing the requirements for the end-of-course 229
examination in science for students who entered the ninth grade 230
for the first time on or after July 1, 2014, but prior to July 231
1, 2015, and who have not met the requirement prescribed by 232
section 3313.618 of the Revised Code by July 1, 2019, due to a 233
student's failure to satisfy division (A) (2) of section 3313.618 234
of the Revised Code. 235

(9) Neither the state board nor the department of 236
education shall develop or administer an end-of-course 237
examination in the area of world history. 238

(C) The state board shall convene a group of national 239
experts, state experts, and local practitioners to provide 240
advice, guidance, and recommendations for the alignment of 241
standards and model curricula to the assessments and in the 242
design of the end-of-course examinations prescribed by this 243
section. 244

(D) Upon completion of the development of the assessment 245
system, the state board shall adopt rules prescribing all of the 246
following: 247

(1) A timeline and plan for implementation of the 248
assessment system, including a phased implementation if the 249
state board determines such a phase-in is warranted; 250

(2) The date after which a person shall meet the 251
requirements of the entire assessment system as a prerequisite 252
for a diploma of adult education under section 3313.611 of the 253
Revised Code; 254

(3) Whether and the extent to which a person may be 255
excused from an American history end-of-course examination and 256
an American government end-of-course examination under division 257
(H) of section 3313.61 and division (B) (3) of section 3313.612 258
of the Revised Code; 259

(4) The date after which a person who has fulfilled the 260
curriculum requirement for a diploma but has not passed one or 261
more of the required assessments at the time the person 262
fulfilled the curriculum requirement shall meet the requirements 263
of the entire assessment system as a prerequisite for a high 264
school diploma under division (B) of section 3313.614 of the 265
Revised Code; 266

(5) The extent to which the assessment system applies to 267
students enrolled in a dropout recovery and prevention program 268
for purposes of division (F) of section 3313.603 and section 269
3314.36 of the Revised Code. 270

(E) Not later than forty-five days prior to the state 271
board's adoption of a resolution directing the department to 272
file the rules prescribed by division (D) of this section in 273
final form under section 119.04 of the Revised Code, the 274
superintendent of public instruction shall present the 275
assessment system developed under this section to the respective 276
committees of the house of representatives and senate that 277
consider education legislation. 278

(F) (1) Any person enrolled in a nonchartered nonpublic 279

school or any person who has been excused from attendance at 280
school for the purpose of home instruction under section 3321.04 281
of the Revised Code may choose to participate in the system of 282
assessments administered under divisions (B) (1) and (2) of this 283
section. However, no such person shall be required to 284
participate in the system of assessments. 285

(2) The department shall adopt rules for the 286
administration and scoring of any assessments under division (F) 287
(1) of this section. 288

(G) Not later than December 31, 2014, the state board 289
shall select at least one nationally recognized job skills 290
assessment. Each school district shall administer that 291
assessment to those students who opt to take it. The state shall 292
reimburse a school district for the costs of administering that 293
assessment. The state board shall establish the minimum score a 294
student must attain on the job skills assessment in order to 295
demonstrate a student's workforce readiness and employability. 296
The administration of the job skills assessment to a student 297
under this division shall not exempt a school district from 298
administering the assessments prescribed in division (B) of this 299
section to that student. 300

Sec. 3301.0729. (A) Except as provided for in divisions 301
(B) and (C) of this section, beginning with assessments 302
administered on or after July 1, 2017, the board of education of 303
each city, local, and exempted village school district shall 304
ensure that no student is required to do either of the 305
following: 306

(1) Spend a cumulative amount of time in excess of two per 307
cent of the school year taking the following assessments 308
combined: 309

(a) The applicable state assessments prescribed by 310
division (A) of section 3301.0710 and division (B) (2) of section 311
3301.0712 of the Revised Code; 312

(b) Any assessment required by the district board to be 313
administered district-wide to all students in a specified 314
subject area or grade level. 315

