

**As Reported by the Senate Primary and Secondary Education
Committee**

134th General Assembly

**Regular Session
2021-2022**

Sub. H. B. No. 67

Representatives Koehler, Bird

**Cosponsors: Representatives Abrams, Cross, Ingram, Kick, Lipps, Manchester,
Manning, Riedel, Stephens, White, Click, Fowler Arthur, Jones, Pavliga,
Carruthers, Cutrona, Edwards, Galonski, Ginter, Gross, Hall, John, Loychik,
Richardson, Roemer, Seitz, Troy, Young, B.**

Senators Blessing, Fedor, Brenner

A BILL

To amend Section 6 of H.B. 409 of the 133rd General 1
Assembly with regard to state assessments, high 2
school graduation requirements, and community 3
school sponsor evaluations for the 2020-2021 4
school year, to require the Department of 5
Education to seek a waiver from federal 6
accountability and school identification 7
requirements, and to declare an emergency. 8

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

Section 1. That Section 6 of H.B. 409 of the 133rd General 9
Assembly be amended to read as follows: 10

Sec. 6. Except as necessary to comply with federal law, 11
notwithstanding anything to the contrary in the Revised Code, 12
all of the following shall apply: 13

(A) The Department of Education shall not publish state 14

report card ratings under section 3302.03, 3302.033, 3314.012, 15
or 3314.017 of the Revised Code for the 2020-2021 school year 16
nor shall the Department be required to submit preliminary data 17
for the report cards by July 31, 2021, as required by those 18
sections. Furthermore, the Department shall not assign an 19
overall letter grade under division (C)(3) of section 3302.03 of 20
the Revised Code for any school district or building, shall not 21
assign an individual grade to any component prescribed under 22
division (C)(3) of section 3302.03 of the Revised Code, shall 23
not assign a grade to any measures under division (C)(1) of 24
section 3302.03 of the Revised Code, and shall not rank school 25
districts, community schools, or STEM schools under section 26
3302.21 of the Revised Code for the 2020-2021 school year. 27

The Department shall report any data that it has regarding 28
the performance of districts and buildings for the 2020-2021 29
school year by September 15, 2021. 30

(B) Except as provided in division (C) of this section, 31
the absence of report card ratings for the 2020-2021 school year 32
shall have no effect in determining sanctions or penalties, and 33
shall not create a new starting point for determinations that 34
are based on ratings over multiple years. The report card 35
ratings of any previous or subsequent years shall be considered 36
in determining whether a school district or building is subject 37
to sanctions or penalties. If a school district or building was 38
subject to any of the following penalties or sanctions in the 39
2020-2021 school year based on its report card rating for 40
previous school years, those penalties or sanctions shall remain 41
in effect for the 2021-2022 school year. Those penalties and 42
sanctions include the following: 43

(1) Any restructuring provisions established under Chapter 44

3302. of the Revised Code, except as required under federal law;	45
(2) Provisions for the Columbus City School Pilot Project	46
under section 3302.042 of the Revised Code;	47
(3) Provisions for academic distress commissions under	48
section 3302.10 of the Revised Code. While a district subject to	49
an academic distress commission prior to the effective date of	50
this section <u>January 7, 2021,</u> shall be considered to be subject	51
to an academic distress commission for the 2021-2022 school	52
year, that year shall not be included for purposes of	53
determining progressive consequences under divisions (H), (I),	54
(J), (K), and (L) of section 3302.10 of the Revised Code that	55
are in addition to those that were being exercised by the chief	56
executive officer during the 2020-2021 school year or for	57
purposes of the appointment of a new board of education under	58
division (K) of that section. Nothing in division (B) (3) of this	59
section shall be construed to limit the powers that the chief	60
executive officer exercised under section 3302.10 of the Revised	61
Code prior to the 2021-2022 school year.	62
(4) Provisions prescribing new buildings where students	63
are eligible for the Educational Choice Scholarships under	64
section 3310.03 of the Revised Code;	65
(5) Provisions defining "challenged school districts" in	66
which new start-up community schools may be located, as	67
prescribed in section 3314.02 of the Revised Code;	68
(6) Provisions prescribing community school closure	69
requirements under section 3314.35 or 3314.351 of the Revised	70
Code;	71
(7) Provisions of state or federal law that identify	72
school districts or buildings for comprehensive or targeted	73

support and improvement or additional targeted support and 74
improvement. Districts and buildings so identified shall 75
continue to receive supports and interventions consistent with 76
their support and improvement plans in the 2021-2022 school 77
year. 78

