

**As Passed by the Senate**

**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, Antonio, Cirino, Craig, Dolan, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Manning, O'Brien, Roegner, Rulli, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko**

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**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 report card ratings under section 3302.03, 3302.033, 3314.012, or 3314.017 of the Revised Code for the 2020-2021 school year nor shall the Department be required to submit preliminary data for the report cards by July 31, 2021, as required by those sections. Furthermore, the Department 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, shall not assign an individual grade to any component prescribed under division (C) (3) of section 3302.03 of the Revised Code, shall not assign a grade to any measures under division (C) (1) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools, or STEM schools under section 3302.21 of the Revised Code for the 2020-2021 school year.

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

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

(1) Any restructuring provisions established under Chapter 3302. of the Revised Code, except as required under federal law;	44 45
(2) Provisions for the Columbus City School Pilot Project under section 3302.042 of the Revised Code;	46 47
(3) Provisions for academic distress commissions under section 3302.10 of the Revised Code. While a district subject to an academic distress commission prior to <del>the effective date of this section</del> <u>January 7, 2021,</u> shall be considered to be subject to an academic distress commission for the 2021-2022 school year, that year shall not be included for purposes of determining progressive consequences under divisions (H), (I), (J), (K), and (L) of section 3302.10 of the Revised Code that are in addition to those that were being exercised by the chief executive officer during the 2020-2021 school year or for purposes of the appointment of a new board of education under division (K) of that section. Nothing in division (B) (3) of this section shall be construed to limit the powers that the chief executive officer exercised under section 3302.10 of the Revised Code prior to the 2021-2022 school year.	48 49 50 51 52 53 54 55 56 57 58 59 60 61 62
(4) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;	63 64 65
(5) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	66 67 68
(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code;	69 70 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 district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a chartered nonpublic school, the State School for the Blind, and the State School for the Deaf shall grant a high school diploma to any student to whom this section applies, if the student's principal, in consultation with teachers and counselors, reviews the student's progress toward meeting the requirements for a diploma and determines that the student has successfully completed the curriculum in the student's high school or the individualized education program developed for the student by the student's high school pursuant to section 3323.08 of the Revised Code, or qualified under division (D) or (F) of section 3313.603 of the Revised Code. No district or school shall grant a high school diploma under division (B) of this section after September 30, 2021.

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

<b>Section 5.</b> (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 Code.	249 250
(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 advanced level of skill.	276 277
(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
<b>Section 10.</b> 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	301 302 303

by the student's high school pursuant to section 3323.08 of the Revised Code;

(B) Earn the OhioMeansJobs-readiness Seal established under section 3313.6112 of the Revised Code.

**Section 11.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to ensure that the act's provisions for the 2020-2021 school year go into effect during that school year. Therefore, this act shall go into immediate effect.