

As Introduced

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H. B. No. 369

Representatives Fowler Arthur, Lear

To amend sections 3301.079 and 3301.0715 of the	1
Revised Code to change diagnostic assessments	2
for grades kindergarten through two to end-of-	3
year nationally norm-referenced diagnostic	4
assessments and for the third grade to	5
beginning-of-year nationally norm-referenced	6
diagnostic assessments.	7

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

Section 1. That sections 3301.079 and 3301.0715 of the	8
Revised Code be amended to read as follows:	9

Sec. 3301.079. (A) (1) The department of education and	10
workforce periodically shall adopt statewide academic standards	11
with emphasis on coherence, focus, and essential knowledge and	12
that are more challenging and demanding when compared to	13
international standards for each of grades kindergarten through	14
twelve in English language arts, mathematics, science, and	15
social studies.	16

(a) The department shall ensure that the standards do all	17
of the following:	18

(i) Include the essential academic content and skills that	19
students are expected to know and be able to do at each grade	20

level that will allow each student to be prepared for 21
postsecondary instruction and the workplace for success in the 22
twenty-first century; 23

(ii) Include the development of skill sets that promote 24
information, media, and technological literacy; 25

(iii) Include interdisciplinary, project-based, real-world 26
learning opportunities; 27

(iv) Instill life-long learning by providing essential 28
knowledge and skills based in the liberal arts tradition, as 29
well as science, technology, engineering, mathematics, and 30
career-technical education; 31

(v) Be clearly written, transparent, and understandable by 32
parents, educators, and the general public. 33

(b) The department shall incorporate into the social 34
studies standards for grades four to twelve academic content 35
regarding the original texts of the Declaration of Independence, 36
the Northwest Ordinance, the Constitution of the United States 37
and its amendments, with emphasis on the Bill of Rights, and the 38
Ohio Constitution, and their original context. The department 39
shall revise the model curricula and achievement assessments 40
adopted under divisions (B) and (C) of this section as necessary 41
to reflect the additional American history and American 42
government content. The department shall make available a list 43
of suggested grade-appropriate supplemental readings that place 44
the documents prescribed by this division in their historical 45
context, which teachers may use as a resource to assist students 46
in reading the documents within that context. 47

(c) When the department adopts or revises academic content 48
standards in social studies, American history, American 49

government, or science under division (A) (1) of this section, it 50
shall develop such standards independently and not as part of a 51
multistate consortium. 52

(2) (a) After completing the standards required by division 53
(A) (1) of this section, the department shall adopt standards and 54
model curricula for instruction in technology, financial 55
literacy and entrepreneurship, fine arts, and foreign language 56
for grades kindergarten through twelve. The standards shall meet 57
the same requirements prescribed in division (A) (1) (a) of this 58
section. 59

(b) The department shall incorporate into the standards 60
and model curriculum for financial literacy and entrepreneurship 61
for grades nine through twelve academic content regarding free 62
market capitalism. The academic content shall include all of the 63
following concepts related to free market capitalism: 64

(i) Raw materials, labor, and capital, the three classical 65
factors of economic production, are privately owned. 66

(ii) Individuals control their own ability to work, earn 67
wages, and obtain skills to earn and increase wages. 68

(iii) Private ownership of capital may include a sole 69
proprietorship, a family business, a publicly traded 70
corporation, a group of private investors, or a bank. 71

(iv) Markets aggregate the exchange of goods and services 72
throughout the world. Market prices are the only way to convey 73
so much constantly changing information about the supply of 74
goods and services, and the demand for them, for consumers and 75
producers to make informed economic decisions for themselves. 76

(v) Wealth is created by providing goods and services that 77
people value at a profit, and both sellers and buyers seek to 78

profit in some way in a free market transaction. Thus, profit 79
earned through transactions can be consumed, saved, reinvested 80
in the business, or dispersed to shareholders. 81

(vi) Wealth creation involves asset value appreciation and 82
depreciation, voluntary exchange of equity ownership, and open 83
and closed markets. 84