(8) Provisions that determine the conditions under which 79
community schools may change sponsors under section 3314.034 of 80
the Revised Code. 81

(C) Nothing in division (B) of this section shall affect 82
the awarding of performance-based Educational Choice 83
Scholarships under section 3310.03 of the Revised Code for the 84
2021-2022 and 2022-2023 school years. 85

(D) Notwithstanding anything in section 3314.016 of the 86
Revised Code to the contrary, community school sponsor ratings 87
issued under that section for the 2020-2021 school year shall 88
have no effect in determining sanctions or penalties of a 89
sponsor under Chapter 3314. of the Revised Code but shall not 90
create a new starting point for determinations that are based on 91
ratings over multiple years. For community school sponsor 92
evaluations required under section 3314.016 of the Revised Code, 93
the Department shall not issue a rating for the academic 94
performance component under division (B)(1)(a) of that section 95
to any sponsor and shall not include academic performance in the 96
calculation of an overall rating for the sponsor. The 97
department's rating of a sponsor for the 2020-2021 school year 98
shall be based only on the components listed in divisions (B)(1) 99
(b) and (c) of that section. The sponsor ratings of any previous 100
or subsequent school years shall be considered when a sponsor is 101
subject to sanctions or penalties under that chapter. A sponsor 102
shall remain eligible in the 2021-2022 school year for any 103

incentives that the sponsor was eligible for in the 2020-2021 104
school year, and the 2020-2021 school year shall not count 105
toward the number of years in which a sponsor subject to 106
division (B) (7) (b) of section 3314.016 of the Revised Code is 107
not required to be evaluated. However, a sponsor's rating for 108
the 2020-2021 school year shall not qualify the sponsor for any 109
incentive for which the sponsor was not previously eligible 110
prior to receiving that rating. 111

Section 2. That existing Section 6 of H.B. 409 of the 112
133rd General Assembly is hereby repealed. 113

Section 3. Notwithstanding anything in the Revised Code or 114
Administrative Code to the contrary, for the 2020-2021 school 115
year only: 116

(A) Any city, exempted village, local, or joint vocational 117
school district, any community school established under Chapter 118
3314. of the Revised Code, any STEM school established under 119
Chapter 3326. of the Revised Code, any chartered nonpublic 120
school, and the State School for the Deaf and the State School 121
for the Blind shall not be required to administer the end-of- 122
course examination in the area of American history prescribed 123
under division (B) (2) of section 3301.0712 of the Revised Code. 124

(B) The Department of Education shall not exclude any 125
student to whom the assessment was not administered in the 2020- 126
2021 school year under division (A) of this section from 127
counting in a district's or school's enrollment for the 2021- 128
2022 school year pursuant to division (L) (3) of section 3314.08, 129
division (E) (3) of section 3317.03, or division (C) of section 130
3326.37 of the Revised Code. 131

(C) If a student was not administered the assessment in 132

the 2020-2021 school year under division (A) of this section, 133
that school year shall not count in determining if the student 134
is subject to withdrawal from a school pursuant to section 135
3313.6410 or 3314.26 of the Revised Code. 136

(D) No student who received a scholarship under the 137
Educational Choice Scholarship Program under section 3310.03 or 138
3310.032 of the Revised Code, the Jon Peterson Special Needs 139
Scholarship Program under section 3310.52 of the Revised Code, 140
or the Pilot Project Scholarship Program under section 3313.975 141
of the Revised Code for the 2020-2021 school year shall be 142
considered ineligible to renew that scholarship for the 2021- 143
2022 school year solely because the student was not administered 144
the assessment in the 2020-2021 school year under division (A) 145
of this section. 146

