

**As Introduced**

**133rd General Assembly**

**Regular Session**

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**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**

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**A BILL**

To amend sections 3301.0712 and 3301.0729 of the 1  
Revised Code to reduce the number of end-of- 2  
course assessments required for high school 3  
graduation and to require each school district 4  
to form a work group to evaluate the amount of 5  
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  
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  
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(b) For purposes of determining whether a student who is 166  
exempt from taking an end-of-course examination under division 167  
(B) (6) (a) of this section has attained the cumulative score 168  
prescribed by division (B) (5) (c) of this section, such student 169  
shall select either of the following: 170

(i) The student is considered to have attained a 171  
proficient score on the end-of-course examination from which the 172  
student is exempt; 173

(ii) The student's final course grade shall be used in 174  
lieu of a score on the end-of-course examination from which the 175  
student is exempt. 176

The state superintendent, in consultation with the 177  
chancellor, shall adopt guidelines for purposes of calculating 178  
the corresponding final course grades and the minimum cumulative 179  
performance score that demonstrates the level of academic 180  
achievement necessary to earn a high school diploma. 181

(7) (a) Notwithstanding anything to the contrary in this 182  
section, the state board may replace the algebra I end-of-course 183  
examination prescribed under division (B) (2) of this section 184  
with an algebra II end-of-course examination, beginning with the 185  
2016-2017 school year for students who enter ninth grade on or 186  
after July 1, 2016. 187

(b) If the state board replaces the algebra I end-of- 188  
course examination with an algebra II end-of-course examination 189  
as authorized under division (B) (7) (a) of this section, both of 190  
the following shall apply: 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
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<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
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<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
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<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
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<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
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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