(vii) The free market is driven by, and tends to produce, 85
entrepreneurship and innovation. 86

(viii) The free market can include side effects and market 87
failures where at least part of the cost of the transaction, 88
including producing, transporting, selling, or buying, is born 89
by others outside of the transaction. 90

(ix) The political features of the free market, including 91
legally protected property rights, legally enforceable 92
contracts, patent protections, and the mitigation of side 93
effects and market failures; 94

(x) Societies that embrace the free market often embrace 95
political and personal freedom as well. 96

(3) The department shall adopt the most recent standards 97
developed by the national association for sport and physical 98
education for physical education in grades kindergarten through 99
twelve or shall adopt its own standards for physical education 100
in those grades and revise and update them periodically. 101

The department shall employ a full-time physical education 102
coordinator to provide guidance and technical assistance to 103
districts, community schools, and STEM schools in implementing 104
the physical education standards adopted under this division. 105
The director of education and workforce shall determine that the 106
person employed as coordinator is qualified for the position, as 107

demonstrated by possessing an adequate combination of education, 108
license, and experience. 109

(4) The department shall update the standards and model 110
curriculum for instruction in computer science in grades 111
kindergarten through twelve, which shall include standards for 112
introductory and advanced computer science courses in grades 113
nine through twelve. When developing the standards and 114
curriculum, the department shall consider recommendations from 115
computer science education stakeholder groups, including 116
teachers and representatives from higher education, industry, 117
computer science organizations in Ohio, and national computer 118
science organizations. 119

Any district or school may utilize the computer science 120
standards or model curriculum or any part thereof adopted 121
pursuant to division (A) (4) of this section. However, no 122
district or school shall be required to utilize all or any part 123
of the standards or curriculum. 124

(5) When academic standards have been completed for any 125
subject area required by this section, the department shall 126
inform all school districts, all community schools established 127
under Chapter 3314. of the Revised Code, all STEM schools 128
established under Chapter 3326. of the Revised Code, and all 129
nonpublic schools required to administer the assessments 130
prescribed by sections 3301.0710 and 3301.0712 of the Revised 131
Code of the content of those standards. Additionally, upon 132
completion of any academic standards under this section, the 133
department shall post those standards on the department's web 134
site. 135

(B) (1) The department shall adopt a model curriculum for 136
instruction in each subject area for which updated academic 137

standards are required by division (A) (1) of this section and 138
for each of grades kindergarten through twelve that is 139
sufficient to meet the needs of students in every community. The 140
model curriculum shall be aligned with the standards, to ensure 141
that the academic content and skills specified for each grade 142
level are taught to students, and shall demonstrate vertical 143
articulation and emphasize coherence, focus, and rigor. When any 144
model curriculum has been completed, the department shall inform 145
all school districts, community schools, and STEM schools of the 146
content of that model curriculum. 147

(2) The department, in consultation with the governor's 148
office of workforce transformation, shall adopt model curricula 149
for grades kindergarten through twelve that embed career 150
connection learning strategies into regular classroom 151
instruction. 152

(3) All school districts, community schools, and STEM 153
schools may utilize the state standards and the model curriculum 154
established by the department, together with other relevant 155
resources, examples, or models to ensure that students have the 156
opportunity to attain the academic standards. Upon request, the 157
department shall provide technical assistance to any district, 158
community school, or STEM school in implementing the model 159
curriculum. 160

Nothing in this section requires any school district to 161
utilize all or any part of a model curriculum developed under 162
this section. 163

(C) The department shall develop achievement assessments 164
aligned with the academic standards and model curriculum for 165
each of the subject areas and grade levels required by divisions 166
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 167

When any achievement assessment has been completed, the
department shall inform all school districts, community schools,
STEM schools, and nonpublic schools required to administer the
assessment of its completion, and the department shall make the
achievement assessment available to the districts and schools.