(2) Spend a cumulative amount of time in excess of one per 316
cent of the school year taking practice or diagnostic 317
assessments used to prepare for assessments described in 318
divisions (A) (1) (a) and (b) of this section. 319

(B) The limitations prescribed by division (A) of this 320
section shall not apply to assessments for students with 321
disabilities, any related diagnostic assessment for students who 322
failed to attain a passing score on the English language arts 323
achievement assessment prescribed by division (A) (1) (a) of 324
section 3301.0710 of the Revised Code, substitute examinations 325
as prescribed by division (B) (4) of section 3301.0712 of the 326
Revised Code, or additional assessments administered to identify 327
a student as gifted under Chapter 3324. of the Revised Code. 328

(C) The board of education of each city, exempted village, 329
and local school district may exceed the limitations prescribed 330
by division (A) of this section by annual resolution of the 331
district board. ~~However, prior~~ Prior to the adoption of such a 332
resolution, the board shall conduct at least one public hearing 333
on the proposed resolution and consider recommendations from the 334
testing work group formed under division (D) of this section. 335
Resolutions adopted under division (C) of this section shall be 336
reported to the department of education and made available to 337
the public. 338

- (D) (1) Within ninety days of the effective date of this 339
section, each school district shall form a work group to examine 340
the amount of time students spend on district required testing 341
and make recommendations to the district board of education on 342
how to reduce testing amounts. The work group shall consist of 343
the following members: 344
- (a) The district superintendent; 345
- (b) A district curriculum or testing administrator or 346
designee of the superintendent; 347
- (c) Three building principals, one each from an 348
elementary, middle, and high school; 349
- (d) Three classroom teachers selected by the local 350
teacher's association, one each from an elementary, middle, and 351
high school; 352
- (e) Three parents of students enrolled in the district 353
selected by the local parent-teacher organization or similar 354
organization, one each from an elementary, middle, and high 355
school. 356
- (2) In order to make testing reduction recommendations, 357
the work group described in division (D) (1) of this section 358
shall consider the following: 359
- (a) Time students spend on district required testing; 360
- (b) The current district testing calendar; 361
- (c) Identifying if there are groups of students being 362
tested at a greater rate than others; 363
- (d) The purpose of testing and if that purpose has been 364
achieved; 365

<u>(e) The use of testing data to drive instructional decisions;</u>	366
	367
<u>(f) The financial cost of testing;</u>	368
<u>(g) If tests are duplicative;</u>	369
<u>(h) Any previous testing audit or examination of testing the district may have.</u>	370
	371
<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>	372
	373
	374
	375
	376
<u>(E) The department shall annually 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>	377
	378
	379
<u>(a) Information disaggregated by required state testing and by additional testing required by a district;</u>	380
	381
<u>(b) Efforts to reduce testing time and increase instructional time;</u>	382
	383
<u>(c) Caps on testing time as described in division (A) of this section and a list of any district that exceeded them;</u>	384
	385
<u>(d) The purpose and use of the required state and district tests;</u>	386
	387
<u>(e) Resources for parents to ask questions regarding testing of their child.</u>	388
	389
<u>The report shall be published on the department's web site and delivered to the governor and the respective standing committees of the house of representatives and senate that</u>	390
	391
	392

consider primary and secondary education legislation. 393

(F) It is the intent of the general assembly to reduce the 394
time students spend on standardized testing and restore 395
classroom instructional time. The department of education or 396
other state entity should not require local school districts to 397
increase testing for Ohio students or create policies that 398
result in further testing as part of an improvement plan. 399
Student retakes of state required tests should be limited. 400
Students should be allowed to choose a pathway to graduation 401
that aligns with their career goals and the ability to 402
demonstrate their knowledge and readiness for graduation that 403
does not rely on results of state assessments. 404

Section 2. That existing sections 3301.0712 and 3301.0729 405
of the Revised Code are hereby repealed. 406