

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 7**

**Representative Buchy**

**Representatives Brenner, Derickson, Henne, Blessing, Hayes, Amstutz, Anielski, Antonio, Baker, Becker, Boose, Boyce, Brinkman, Brown, Burkley, Conditt, Craig, Cupp, Dever, DeVitis, Dovilla, Driehaus, Duffey, Ginter, Green, Grossman, Hackett, Hagan, Hall, Hambley, Hill, Hood, Huffman, Johnson, T., Koehler, Kraus, Kunze, Landis, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Ramos, Reineke, Retherford, Rezabek, Roegner, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Sheehy, Slaby, Slesnick, Smith, R., Sprague, Stinziano, Sweeney, Thompson, Vitale, Young, Zeltwanger, Speaker Rosenberger**

**Senators Coley, Gardner, Manning, Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Gentile, Hite, Hottinger, Hughes, Jones, Jordan, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Thomas, Uecker, Widener, Williams, Yuko**

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**A BILL**

To amend section 3302.036 and to enact section 1  
3301.0728 of the Revised Code to prohibit 2  
individual student scores from certain 3  
elementary and secondary achievement assessments 4  
administered for the 2014-2015 school year from 5  
being used to determine promotion or retention 6  
or to grant course credit, to revise state 7  
scholarship program eligibility, to make changes 8  
regarding the administration of high school end- 9  
of-course examinations, and to declare an 10  
emergency. 11

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

**Section 1.** That section 3302.036 be amended and section 3301.0728 of the Revised Code be enacted to read as follows:

**Sec. 3301.0728.** Notwithstanding anything in the Revised Code to the contrary, a student may retake any end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code during the student's academic career at a time designated by the department of education. If, for any reason, a student does not take an end-of-course examination on the scheduled administration date, the department of education shall make available to the student the examination for which the student was absent, or a substantially similar examination as determined by the department, so that the student may take the examination or a substantially similar examination at a later time in the student's academic career. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015 school year, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for that school year. The report card ratings issued for the 2014-2015 school year shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the

report card ratings of any previous or subsequent years shall be 43  
considered in determining whether a school district or building 44  
is subject to sanctions or penalties. Accordingly, the report 45  
card ratings for the 2014-2015 school year shall have no effect 46  
in determining sanctions or penalties, but shall not create a 47  
new starting point for determinations that are based on ratings 48  
over multiple years. 49

(B) The provisions from which a district or school is 50  
exempt under division (A) of this section shall be the 51  
following: 52

(1) Any restructuring provisions established under this 53  
chapter, except as required under the "No Child Left Behind Act 54  
of 2001"; 55

(2) Provisions for the Columbus city school pilot project 56  
under section 3302.042 of the Revised Code; 57

(3) Provisions for academic distress commissions under 58  
section 3302.10 of the Revised Code; 59

(4) Provisions prescribing new buildings where students 60  
are eligible for the educational choice scholarships under 61  
section 3310.03 of the Revised Code; 62

(5) Provisions defining "challenged school districts" in 63  
which new start-up community schools may be located, as 64  
prescribed in section 3314.02 of the Revised Code; 65

(6) Provisions prescribing community school closure 66  
requirements under section 3314.35 or 3314.351 of the Revised 67  
Code. 68

(C) Notwithstanding anything in the Revised Code to the 69  
contrary and except as provided in Section 3 of H.B. 7 of the 70

131st general assembly, no school district, community school, or 71  
STEM school shall utilize at any time during a student's 72  
academic career a student's score on any assessment administered 73  
under division (A) of section 3301.0710 or division (B) (2) of 74  
section 3301.0712 of the Revised Code in the 2014-2015 school 75  
year as a factor in any decision to promote or to deny the 76  
student promotion to a higher grade level or in any decision to 77  
grant course credit. No individual student score reports on such 78  
assessments administered in the 2014-2015 school year shall be 79  
released, except to a student's school district or school or to 80  
the student or the student's parent or guardian. 81

**Section 2.** That existing section 3302.036 of the Revised 82  
Code is hereby repealed. 83

**Section 3.** Division (C) of section 3302.036 of the Revised 84  
Code does not apply to the third grade English language arts 85  
assessment prescribed under section 3301.0710 of the Revised 86  
Code. 87

In accordance with Section 9 of Am. Sub. H.B. 487 of the 88  
130th General Assembly, as amended by Sub. H.B. 367 of the 130th 89  
General Assembly, for the 2014-2015 school year, each school 90  
district, community school established under Chapter 3314., or 91  
STEM school established under Chapter 3326. of the Revised Code 92  
shall administer to third-grade students, for purposes of 93  
section 3313.608 of the Revised Code, the English language arts 94  
assessment required under division (A) (1) (a) of section 95  
3301.0710 of the Revised Code that the school administered for 96  
the previous year under that section. 97

**Section 4.** Notwithstanding anything in the Revised Code to 98  
the contrary, division (E) (3) of section 3317.03, division (L) 99  
(3) of section 3314.08, and division (C) of section 3326.37 of 100

the Revised Code shall not apply in the case of a pupil who did 101  
not take an assessment prescribed under division (A) of section 102  
3301.0710 or division (B) (2) of section 3301.0712 of the Revised 103  
Code that was administered during the 2014-2015 school year and 104  
was not excused pursuant to division (C) (1) or (3) of section 105  
3301.0711 of the Revised Code from taking that assessment. 106

**Section 5.** (A) Notwithstanding anything in the Revised 107  
Code to the contrary, a student receiving a scholarship under a 108  
state scholarship program, as defined in section 3301.0711 of 109  
the Revised Code, who did not take an assessment prescribed 110  
under division (A) of section 3301.0710 or division (B) (2) of 111  
section 3301.0712 of the Revised Code that is administered in 112  
the 2014-2015 school year shall be considered to be an eligible 113  
student for purposes of the respective scholarship program, so 114  
long as the student satisfies all other prescribed conditions of 115  
the program. 116

(B) Notwithstanding anything in the Revised Code to the 117  
contrary, division (A) of section 3310.14, section 3310.522, and 118  
division (A) (11) of section 3313.976 of the Revised Code, and 119  
paragraph (C) of rule 3301-103-04 of the Administrative Code 120  
shall not apply in the case of a student who did not take an 121  
assessment prescribed under division (A) of section 3301.0710 or 122  
division (B) (2) of section 3301.0712 of the Revised Code that is 123  
administered in the 2014-2015 school year. 124

**Section 6.** This act is hereby declared to be an emergency 125  
measure necessary for the immediate preservation of the public 126  
peace, health, and safety. The reason for the necessity is that 127  
immediate action is needed in order to address in a timely 128  
manner issues related to the administration of state elementary 129  
and secondary achievement assessments for the 2014-2015 school 130

year. Therefore, this act shall go into immediate effect.

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