(D) (1) ~~The~~ Not later than July 1, 2026, the department
shall adopt ~~a diagnostic~~ an end-of-year nationally norm-
referenced diagnostic assessment aligned with the academic
standards ~~and model curriculum~~ for grades one and two in
reading, writing, and mathematics and for grade three a
beginning-of-year or fall-administered nationally norm-
referenced diagnostic assessment in reading ~~and,~~ writing, and
mathematics. The diagnostic assessment shall be designed to
measure student comprehension of academic content and mastery of
related skills for the relevant subject area and grade level,
and the beginning- and end-of-year nationally norm-referenced
diagnostic assessments in reading shall be aligned with the
science of reading. ~~Any diagnostic assessment shall not include~~
~~components to identify gifted students. Blank copies of~~
~~diagnostic assessments shall be public records.~~

(2) ~~When each~~ After the department adopts the beginning-
or end-of-year diagnostic assessment ~~has been completed,~~ the
department shall ~~inform all school districts of its completion~~
~~and make the diagnostic assessment~~ it available to the districts
at no cost to the district.

~~(3)~~ (3) (a) School districts shall administer the beginning-
or end-of-year diagnostic assessment adopted under division (D)
(1) of this section pursuant to section 3301.0715 of the Revised
Code beginning in the fall or spring of the first school year
following the ~~development~~ approval of the assessment.

However, beginning with the 2017-2018 school year, both of 198
the following shall apply: 199

~~(a) In the case of the diagnostic assessments for grades 200
one or two in writing or mathematics or for grade three in 201
writing, a school district shall not be required to administer 202
any such assessment, but may do so at the discretion of the 203
district board; 204~~

~~(b) In the case of any diagnostic assessment that is not 205
for the grade levels and subject areas specified in division (D) 206
(3) (a) of this section, each school district shall administer 207
the assessment in the manner prescribed by section 3301.0715 of 208
the Revised Code. (b) School districts may elect to administer 209
an assessment from the list of those approved by the department 210
in the fall of each school year for grades kindergarten through 211
two. 212~~

(4) When selecting a provider of the diagnostic assessment 213
prescribed by division (D) (1) of this section, the department 214
shall require that each request for proposal include the 215
following: 216

(a) A norm-referenced diagnostic tool; 217

(b) Beginning- and end-of-year administrations; 218

(c) A blueprint for how to read and interpret assessment 219
results that includes percentile ranges and percentages; 220

(d) Evidence of the procedure used to ensure objectivity 221
in grading assessments; 222

(e) Assurances that the provider will produce a 223
comparative description between a subsequently adopted 224
assessment and the assessment which immediately preceded it. 225

(E) The department shall not adopt a diagnostic or 226
achievement assessment for any grade level or subject area other 227
than those specified in this section. 228

~~(F) Whenever the department consults with persons for the 229
purpose of drafting or reviewing any standards, diagnostic 230
assessments, achievement assessments, or model curriculum 231
required under this section, the department shall first consult 232
with parents of students in kindergarten through twelfth grade 233
and with active Ohio classroom teachers, other school personnel, 234
and administrators with expertise in the appropriate subject 235
area. Whenever practicable, the department shall consult with 236
teachers recognized as outstanding in their fields. 237~~

~~If the department contracts with more than one outside 238
entity for the development of the achievement assessments 239
required by this section, the department shall ensure the 240
interchangeability of those assessments. 241~~

~~(G)~~ (F) Whenever the department adopts standards or model 242
curricula under this section, the department also shall provide 243
information on the use of blended, online, or digital learning 244
in the delivery of the standards or curricula to students in 245
accordance with division (A) (5) of this section. 246

~~(H) The fairness sensitivity review committee of the 247
department shall not allow any question on any achievement or 248
diagnostic assessment developed under this section or any 249
proficiency test prescribed by former section 3301.0710 of the 250
Revised Code, as it existed prior to September 11, 2001, to 251
include, be written to promote, or inquire as to individual 252
moral or social values or beliefs. The decision of the committee 253
shall be final. This section does not create a private cause of 254
action. 255~~