Section 4. Notwithstanding anything in the Revised Code to 147
the contrary, all of the following apply: 148

(A) This section applies to any student who meets both of 149
the following criteria: 150

(1) The student was enrolled in the twelfth grade in the 151
2020-2021 school year or was on track to graduate in the 2020- 152
2021 school year, as determined by the school district or other 153
public or chartered nonpublic school in which the student was 154
enrolled, regardless of the graduation cohort in which the 155
student is included. 156

(2) The student had not completed the requirements for a 157
high school diploma under section 3313.61, 3313.612, or 3325.08 158
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 159
General Assembly. 160

(B) A city, exempted village, local, or municipal school 161

district, a community school established under Chapter 3314. of 162
the Revised Code, a STEM school established under Chapter 3326. 163
of the Revised Code, a chartered nonpublic school, the State 164
School for the Blind, and the State School for the Deaf shall 165
grant a high school diploma to any student to whom this section 166
applies, if the student's principal, in consultation with 167
teachers and counselors, reviews the student's progress toward 168
meeting the requirements for a diploma and determines that the 169
student has successfully completed the curriculum in the 170
student's high school or the individualized education program 171
developed for the student by the student's highschool pursuant 172
to section 3323.08 of the Revised Code, or qualified under 173
division (D) or (F) of section 3313.603 of the Revised Code. No 174
district or school shall grant a high school diploma under 175
division (B) of this section after September 30, 2021. 176

(C) If the board of education of a school district or the 177
governing authority of a community school, STEM school, 178
chartered nonpublic school, the State School for the Blind, or 179
the State School for the Deaf has adopted a resolution under 180
division (E) of section 3313.603 of the Revised Code requiring a 181
more challenging curriculum than otherwise required under 182
division (C) of that section, the district superintendent or the 183
chief administrator of the school may elect to require only the 184
minimum curriculum specified in division (C) of that section for 185
the purpose of determining if a student to whom this section 186
applies has successfully completed the curriculum under division 187
(B) of this section. If such an election is made, the 188
superintendent or chief administrator shall evaluate each 189
student to whom this section applies using the minimum 190
curriculum specified in division (C) of this section. 191

Section 5. (A) Notwithstanding anything in the Revised 192

Code or Administrative Code to the contrary, for the 2020-2021	193
school year only, the board of education of any city, exempted	194
village, local, joint vocational, or municipal school district,	195
the governing authority of any community school established	196
under Chapter 3314. of the Revised Code, the governing body of	197
any STEM school established under Chapter 3326. of the Revised	198
Code, and the governing authority of any chartered nonpublic	199
school that enrolls students receiving a state scholarship shall	200
administer the spring administration of any assessment	201
prescribed under sections 3301.0710, 3301.0711, 3301.0712,	202
3313.903, and 3314.017 of the Revised Code as follows:	203
(1) For online testing:	204
(a) English language arts assessments for all grades, from	205
March 22, 2021, through May 7, 2021;	206
(b) Mathematics, science, and social studies assessments	207
for all grades, from March 29, 2021, through May 21, 2021.	208
(2) For paper format testing:	209
(a) Third-grade English language arts assessment, from	210
March 22, 2021, through April 23, 2021;	211
(b) English language arts assessments for any of grades	212
four through twelve, from March 22, 2021, through April 30,	213
2021;	214
(c) Mathematics, science, and social studies assessments	215
for all grades, from March 29, 2021, through May 14, 2021.	216
(B) The Superintendent of Public Instruction shall	217
designate times for the administration of the assessments	218
prescribed under those sections and shall extend any other	219
deadlines related to the assessments accordingly.	220

(C) Notwithstanding division (G)(2)(b) of section 221
3301.0711 of the Revised Code, for the assessments administered 222
under this section, the department or an entity with which the 223
department contracts for the scoring of the third-grade English 224
language arts assessment shall send to each school district or 225
school a list of the individual scores of all persons taking 226
that assessment not later than June 28, 2021. 227

