

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 138

Representatives Zeltwanger, Koehler

A BILL

To enact section 3301.0727 of the Revised Code to
revise the requirements regarding the
administration of the state achievement
assessments, to require the Department of
Education to request a waiver from federal
testing requirements, and to declare an
emergency.

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

Section 1. That section 3301.0727 of the Revised Code be
enacted to read as follows:

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Sec. 3301.0727. If the state board of education selects
the assessments developed by the partnership for assessment of
readiness for college and careers for any of the assessments
prescribed under division (A) of section 3301.0710 or division
(B) (2) of section 3301.0712 of the Revised Code, school
districts and schools shall be required to administer only the
performance-based portion of those assessments and shall not be
required to administer the end-of-year portion of those
assessments. A district or school may choose to administer the
end-of-year portion of those assessments. The results of the

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end-of-year portion of those assessments shall not be used for 20
purposes of calculating report card ratings and the measures and 21
components that compile a report card rating issued under 22
section 3302.03 of the Revised Code, evaluating teachers and 23
administrators under section 3311.80, 3311.84, or 3319.111 or 24
division (D) of section 3319.02 of the Revised Code, retention 25
of third-grade students under section 3313.608 of the Revised 26
Code, or determining eligibility for high school graduation 27
under section 3313.618 of the Revised Code. 28

Section 2. Notwithstanding anything in the Revised Code to 29
the contrary, division (E) (3) of section 3317.03, division (L) 30
(3) of section 3314.08, and division (C) of section 3326.37 of 31
the Revised Code shall not apply in the case of a pupil who did 32
not take an assessment prescribed under division (A) of section 33
3301.0710 or division (B) (2) of section 3301.0712 of the Revised 34
Code that was administered during the 2014-2015 school year and 35
was not excused pursuant to division (C) (1) or (3) of section 36
3301.0711 of the Revised Code from taking that assessment. 37

Section 3. Not later than thirty days of the effective 38
date of this section, the Department of Education shall apply to 39
the United States secretary of education for a waiver from 40
provisions of the "No Child Left Behind Act of 2001," in order 41
to implement section 3301.0727 of the Revised Code as enacted by 42
this act. 43

Section 4. This act is hereby declared to be an emergency 44
measure necessary for the immediate preservation of the public 45
peace, health, and safety. The reason for the necessity is that 46
immediate action is needed in order to address in a timely 47
manner issues related to the administration of state achievement 48
assessments for the 2014-2015 school year. Therefore, this act 49

shall go into immediate effect.

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