~~(I)~~ (G) Not later than sixty days prior to the adoption of 256
updated academic standards under division (A) (1) of this section 257
or updated model curricula under division (B) (1) of this 258
section, the director of education and workforce shall present 259
the academic standards or model curricula, as applicable, in 260
person at a public hearing of the respective committees of the 261
house of representatives and senate that consider education 262
legislation. 263

~~(J)~~ (H) As used in this section: 264

(1) "Blended learning" means the delivery of instruction 265
in a combination of time primarily in a supervised physical 266
location away from home and online delivery whereby the student 267
has some element of control over time, place, path, or pace of 268
learning and includes noncomputer-based learning opportunities. 269

(2) "Online learning" means students work primarily from 270
their residences on assignments delivered via an internet- or 271
other computer-based instructional method. 272

(3) "Coherence" means a reflection of the structure of the 273
discipline being taught. 274

(4) "Digital learning" means learning facilitated by 275
technology that gives students some element of control over 276
time, place, path, or pace of learning. 277

(5) "Focus" means limiting the number of items included in 278
a curriculum to allow for deeper exploration of the subject 279
matter. 280

(6) "Vertical articulation" means key academic concepts 281
and skills associated with mastery in particular content areas 282
should be articulated and reinforced in a developmentally 283
appropriate manner at each grade level so that over time 284

students acquire a depth of knowledge and understanding in the 285
core academic disciplines. 286

(7) "Norm-referenced assessment" means a standardized test 287
or evaluative instrument for which the score interpretation, 288
expressed as a percentile rank, is based on a comparison of the 289
student's performance to the performance of a specified 290
reference group, such as the student's age cohort or grade 291
cohort used in the development of the assessment. 292

(8) "Percentage" means the mathematic ratio expression of 293
the specific number of questions correct compared to the total 294
number of questions multiplied by one hundred. 295

(9) "Percentile" means the point on the norms distribution 296
for an age cohort or grade cohort, below which a certain 297
percentage of the raw scores fall. 298

Sec. 3301.0715. (A) Except as required under division (B) 299
(1) of section 3313.608 or as specified in division (D) (3) of 300
section 3301.079 of the Revised Code, the board of education of 301
each city, local, and exempted village school district shall 302
administer each applicable diagnostic assessment developed and 303
provided to the district in accordance with section 3301.079 of 304
the Revised Code to the following: 305

(1) Any student who transfers into the district or to a 306
different school within the district if each applicable 307
~~diagnostic~~ assessment was not administered by the district or 308
school the student previously attended in the current school 309
year, within thirty days after the date of transfer. If the 310
district or school into which the student transfers cannot 311
determine whether the student has taken any applicable 312
~~diagnostic~~ assessment in the current school year, the district 313

or school may administer the ~~diagnostic~~-assessment to the 314
student. However, if a student transfers into the district prior 315
to the administration of the ~~diagnostic~~-assessments to all 316
students under division (B) of this section, the district may 317
administer the ~~diagnostic~~-assessments to that student on the 318
date or dates determined under that division. 319

(2) Each kindergarten student, not earlier than the first 320
day of July of the school year and not later than the twentieth 321
day of instruction of that school year. 322

For the purpose of division (A) (2) of this section, the 323
district shall administer the kindergarten readiness assessment 324
provided by the department of children and youth. In no case 325
shall the results of the readiness assessment be used to 326
prohibit a student from enrolling in kindergarten. 327

(3) Each student enrolled in first, second, or third 328
grade. 329

Division (A) of this section does not apply to students 330
with significant cognitive disabilities, as defined by the 331
department. 332

(B) Each district board shall administer ~~each a beginning-~~ 333
~~of-year nationally norm-referenced diagnostic assessment in the~~ 334
~~fall and an end-of-year nationally norm-referenced diagnostic~~ 335
~~assessment in the spring when the board deems appropriate for~~ 336
~~the appropriate grade level in accordance with section 3301.079~~ 337
~~of the Revised Code, provided the administration complies with~~ 338
~~section 3313.608 of the Revised Code. However, the board shall~~ 339
~~administer any diagnostic assessment at least once annually to~~ 340
~~all students in the appropriate grade level.~~ A district board 341
may administer any additional diagnostic assessment ~~assessments~~ 342

in the fall ~~and spring~~ of a school year to measure the amount of 343
academic growth attributable to the instruction received by 344
students during that school year. 345

