

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 67

Representatives Koehler, Bird

**Cosponsors: Representatives Abrams, Cross, Ingram, Kick, Lipps, Manchester,
Manning, Miller, J., Riedel, Stephens, White**

A BILL

To waive state testing requirements for the 2020- 1
2021 school year, to require the Department of 2
Education to seek a waiver from federal testing 3
requirements, and to declare an emergency. 4

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

Section 1. Notwithstanding anything in the Revised Code or 5
Administrative Code to the contrary, for the 2020-2021 school 6
year only: 7

(A) Any city, exempted village, local, or joint vocational 8
school district, any community school established under Chapter 9
3314. of the Revised Code, any STEM school established under 10
Chapter 3326. of the Revised Code, any chartered nonpublic 11
school, and the State School for the Deaf and the State School 12
for the Blind shall not be required to administer the 13
assessments prescribed in sections 3301.0710, 3301.0711, 14
3301.0712, 3313.903, and 3314.017 of the Revised Code, including 15
the Ohio English Language Proficiency Assessment administered to 16
English learners pursuant to division (C) (3) (b) of section 17
3301.0711 of the Revised Code and the Alternate Assessment for 18

Students with Significant Cognitive Disabilities prescribed in 19
division (C) (1) of section 3301.0711 of the Revised Code. 20

The Department of Education shall seek a waiver from the 21
United States Secretary of Education for testing requirements 22
prescribed under federal law. If the Department does not receive 23
a waiver, the Department shall determine which assessments are 24
required to meet federal requirements. The Superintendent of 25
Public Instruction shall adjust assessment administration dates, 26
prescribed under division (C) of section 3301.0710 of the 27
Revised Code, to accommodate any assessment administration 28
required by federal law. School districts and schools shall 29
administer the assessments determined by the Department to be 30
federally required. 31

(B) The Department of Education shall not exclude any 32
student to whom an assessment was not administered in the 2020- 33
2021 school year under division (A) of this section from 34
counting in a district's or school's enrollment for the 2021- 35
2022 school year pursuant to division (L) (3) of section 3314.08, 36
division (E) (3) of section 3317.03, or division (C) of section 37
3326.37 of the Revised Code. 38

(C) If a student was not administered an assessment in the 39
2020-2021 school year under division (A) of this section, that 40
school year shall not count in determining if the student is 41
subject to withdrawal from a school pursuant to section 42
3313.6410 or 3314.26 of the Revised Code. 43

(D) No student who received a scholarship under the 44
Educational Choice Scholarship Program under section 3310.03 or 45
3310.032 of the Revised Code, the Jon Peterson Special Needs 46
Scholarship Program under section 3310.52 of the Revised Code, 47
or the Pilot Project Scholarship Program under section 3313.975 48

of the Revised Code for the 2020-2021 school year shall be 49
considered ineligible to renew that scholarship for the 2021- 50
2022 school year solely because the student was not administered 51
an assessment in the 2020-2021 school year under division (A) of 52
this section. 53

Section 2. This act is hereby declared to be an emergency 54
measure necessary for the immediate preservation of public 55
peace, health, and safety. The reason for such necessity is to 56
ensure that the waiver of state assessments for the 2020-2021 57
school year goes into effect during that school year. Therefore, 58
this act shall go into immediate effect. 59