Section 6. Notwithstanding anything in the Revised Code or 228
the Administrative Code to the contrary, no school district 229
shall require the parent of any student who was instructed at 230
home in accordance with section 3321.04 of the Revised Code for 231
the 2020-2021 school year to submit to the district 232
superintendent the academic assessment report required under 233
rule 3301-34-04 of the Administrative Code as a condition of the 234
district allowing the student to continue to receive home 235
instruction for the 2021-2022 school year. 236

Section 7. For the 2020-2021 school year, the Department 237
of Education shall seek a waiver from the United States 238
Secretary of Education for the accountability and school 239
identification requirements of the "Elementary and Secondary 240
Education Act of 1965," 20 U.S.C. 6301 et seq. 241

Section 8. Notwithstanding the second paragraph of 242
division (A) of Section 6 of H.B. 409 of the 133rd General 243
Assembly, the Department of Education shall report any data that 244
it has regarding the performance of school districts and 245
buildings for the 2020-2021 school year by October 14, 2021. 246

Section 9. (A) As used in this section: 247

(1) "End-of-course examination" means an end-of-course 248
examination prescribed under section 3301.0712 of the Revised 249

Code.	250
(2) "District or school" means any of the following:	251
(a) A city, local, exempted village, or joint vocational school district;	252 253
(b) A community school established under Chapter 3314. of the Revised Code;	254 255
(c) A STEM school established under Chapter 3326. of the Revised Code;	256 257
(d) The State School for the Deaf;	258
(e) The State School for the Blind;	259
(f) A chartered nonpublic school.	260
(B) (1) Notwithstanding anything to the contrary in sections 3313.618 and 3313.6114 of the Revised Code, a student in the eleventh or twelfth grade who takes or retakes an end-of-course examination or who is unable to take or retake an end-of-course examination for any reason in the 2020-2021 school year may use the student's final course grade in a course associated with that end-of-course examination in lieu of the score the student receives on that examination to satisfy conditions for a high school diploma prescribed under sections 3313.618 and 3313.6114 of the Revised Code.	261 262 263 264 265 266 267 268 269 270
(2) For the purposes of determining whether a student satisfies a condition, a final course grade shall be equivalent to a level of skill prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code or a competency score prescribed under division (B) (10) of that section, as follows:	271 272 273 274 275
(a) Any "A" letter grade shall be equivalent to an	276

advanced level of skill.	277
(b) Any "B" letter grade shall be equivalent to an accelerated level of skill.	278 279
(c) Any "C" letter grade shall be equivalent to a proficient level of skill.	280 281
(d) Any "D" letter grade shall be equivalent to a basic level of skill.	282 283
(e) Any "F" letter grade shall be equivalent to a limited level of skill.	284 285
(f) Any "C" letter grade or higher shall be equivalent to a competency score.	286 287
(g) In the case of a course for which a pass or fail designation is issued rather than a letter grade for a final course grade, a fail designation shall be equivalent to an "F" letter grade and a limited level of skill. For a pass designation, the student's district or school shall determine which level of skill is equivalent to the student's performance in the course. A pass designation also shall be equivalent to a competency score.	288 289 290 291 292 293 294 295
Section 10. Notwithstanding anything to the contrary in sections 3313.618 and 3313.6114 of the Revised Code, for the 2020-2021 school year only, in addition to the other pathways provided for by law, a student may qualify for a high school diploma by satisfying both of the following conditions:	296 297 298 299 300
(A) Successfully complete the curriculum in the student's high school pursuant to section 3313.603 of the Revised Code, or the individualized education program developed for the student by the student's high school pursuant to section 3323.08 of the	301 302 303 304

Revised Code;	305
(B) Earn the OhioMeansJobs-readiness Seal established	306
under section 3313.6112 of the Revised Code.	307
Section 11. This act is hereby declared to be an emergency	308
measure necessary for the immediate preservation of the public	309
peace, health, and safety. The reason for such necessity is to	310
ensure that the act's provisions for the 2020-2021 school year	311
go into effect during that school year. Therefore, this act	312
shall go into immediate effect.	313