(C) A district may use different diagnostic assessments 346
from those adopted under division (D) of section 3301.079 of the 347
Revised Code in order to satisfy the requirements of division 348
(A) (3) of this section if the district meets either of the 349
following conditions for the immediately preceding school year: 350

(1) The district received a grade of "A" or "B" for the 351
performance index score under division (C) (1) (b) of section 352
3302.03 of the Revised Code or for the value-added progress 353
dimension under division (C) (1) (e) of that section. 354

(2) The district received a performance rating of four 355
stars or higher for achievement under division (D) (3) (b) of 356
section 3302.03 of the Revised Code or for progress under 357
division (D) (3) (c) of that section. 358

(D) Each district board shall utilize ~~and score~~ any 359
diagnostic assessment administered under division (A) of this 360
section in accordance with rules established by the department 361
of education and workforce or the department of children and 362
youth. After the administration of any diagnostic assessment, 363
each district shall provide a student's completed diagnostic 364
assessment, the results of such assessment, and any other 365
accompanying documents used during the administration of the 366
assessment to the parent of that student, and shall include all 367
such documents and information in any plan developed for the 368
student under division (C) of section 3313.608 of the Revised 369
Code. Each district shall submit, in the manner prescribed by 370
each department, the results of the diagnostic assessments 371
administered under this section, regardless of the type of 372

assessment used under section 3313.608 of the Revised Code as 373
follows: 374

(1) The results of the kindergarten readiness assessment 375
to the department of children and youth; 376

(2) The results of all diagnostic assessments to the 377
department of education and workforce. 378

The department of education and workforce and the 379
department of children and youth may issue reports with respect 380
to the data collected. Either department may report school and 381
district level kindergarten diagnostic assessment data and use 382
diagnostic assessment data to calculate the measures prescribed 383
by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 384
3302.03 of the Revised Code and the data reported under division 385
(D) (2) (e) of that section. 386

(E) Each district board shall provide intervention 387
services to students whose diagnostic assessments show that they 388
are failing to make satisfactory progress toward attaining the 389
academic standards for their grade level. 390

(F) Any chartered nonpublic school may elect to administer 391
the kindergarten readiness assessment to all kindergarten 392
students enrolled in the school. If the school so elects, the 393
chief administrator of the school shall notify the director of 394
children and youth not later than the thirty-first day of March 395
prior to any school year in which the school will administer the 396
assessment. The department of children and youth shall furnish 397
the assessment to the school at no cost to the school. In 398
administering the assessment, the school shall do all of the 399
following: 400

(1) Enter into a written agreement with the department of 401

children and youth specifying that the school will share each 402
participating student's assessment data with the department of 403
education and workforce and the department of children and youth 404
and, that for the purpose of reporting the data to the 405
department of education and workforce and department of children 406
and youth, each participating student will be assigned a data 407
verification code as described in division (D) (2) of section 408
3301.0714 of the Revised Code; 409

(2) Require the assessment to be administered by a teacher 410
certified under section 3301.071 of the Revised Code who either 411
has completed training on administering the kindergarten 412
readiness assessment provided by the department of children and 413
youth or has been trained by another person who has completed 414
such training; 415

(3) Administer the assessment in the same manner as school 416
districts are required to do under this section and the rules 417
established under division (D) of this section. 418

(G) A school district in which less than eighty per cent 419
of its students score at the proficient level or higher on the 420
third-grade English language arts assessment prescribed under 421
section 3301.0710 of the Revised Code shall establish a reading 422
improvement plan supported by reading specialists. Prior to 423
implementation, the plan shall be approved by the school 424
district board of education. 425

Section 2. That existing sections 3301.079 and 3301.0715 426
of the Revised Code are hereby repealed. 427